

The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan



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CRUDE ACCOUNTABILITY

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Executive Summary

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 ever 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 at Ovadan Depe, 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 5 x 6 meters each and 10 cells of 6.5 x 6 meters each. Some wings already had a roof constructed, so the specifics of the structures could not be determined from satellite imagery. 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 facility continued to be active and important for the government. Also, a village of 107 settlements, which was located 5 kilometers northwest of Ovadan Depe in 2002 was completely abandoned under unknown circumstances.

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 Turkey, and who had served a part of his politically motivated sentence in Ovadan Depe. Other sources of information for this report remain anonymous for security reasons for themselves and their families.

Bayhanov 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,¹ 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.

The exercise rooms were located on the third, top floor of the prison, and Bayhanov and his cellmates had access to these rooms with fresh air on an irregular basis. Sometimes it was once every two weeks, other times it was every other day, and on other occasions they spent a whole month without exercise. He had heard stories that the Novemberists were never allowed to use this outside area, although one Novemberist who was serving a 5 year sentence was able to use this space once. The Novemberists were required to march in their cell the entire day, with a guard checking on movement every 15

¹ The Novemberists are those who were charged with involvement in an alleged coup attempt against President Niyazov in November 2002. The individuals accused in this case were tried in unjust trials and sent to Ovadan Depe for long prison sentences—25 years to life in many cases. For more information about these individuals and other Turkmen disappeared, see <http://www.provetheyarealive.org>.

minutes.

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, 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 very scarce and of poor quality. A source reported to never have received anything but porridge and pumpkin, while Bayhanov said that he had two pieces of bread and a lump of spaghetti or carrot or potato, and some tea per meal. Water inside the cells was very dirty. The toilet was right 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 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. The only way to get a message out in this case was to give a bribe of up to \$100 per message, and often even this was not possible.

Torture is widespread in Ovadan Depe. It begins in detention, with Novemberists reportedly tortured with long needles and 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 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. Kartses,² or 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 kartses 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 and unable to stand erect. 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.

It is not an exaggeration to say that virtually everything that is known about the Ovadan Depe prison is in violation of either Turkmen or international law, often times both. This includes the contemporary (2003) and current (2008) Constitution of Turkmenistan; the Criminal Enforcement Code of Turkmenistan; the Universal Declaration of Human Rights; the International Covenant for Civil and Political Rights; the International Covenant for Social, Economic and Cultural Rights; the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment; the Declaration on the Protection of All Persons from Enforced Disappearance; Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions; Body of Principles on Detention or Imprisonment; and the United Nations Office of the High Commissioner for Human Rights Standard Minimal Rules for the Treatment of Prisoners.

² The English language translation of the Russian word, kartser (карцер) is sweat box or detention room, but this translation fails to adequately describe the physical deprivation experienced in the kartser, so we have transliterated the word for the report.

I. Introduction

The Ovadan Depe prison is a modern symbol of medieval torture and complete disdain for human rights. It is located in Turkmenistan, a country rich in natural gas, but with one of the worst human rights records in the world. Consistently ranked by various international organizations alongside North Korea and Burma, Turkmenistan is isolated, ruled by an authoritarian leader who has created a hideous cult of personality, and its government tolerates no independent thinking, never mind political opposition.³ Ovadan Depe 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. Ironically meaning "Picturesque Hill," Ovadan Depe may be one of the worst places in the world. Little is known about this prison, as the government of Turkmenistan refuses to disclose any information about its structure, or the condition of the prisoners incarcerated there. International monitors, including the International Federation of the Red Cross and Red Crescent, have never been allowed inside.



Figure 1. Ovadan Depe Prison Location. Source: Geospatial Technologies and Human Rights Project, American Association for the Advancement of Science, "An Evaluation of Ovadan Depe Prison using freely available high-resolution satellite imagery," September 2014, page 3.

As a member of the international campaign, Prove They Are Alive!, which seeks to uncover information about the fates of political prisoners in Turkmenistan, Crude Accountability partnered with the Geospatial Technologies and Human Rights Project of the American Association for the Advancement of Science (AAAS) to uncover factual information about the structure of the prison. Alongside this investigation, through interviews with first and second hand sources, some conducted in partnership with the Russia based Human Rights Center 'Memorial,' and supporting research, Crude Accountability was able to gather information about

³ <http://www.freedomhouse.org/report/freedom-world/freedom-world-2014#.U7sGzvdXJI>, accessed July 7, 2014; <http://www.transparency.org/country#TKM>, accessed July 7, 2014.

the conditions inside the prison. In addition, Alternative Turkmenistan News⁴ recently published new information on Ovadan Depe, and while this report cannot confirm its validity, it supports some of the accounts provided through interviews, and sheds light on potential new developments that may be taking place in Ovadan Depe. The findings reveal gross violations of human rights of the inmates, including many accounts of torture, appalling living conditions and rampant corruption.

To date, there has been no official acknowledgement of the prison by the government of Turkmenistan, which behaves as if does not exist. Instead, it remains a dark secret, perhaps to hide the terrible atrocities surrounding the political prisoners, especially the Novemberists.⁵ But the secret is out. This report exposes one of the most horrible truths about the Turkmen regime—the Ovadan Depe Prison was intentionally designed as a torture chamber for those who stand up against the government, practice their fundamental rights of expression, association or assembly, or in any other way fall into disfavor with the dictatorial leader.

II. AAAS Findings

AAAS used satellite imagery from three different years—2002, 2009 and 2010—to gather information about the design and construction of the physical structure of Ovadan Depe. This information provides a factual account of the structure of the compound, and importantly, describes the progression of its development, indicating the continued importance of this prison for the government of Turkmenistan.

Satellite imagery reveals that the prison has three wings on each side of a main structure, resembling the Cyrillic letter “Ж.” From the data gathered by AAAS, the prison complex was already under construction in the summer of 2002. At this time, the road to the prison was still unpaved, the roof of the largest building of the compound was only partially complete, and construction had only just begun on the building south of the main “Ж” building. Of the still uncovered four wings, the two easternmost wings of the compound were divided into 16 smaller chambers, about 5 x 6 meters each. In another pair of wings, between the easternmost and westernmost faces, one can see 10 chambers, each about 6.5 x 6 meters. Construction of the roof over these wings had already begun, so the exact number of existing chambers cannot be known, but if those covered are the same as those still exposed, then these wings would contain a total of 18 units.

⁴ Alternative Turkmenistan News. “V Ovadan Depe Ozhidayut Mezhdunarodnuyu Komissiyu?” 24.08.2014. Accessed on 25.08.2014. <http://habartm.org/archives/1245>

⁵ The Novemberists are those who were charged with involvement in an alleged coup attempt against President Niyazov in November 2002. The individuals accused in this case were tried in unjust trials and sent to Ovadan Depe for long prison sentences—25 years to life in many cases. For more information about these individuals and other Turkmen disappeared, see <http://www.provetheyarealive.org>.



Figure 2. Ovadan Depe under construction in 2002. *Source: Image DigitalGlobe | Analysis AAAS*



Figure 2. Close up of chambers (cells) revealed due to partial construction of the roof. *Source: Image DigitalGlobe | Analysis AAAS*

In 2009, the satellite imagery showed the prison complex to be mostly complete, with some construction still ongoing in the south. An outer perimeter trench with a checkpoint is evident in the image, crossed by the access road, and a fenced, double-walled inner perimeter with guard towers surrounds the actual prison facilities, a potential administration building and barracks for the guards and support personnel. Only some of the possible cells viewed in the 2002 imagery were covered by the roofing in the 2009 images, with the majority being open, possibly intended for 'outdoor exercise' for the inmates. Those in the easternmost wing are further subdivided into smaller chambers of two different sizes: 3 x 3 meters and 6 x 3 meters. The prison structure is also observed to be three stories tall. There is no evidence of any damage or potential demolition of the prison complex following the death of President Niyazov in December 2006.



Figure 3. Completed prison complex in 2009. *Source: Image DigitalGlobe | Analysis AAAS*



Figure 4. 2009 Outer perimeter checkpoint and roadblocks along access road
Source: Image DigitalGlobe | Analysis AAAS

Imagery from 2010 shows that the prison complex continued to expand outside the maximum-security perimeter of the prison. This may have involved building additional facilities for support staff and guards. Such continued upgrading indicates that the Ovadan Depe prison is very much an ongoing and important part of the Turkmenistan penitentiary system and that the government continues to invest in it. The AAAS analysis of the imagery also indicates that a village of 107 settlements, which was located 5 kilometers northwest of Ovadan Depe in 2002 was completely abandoned in 2010. During Niyazov's presidency, there were rumors of forced displacement of the village. What happened to this village, whether displacement was forced or voluntary and under what conditions, is a question that can only be answered by the Turkmen authorities.



Figure 5. 2010 image showing Ovadan Depe has expanded further (red markings)
Source: Image DigitalGlobe courtesy GoogleEarth | Analysis AAAS.



Figure 6. Village shown in image from 2002 (left) is gone from image of 2010.
 Source: Image DigitalGlobe courtesy GoogleEarth/Analysis AAAS.

III. Personal Accounts of Ovadan Depe

Overview of the Prison

Located in the Karakum desert, some fifty kilometers (30 miles) northwest of Ashgabat, the prison was built on the personal orders of the late President Saparmurat Niyazov. One of the main reasons for its construction was to house political prisoners and officials who were seen as threats to the President. Being close to Ashgabat, the authorities had more control over its operations than they did over prisons that were located further away. Niyazov was personally involved in its design, and visited the site on numerous occasions. Some say he enjoyed bringing newly appointed officials to Ovadan Depe, in order to show them what happens to those who speak out against the regime. The condition of the inmates was particularly shocking to the new officials.

Akmuhammed Bayhanov, a Turkmen dissident and entrepreneur currently living in Turkey has been a key source of information on the conditions inside Ovadan Depe. He was arrested on April 18, 2003 and held in detention until he was tried on September 10, 2003 for not informing the Government of Turkmenistan that he had met with the now late opposition leader Avdy Kuliev, who was residing in exile. He was charged with violating Article 210 Section 1: Failure to report a crime or harboring its executor. After spending 3 and one half years in other prisons, he was transferred to Ovadan Depe 3 months after the death of President Niyazov in December 2006, where he spent 6 months until he was amnestied in August 2007. He is the only individual we are aware of living outside of Turkmenistan who has been imprisoned in Ovadan Depe, and although his experiences in the prison indicate significant improvements immediately after the death of Niyazov, he has been invaluable in helping us to understand conditions in the prison, both for during the Niyazov era and after. Other sources requested anonymity out of fear for their families.

Bayhanov's description of the prison confirms that it is a 3 story structure. The entry, where the inmates are first admitted, is about 5 meters in height. Vehicles bringing in new prisoners arrive right inside the entry. This is on the first level, and from there it is possible to enter all the other corridors and wings of the prison. The corridors themselves are like labyrinths with metal gates under locks at many turns, which are opened only to move the prisoners to the exercise rooms when needed.

A source who spoke to Alternative Turkmenistan News (ALT) confirms the AAAS assessment that cells for regular inmates are about 5 x 6 meters, and states that ceiling height is 3.15 meters. The source maintains that each cell is 1.5 x 1.5 meters and has a toilet with a washbasin. ALT states that this cell description is for regular inmates, and the cell dimensions for political prisoners remain unknown.⁶

As it is a prison that houses high level politicians, businessmen and 'people of importance,' it is considered a big promotion for employees of the penitentiary management system to be offered a position at Ovadan Depe. The prison directors are rotated often on a bi-annual or annual basis in order to prevent the establishment of any sort of contacts.

1. Living Conditions

From Bayhanov's account, one can piece together the living conditions inside the X shaped structure of Ovadan Depe. The central hallway is long, containing up to 20 cells on each side. The first floor contains cells, as well as the kartsers, solitary confinement cells designed especially for harsh punishment. The cells of the Novemberists, with shut windows, are also located on the first floor in a blocked off wing that has extra guards. The third floor contains both regular cells and cells that do not have ceilings, being open to the sky, which are used for 'exercise.' Bayhanov claims that Ovadan Depe contains over a thousand inmates, with the Novemberists being its first occupants. Women were also imprisoned in Ovadan Depe during Niyazov's time.

Inside Ovadan Depe, Bayhanov lived in a cell with 12 total inmates. He heard that there were also 2 and 4 inmate cells, and that prisoners who were sentenced to life in prison were placed in solitary confinement. The cells of those charged in relation to the alleged coup attempt on President Niyazov in November 2002 are supposedly especially equipped, but it is unknown how. These 'Novemberists' are held in a specially guarded block in the prison. In order to isolate them even more, the barred windows in their cells are covered with sheets of metal. Bayhanov was at first placed in a cell across from one with covered windows, and he could faintly hear the cries of those inmates, as they were trying to let the new inmates know about themselves. Another source confirmed that one of the Novemberists, who was given a 25 year sentence, was spending it in solitary confinement. Another Novemberist inmate who served a five year sentence lived in a two person cell.

According to the account of a Novemberist, the cells are completely isolated, even the peephole on the door is covered shut, so that the inmates cannot see anything outside of their cells. Thus, when new inmates are led down the hall, prisoners never know who has arrived, as absolute silence is enforced and there is no visibility. While being moved through the halls of the prison,

⁶ Alternative Turkmenistan News. "V Ovadan Depe Ozhidayut Mezhdunarodnuyu Komissiyu?" 24.08.2014. Accessed on 25.08.2014. <http://habartm.org/archives/1245>

the inmates are forced to wear hoods, so that they never see other inmates or the interior of the buildings.

According to Alternative Turkmenistan News, political prisoners are located in a separate wing (Block 5) of the prison, are guarded by special agents of the Ministry of National Security, and never come into contact with other prisoners. Ministers and other high-ranking political officials who have fallen into disfavor with the authorities were serving sentences in solitary confinement in the 7th Block. At the end of 2013, there were 17 such prisoners left. Criminals and Wahhabists are guarded by the Ministry of Internal Affairs. While the shirts of criminals bear their last names, the clothes of political prisoners bear only numbers and the words 'Traitor of the Nation' on the back. As the political convicts wear shirts numbered 43-125, ALT calculated that there were 82 of them.⁷

Rooms designated for walking exercise are on the third floor of the prison, and are open to the sky. This information coincides with the AAAS report, which confirms that some spaces in the prison have no roof. The exercise rooms are completely isolated and locked. While roofless, there are no windows, and the doors remain shut so the prisoners do not see anyone else in the exercise rooms next door. Bayhanov and his cellmates had access to these rooms with fresh air on an irregular basis. Sometimes it was once every two weeks, other times it was every other day, and on other occasions they spent a whole month without exercise. Bayhanov heard that the Novemberists were never given access to this outside area. One Novemberist, serving a 5 year sentence, was reported to have been allowed the use of this outside space at least once, but it is not known whether others also had this limited access to fresh air and exercise. ALT reports that walks were allowed several times a month in these outside areas.⁸

In the mornings, the Novemberists were required to put their beds up against the wall and march in circles in their rooms until lunch and then again until dinner. A guard would open the window on the door every 15 minutes or so to make sure they were moving. As the toilet in the cell was close to the door, the inmates would take turns lying on the floor up against the door to rest, and when the guard opened the window, the person lying down would raise a hand to show they were on the toilet.

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 Ovadan Depe, and although there is heat in the winter, it often does not work, and the prison was reported to be very cold. The facilities are made of concrete, which holds the cold in the winter and the heat in the summer, providing little insulation from the external elements. When windows broke, they would not be fixed for a long time, if ever. Often, they were kept open in both winter and summer. Bayhanov spoke of the severe mosquito problem in the prison. The living conditions were said to be absolutely appalling by any standard.

⁷ Alternative Turkmenistan News. "V Ovadan Depe Ozhidayut Mezdunarodnuyu Komissiyu?" 24.08.2014. Accessed on 25.08.2014. <http://habartm.org/archives/1245>

⁸ Alternative Turkmenistan News. "V Ovadan Depe Ozhidayut Mezdunarodnuyu Komissiyu?" 24.08.2014. Accessed on 25.08.2014. <http://habartm.org/archives/1245>

According to rumors in 2003, for a bribe of 25-50 thousand US dollars, some of the Novemberists would be transferred temporarily to a prison hospital in Mary, but later, a stricter regime was enforced in the prison and this was suspended.

There have been reports that living conditions improved immediately after the death of President Niyazov in December 2006. Under President Berdymukhamedov, the prison began to be filled with regular prisoners in addition to political prisoners, and the daily harassment of political prisoners lessened to some degree. Having arrived in Ovadan Depe 3 months after the death of Niyazov, Bayhanov reported a weekly visit by a medical staff person. Although neither he nor his cellmates ever received anything except vitamins, this is a stark contrast to the information provided about conditions prior to 2007. On July 11, 2007, Bayhanov and his cellmates received books for the first time, and 20 days later he was released.

In the first quarter of 2014, Ovadan Depe allegedly underwent a medical inspection. Blood collection was taken from the inmates, and analysis conducted, but the results and reasons for this inspection remain unknown. Names were not attached to the analysis results, only numbers for each of the prisoners.

ALT confirms this allegation, stating that two medical commissions recently visited Ovadan Depe, in November 2013 and March 2014. The objective, according to their source, was to check on tuberculosis prevalence in the prison. According to the X-ray tests, 260 people were infected, about half of the Ovadan Depe population, yet the Head of the Prison, Sary Komekov, hid this fact, and sent only a few seriously ill inmates to the prison hospital. Medical attention is difficult to receive, and medical supplies are often expired.

According to the ALT source, Ovadan Depe is currently undergoing major renovations and improvements, including plans for new water piping, replacements of plumbing fixtures in the cells, and provision of boilers for hot and cold water. Construction workers have allegedly already been on site to assess the planned work. ALT also reports that prisoners are being moved from the prison, and now there should not be more than 5 individuals per cell. While the prospect of such improvements is welcome, it can only be ascertained through a publicly known inspection by an international committee.

2. Food and Hygiene

According to a source who spent several years in Ovadan Depe, he received no food except hot wheat porridge and pumpkin, which was passed to the inmates inside their cells. There was never any meat. When Bayhanov was there (2007), he said that sometimes there would be a lump of spaghetti and 2 pieces of bad quality bread per person, per meal. There was water in the cells, but it was dirty. They received tea. The food was scarce and of poor quality.

Instead of a normal toilet, a 'parasha' is used, which is a type of a latrine which may or may not have plumbing, located inside the cell, providing no privacy to the inmates. An unverified source reports that the prisoners do not have access to a shower, and the overall conditions are unsanitary.⁹ According to ALT, political prisoners are bathed once every 10 days with cold water

⁹ Centrasia.ru. "A.Belovranin: Sidya na zhivopisnom kholme. Tyur'mu Ovadan-Depe mozno schitat' shedeovrom diktatorskogo iskusstva Turkmenistana." 09.09.2008. Accessed on 04.04.2014.
<http://www.centrasia.ru/newsA.php?st=1220957280>

only at night,¹⁰ but this report cannot ascertain the dates of this account. Bayhanov said that there was no sewerage, adding that this prison was meant not to hold, but to destroy its prisoners.

3. Communication

In Ovadan Depe, according to a source charged in relation to the November 2002 events, the only way that the Novemberists can communicate with the world outside their cells is by shouting. These prisoners, some of whom are kept in isolation, can do nothing but shout to let other inmates know of their existence. As they are not supposed to speak or make any noise, the prisoners were and probably continue to be beaten for their most basic attempts at communication.

Bayhanov stated that he received information through the daily prison hearsay, or ‘golubka’ (the dove), which fairly accurately informed the prisoners about new arrivals to the prison, deaths of inmates, and who had been placed in an isolation chamber as a punishment. Even though the prison structures are highly isolated, information still managed to leak through informal and secret channels. Prisoners who have served previous sentences and are thus familiar with the ins and outs of the penitentiaries assist the newcomers in learning the ropes of communication inside the prison.

Wahhabists and criminals were allowed to receive packages, and on rare occasions allowed to meet with their families. This was forbidden for the political prisoners. For meetings, the prisoners were taken to another facility inside Ashgabat so the family members could not enter the Ovadan Depe structure. Political prisoners could bribe some officials to smuggle messages to the outside world, with the costs ranging from 50-100 US dollars, depending on the profile of the political prisoner, and sometimes it was not even possible to do even this. According to ALT, neither the political prisoners, not the Wahhabists are allowed meetings or packages.¹¹

4.Torture

The conditions of the prison alone—the extreme weather fluctuations and lack of cooling and adequate heating systems, unsanitary conditions, and the dismal dietary provisions—are enough to be labeled as torture. But, beatings and other methods of active torture are a widespread practice in Ovdan Depe. Beatings are used to initiate prisoners, as a direct order from the President for his imprisoned rivals, for any perceived offense inside the prison, and often for no reason at all. Bayhanov witnessed several beatings where the inmates lost consciousness as part of their initiation upon arrival to the prison. An anonymous source described initiation beatings to include batons and the use of dogs. Many were brought in to the prison on stretchers from the detention center.¹²

On one occasion Bayhanov witnessed a mass beating of prisoners, in which each was made to strip and go into the hall, one by one. Prisoners were beaten on their forearms, knees and kidneys. They were forced to squat as they were beaten, until they fell. Bayhanov believes that

¹⁰ Alternative Turkmenistan News. "V Ovadan Depe Ozhidayut Mezdunarodnuyu Komissiyu?" 24.08.2014. Accessed on 25.08.2014. <http://habartm.org/archives/1245>

¹¹ Alternative Turkmenistan News. "V Ovadan Depe Ozhidayut Mezhdunarodnuyu Komissiyu?" 24.08.2014. Accessed on 25.08.2014. <http://habartm.org/archives/1245>

¹² Gundogar. "Smert v Turme Ovadan Depe." 18.09.2006. Accessed on 06.06.2014. <http://gundogar.org/?02300432560000000000000011000000>

such mass acts of torture were direct orders from above. The guards would also beat the prisoners' heels, which led to the swelling of the legs, and affected their internal organs. Many could not walk back to their cells after such beatings.

On one occasion, Bayhanov was placed in solitary confinement in a 'kartser' for five days. A kartser is a round, 3 meter tall cell resembling a well, at the bottom of which a prisoner is placed as a punishment and means of torture. A tiny window at the top barely lets any light in. Kartser are not uncommon in the post-Soviet penitentiary system. While there, Bayhanov was ordered to wear a robe which said 'traitor of the nation,' which he refused to do. The parasha in the kartser was overflowing and there was no water. The mosquitos at night were unbearable. The daily food ration included 20 grams of bread, half a cup of tea and a watery soup. One of the guards took pity on him and told him to quickly drink the tea, so that he could refill the cup with water. Bayhanov was so dehydrated he could barely move his mouth to drink the tea. He did not drink the water, but saved it until the morning, and throughout the night dipped his tongue in the water to relieve the dire feeling of thirst. This continued for the five days he was in the kartser. He washed himself with his urine.

The Novemberists were routinely and severely tortured. Torture began at the detention center prior to arrival in Ovadan Depe, before the ‘suspects’ were accused, after which some could not walk. One witness heard awful yells coming from the adjacent interrogation room at the detention center. This witness was then shown a long needle about six inches long, which was used on the suspect in that room. Bayhanov heard that the Novemberists were given a ‘special torture treatment,’ and were dragged around in chains, binding their four limbs. When Niyazov was President, one official in Ovadan Depe would beat the political prisoners until they lost consciousness. He was responsible for many deaths of the Novemberists, and was removed from Ovadan Depe after the death of Niyazov to cover any tracks.

There have been numerous reports and rumors of hunchback cells in Ovadan Depe. These cells are only 1.5 meters in height, where inmates are forced to be permanently hunched over as a means of slow and painful torture. According to a source associated with the November 2002 events, these special cells were intended for punishment. Some say that they were destroyed after the death of President Niyazov, and the existence of these cells has not been verified through geospatial imaging.

Bayhanov stated that prisoners, in addition to himself, were forced to wear shirts bearing the sign 'Traitor of the Nation.' Another method of torture employed on the Novemberists was to spill the contents of their 'parasha' (toilet bowl) on the walls of the cells. This was called 'memory refreshment,' and one can only imagine the outcome of this exercise in 45C heat. The opinion among prison staff is that this method was a direct order from President Niyazov.¹³

5. Suspected burial grounds of prisoners

Suspicions of a burial ground/cemetery at Ovadan Depe were unconfirmed by the AAAS findings, which could not locate such sites with satellite imagery. However, Bayhanov heard rumors of a cemetery located near Ovadan Depe in the Karakum desert. He suspects that there

¹³ Gundogar. "Smert v Turme Ovadan Depe." 18.09.2006. Accessed on 06.06.2014. <http://gundogar.org/?02300432560000000000000011000000>

were no formalities of a cemetery, for fear of information being leaked. He thinks that bodies were simply buried in the desert without any markings or organization, near Ovadan Depe.

IV. Violations of National and International Law and Standards

It is not an exaggeration to say that virtually everything known about the Ovadan Depe prison is in violation of either Turkmen or international law, often times both. The stark contrast between the reality in this prison and the regulations agreed to by the government of Turkmenistan is appalling. So many legally binding agreements are violated, including the Constitution of Turkmenistan, and all related UN Declarations, Covenants and Conventions, that there is simply not enough space in the body of this report to document them all. This section is an overview of the violations of national and international law, while a list of applicable legislation can be found in Annexes A and B.

Violations of National Law

Until 2011, the Correctional Labor Code of the Turkmen SSR of 1971 regulated the service of sentences in prisons of Turkmenistan. However, after independence, this Code underwent a number of corrections and changes, and departmental instructions were created for its implementation. These instructions were never made public as they had the status "for official use only," or remain unavailable for other reasons.

Nevertheless, the majority of the formal and existing regulations until 2011 can be found in the official document prepared by the Turkmen government within the framework of the reports submitted by States parties in accordance with the International Covenant on Civil and Political Rights¹⁴. Currently, this document remains one of the few verified sources that allows us to estimate the presence of certain norms in the legislation. This is particularly important in the current context, as the Corrective Labor Code of 1971 was in force at the time of many of the violations of prisoners' rights that are documented in this report. However, as this report cannot ascertain that conditions have changed, and the information gathered from the report to the ICCPR (hereinafter, the Report), below is an analysis of violations of the 2011 Criminal Enforcement Code, with information from the Report presented where available. Both documents highlight the gross violations of national legislation in Ovadan Depe.

Prohibition against Torture

The Constitution of Turkmenistan clearly states, "A citizen may not be limited in his rights or deprived of his rights, convicted or punished, except in strict accordance with the law. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...."¹⁵

The current Criminal Enforcement Code of Turkmenistan¹⁶ describes the requirements for imprisonment in Turkmenistan. While the Criminal Enforcement Code prior to March, 2011,

¹⁴ Human Rights Committee. Consideration of reports submitted by States parties under the Covenant: Initial periodic report Turkmenistan. 19 February 2010. CCPR/C/TKM/1. http://www.un.org/ga/search/view_doc.asp?symbol=CCPR/C/TKM/1

¹⁵ Constitution of Turkmenistan, 2003. Can be found here: <http://www.wipo.int/wipolex/en/details.jsp?id=11374>

¹⁶ The Criminal Enforcement Code of Turkmenistan entered into force 25 March 2011 (Vedomosti Medjisa Turkmenistana, 2011, no.!, Art. 8). Amendments to the Code were adopted through 29 August 2013 and can be found here: <http://www.turkmenistan.gov.tm/?id=4865>

which may be contemporary to many of the descriptions in this document is unavailable, we cannot ascertain that anything has changed in Ovadan Depe, and if so when. Thus, this brief analysis of the current Criminal Enforcement Code presents violations of national legislation assuming the conditions have not changed dramatically in Ovadan Depe. Below is an overview of relevant requirements as stipulated by the current Criminal Enforcement Code of Turkmenistan.

The current Criminal Enforcement Code (CEC) of Turkmenistan explicitly states that it is based on the “the universally recognized norms and principles of international law relating to the execution of criminal penalties and the treatment of convicts, including strict safeguards to ensure protection against torture and other cruel, inhuman or degrading treatment of convicts.” And, “If an international treaty of Turkmenistan establishes rules other than those provided for in this Code, the rules of the international treaty apply” (Article 1). All criminals are to be treated with humanity, and discrimination of any kind, including on the basis of political views, is prohibited (Article 3). “The infliction of severe physical or mental pain or using elements of torture, cruel, inhuman or degrading treatment, as well as corporal punishment and punishment in the form of confinement in a dark cell is prohibited in the application of penalties associated towards the prisoners” (Article 88).

The Report repeatedly referenced to the standards of humanity and the rule of law as part of Turkmenistan's implementation of its obligations under the International Covenant on Civil and Political Rights. Specifically, paragraph 384 states, “The enforcement of a sentence is not aimed at causing physical suffering, or destroying human dignity through humiliation” and paragraph 416 states, “All persons deprived of freedom are entitled to humane treatment and respect for the inherent dignity of a human being.” In paragraph 282, the Report states: “According to the Corrective Labor Code, execution of criminal penalties should be enforced so as to avoid causing physical suffering or humiliation of human dignity.”

Right to Health and Adequate Standard of Living

All prisoners have the inherent right to health, to courteous treatment by the staff, and foreign citizens have the right to communicate with the diplomatic missions and consular offices of their countries (Article 8).

The living conditions for prisoners should be at least three square meters per person, and meet sanity and hygienic requirements (Article 71). Prisoners who are not working outside, even those in solitary confinement, have the right to take walks at least once a day (Article 64, Article 92, Article 114, Article 117). Meals should be provided “in quantity and quality necessary to maintain health and strength of each convict” (Article 72). According to paragraph 405 of the Report, detainees are given food of nutritional value adequate for normal functioning of the organism in accordance to the type of labor carried out by the detainees and the climactic variations.

All prisons must have medical equipment, facilities, medicines and staff for the proper physiological and psychological medical care and treatment of prisoners (Article 74). Punishment or disciplinary action in the form of solitary confinement in a kartser is to be done only after a medical examination to assess the possibility of such detention (Article 93, Article 117). Regarding prisoners held in solitary confinement, paragraph 288 of the Report states this is reserved for those who are deemed “especially dangerous persons who have committed

especially dangerous state crimes, violent crimes, for crimes committed while serving a sentence of imprisonment.”

Right to Communication

Relatives of the convicted are to be notified of the location of the prisoners, no later than 3 days after arrival to the penitentiary institution, as well as of any major health issues or death. In the case of foreign citizens, the Ministry of Foreign Affairs is to be notified of the same (Article 14).

Prisoners are entitled to be visited by lawyers, representatives of diplomatic and consular bodies of foreign states and international organizations, and media who have obtained special permission (Article 21). Further, prisoners are entitled to meetings of two types—short lasting four hours, and long, up to three days. Special circumstances may be permitted for convicts in the event of serious illness (Article 60, Article 114). Prisoners are also allowed to send and receive letters and packages at their own expense (Article 62, Article 114). The Report states that those serving sentences in prisons are allowed to have 3 short visits of up to 2 hours per year, and unlimited sending and receipt of letters and packages. Further, prisoners are entitled to unlimited legal aid through visits by the lawyers (paragraph 294).

Violations of International Law and Standards¹⁷

Prohibition against Torture

As documented in this report, Turkmen authorities have subjected detained individuals to treatment that amounts to torture or inhuman and degrading treatment. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention against Torture”), which Turkmenistan has ratified, prohibit torture.¹⁸

Specifically, the Convention against Torture prohibits “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”¹⁹

Turkmenistan has not ratified the Optional Protocol of the UN Convention against Torture, which obligates states to create an independent inspectorate empowered to monitor all places of detention, among other obligations.²⁰

¹⁷ Parts of this section are taken from the report “Prove they are Alive!: the Disappeared in Turkmenistan,” released by the Prove They Are Alive! campaign in September 2014, which can be found at www.provetheyarealive.org.

¹⁸ The Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (ICCPR), ratified by Turkmenistan on May 1, 1997, G.A. res. 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force March 23, 1976 and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Turkmenistan on June 25, 1999, G.A. Res. 39/46, U.N. Doc. A/39/51, entered into force June 26, 1987.

¹⁹ CAT, art. 1.

²⁰ See: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en.

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.²¹

Further, the Standard Minimum Rules for the Treatment of Prisoners,²² a U.N. standard for penitentiary system management, explicitly states that "punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences." Punishments involving restriction of diet, or any other means that "may be prejudicial to the physical or mental health of a prisoner" are also prohibited as they amount to torture, inhuman and degrading treatment.

Prohibition against Enforced Disappearances

The United Nations Declaration on Enforced Disappearances contains numerous specific injunctions on preventing "disappearances," including that a state must detain individuals in officially recognized places of detention, of which their families must be promptly informed, and that each detention facility must maintain an official up-to-date register of all persons deprived of their liberty.²³

The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, an authoritative United Nations standard summarizing international human rights principles in relation to detention, specifies, that, in addition to reinforcing all of the basic human rights protections detailed above, "A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world..." among other obligations.²⁴

The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions state, "Governments shall ensure that persons deprived of their liberty are held in officially recognized places of custody, and that accurate information on their custody and whereabouts, including transfers, is made promptly available to their relatives and lawyer or other persons of confidence."²⁵

An enforced disappearance is a "continuing crime"—that is 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.²⁶ An enforced disappearance may also have multiple victims beyond the

²¹ Human Rights Committee, *Boucherf v. Algeria*.

²² The Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN General Assembly on December 1988, U.N. Doc A/RES/43/173

²³ Declaration against Enforced Disappearances, art. 10. These provisions are reinforced in article 17 of the Convention against Enforced Disappearance.

²⁴ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), principle 19, <http://www.un.org/documents/ga/res/43/a43r173.htm>.

²⁵ The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted Economic and Social Council (ECOSOC) in its Resolution 1989/65 of 24 May 1989.

²⁶ 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>.

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 and those close to 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 that fail to investigate or provide information on the whereabouts and fate of the disappeared person.²⁷ In addition, they may suffer direct material loss in the form of loss of income or loss of social services.

The Standard Minimum Rules for the Treatment of Prisoners also require, “Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner...” and, “Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.”

Right to Health and Adequate Standard of Living

The right to a standard of living adequate for the health for himself and his family is expressed in the Universal Declaration of Human Rights, as well as the International Covenant on Economic, Social and Cultural Rights.²⁸

The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment requires that “A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.” The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions also specify the conduct of routine unannounced medical inspections by qualified experts independent in the exercise of their functions, among other obligations.

The Standard Minimum Rules for the Treatment of Prisoners elaborate on the requirements for the adequate standard of living for prisoners, including, “accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation” as well as adequately large windows, sanitary installations for clean and descent use, adequate bathing and showering installations to be used by prisoners as frequently as necessary for general hygiene, nutritionally viable food of necessary quantity and wholesome quality, drinking water available whenever needed, at least one hour of open air exercise to every prisoner not performing outdoor work, and the availability of at least one medical officer qualified in both physical and psychiatric services, among other obligations.

²⁷ See for example, Human Rights Committee, *Boucherf v. Algeria*, para. 10.

²⁸ Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27. Ratified by Turkmenistan on 1 May 1997. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>

Right to an Effective Remedy

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. For example, the ICCPR requires states "to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy."²⁹

Similarly, the Convention against Torture requires a state to "ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed..." and that "any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities..."³⁰ This also includes protections for the complainant and witnesses against all ill-treatment or intimidation as a consequence of a complaint or any evidence given.³¹

The International Convention on Disappearances also codifies states' obligations to ensure that there is effective investigation and prosecution and a proper remedy for the victim and the right of individuals to report the fact of enforced disappearance to the competent authorities without fear of repercussions.³²

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."³³

There is no evidence available indicating that the authorities of Turkmenistan have taken any measures to provide victims or their relatives with an effective remedy for the violations documented in this report or that the state has taken measures to prevent similar violations from continuing to happen.

Conclusion

The truth uncovered about the Ovadan Depe prison confirms the stark reality that all the political talk of the Golden Age of Turkmenistan, all the fancy buildings built in Ashgabat, all the brilliant parades and showcases of glory orchestrated by the government are nothing short of a veil behind which widespread torture of citizens is happening on a daily basis in institutions rivaling those of the Dark Ages. Ovadan Depe is designed to terminally erode the psychological and physical wellbeing of its inmates with methods that violate every national and international

²⁹ CCPR, art. 2(3)(a).

³⁰ Convention against Torture, arts. 12-13.

³¹ Convention against Torture, art. 13.

³² International Convention for the Protection of All Persons from Enforced Disappearance, arts. 12 and 24.

³³ *Edriss El Hassy v. The Libyan Arab Jamahiriya*, para. 8; *Boucherf v. Algeria* paras. 9.9 and 11; *Medjnoune v. Algeria*, para. 10.

obligation, and is a tool used by the highest authorities in Turkmenistan to erase their potential political opponents from the map.

Now that the facts have been revealed through geospatial analysis, first hand sources and other research, the existence of Ovadan Depe can no longer be denied. The methods employed there to torture those imprisoned there cannot be condoned, and it is time for the international community to hold the government of Turkmenistan accountable for the atrocities committed at Ovadan Depe. It is imperative that governments committed to democratic principles, international organizations seeking to promote the rule of law and human rights, and ordinary citizens demand access to Ovadan Depe by international observers and bodies such as the International Red Cross and Red Crescent, the UN Special Rapporteur on Torture, and relevant OSCE officials. The full extent of operations in Ovadan Depe must be uncovered, and violations of national and international law must be corrected. It is the obligation of the international community to demand that Turkmenistan's government comply with the international standards to which it has signed on. The torture and inhuman treatment must stop.

Annex A. Violations of National Law

Constitution of Turkmenistan (2003)³⁴

- Article 21. A citizen may not be limited in his rights or deprived of his rights, convicted or punished, except in strict accordance with the law.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and be subject without his consent to medical or other experiments. A citizen may be detained or arrested only if specifically indicated by law based on the judgment of the court, and only in the manner prescribed by law. In cases of urgency, as specifically indicated by law, authorized public authorities have the right to temporarily detain citizens.

Criminal Enforcement Code of Turkmenistan (Current version)

- Article 1 of the Criminal enforcement legislation of Turkmenistan
 2. The use of criminal-executive legislation of Turkmenistan is based on the universally recognized norms and principles of international law relating to the execution of criminal penalties and the treatment of convicts, including strict safeguards to ensure protection against torture and other cruel, inhuman or degrading treatment of convicts.
 3. If an international treaty of Turkmenistan establishes rules other than those provided for in this Code, the rules of the international treaty apply.
- Article 3: Principles of the Criminal Enforcement Code of Turkmenistan
 1. The Criminal Enforcement Code of Turkmenistan is based on the principles of legality, humanism, democracy, equality of those convicted before the law, differentiation and

³⁴ In the 2008, current, Constitution of Turkmenistan, this is Article 23.

individualization of punishment and the application of other measures under criminal law, the rational use of coercive measures, the means of correction prisoners and to promote their law-abiding behavior, the combination of punishment with corrective action.

2. An individual serving a criminal offense has the right to be treated with humanity and with respect for the inherent dignity of the human person.

3. Discrimination against prisoners who are serving criminal sentences, on the grounds of nationality, race, sex, origin, property and official status, place of residence, language, religion, political beliefs, party affiliation or lack of affiliation to any political party is strictly prohibited.

- Article 8: The basic rights of the convicted

2. The convicted have the right to courteous treatment by the staff, aimed at strengthening their sense of self-esteem and sense of responsibility. They should not be subjected to torture or to cruel, inhuman or degrading treatment. Coercive measures to the convicted can be applied only according to the law.

6. The convicted have the right to health, including the receipt of medical care: primary health care and specialized outpatient or inpatient care, depending on the medical report. In case of need, as well as at the request of the convict, who is in prison, it is possible to obtain an independent medical examination.

10. Convicted foreign citizens have the right to communicate with the diplomatic missions and consular offices of their States, citizens of countries that do not have diplomatic and consular offices in Turkmenistan, as well as stateless persons have the right to communicate with diplomatic representatives of the State which takes charge of their interests, or with any national or international authority whose task it is to protect them.

- Article 14. Notification of relatives of convicted of the location and other circumstances related to the convicted

1. On arrival to the place of the condemned prisoner serving a criminal sentence, or when transferring from one place to serve a sentence in another administrative body responsible for the enforcement of sentences, is required no later than three days after the arrival of the convict to notify the court that rendered the verdict, as well as one of his close relatives or another person at the discretion of the convict.

2. In cases of death, serious illness or injury at the place of the condemned prisoner serving a criminal sentence, or his removal to an institution for the mentally ill, prison authorities shall immediately notify the court that rendered the judgment, as well as one of the next of kin or other person previously designated by the convicted.

3. In the circumstances referred to in the first and second parts of this Article in respect of the convict, a foreign citizen or a stateless person, the body in charge of the execution of sentences is required to notify in the prescribed manner to the Ministry of Foreign Affairs.

- Article 21. Participation of associations in the correction of the convicted [types of associations listed below]

2. Lawyers and other persons entitled to provide qualified legal assistance, have the right, at the decision of the convicted, to visit prisoners held in places of detention, in accordance with agreements on legal assistance, in the manner prescribed by law.

4. Representatives of the diplomatic and consular bodies of foreign states and international organizations have access to prisoners held in places of detention, in accordance with the legislation of Turkmenistan.

5. Members of the media and others have the right to attend institutions executing punishment of imprisonment, by special permission of the administration of these institutions or the relevant higher authorities.

- Article 43. Places of service of sentence involving deprivation of liberty

1. Persons convicted to deprivation of liberty, serve their sentences in prisons in the territory of Turkmenistan, necessary for correctional measures, maintenance of useful social ties with relatives, and the prevention of new criminal activities.

- Article 60. Meeting of convicted with relatives, lawyers and other persons.

1. Those convicted to prison are entitled to meetings by the prison administration, of two types: short—lasting four hours—and long—lasting up to three days. In the cases provided for in this Code, the convicted may be granted extended visits including living outside the prison for up to three days. In this case the head of the correctional institution would determine the order and location of the meeting.

5. Convicted foreign nationals serving sentences of imprisonment, provided a meeting with the diplomatic and consular representatives of their country, and citizens of countries that do not have diplomatic and consular offices in Turkmenistan, as well as stateless persons - with diplomatic representatives of the State which takes charge of their interests or with the national or international body dealing with their protection.

7. In the case of serious illness of the convicted person, endangering his life, the chief of the prison allows close relatives to visit him convicted.

- Article 62. Correspondence, sending and receiving remittances for the convicted

1. The convicted are allowed to receive and to send, at their own expense, letters and telegrams according to the procedure established by this Code.

- Article 64: Walks and exercise for the prisoners.

1. The prisoners, serving a sentence of imprisonment in solitary confinement and punitive disciplinary confinement, and cell-type rooms, not working outside, have the right to walks, the duration and order of which are established by this Code.

2. The prisoners are allowed walks in the daytime on a specially equipped part of the territory of the correctional institution. Walks may be prematurely terminated in the event of violation of requirements of the Internal Regulations by the prisoner.

- Article 71. Housing and living conditions of prisoners

1. Persons serving sentences in correctional facilities are to be provided with the necessary living conditions. Premises, which are used by the prisoners, in particular all sleeping accommodation, shall meet all sanitary and hygienic requirements, and comply with the climatic conditions of Turkmenistan. Places for sanitary purposes, which are regularly used by the prisoners, should be available for each convict in the required time for him, kept in good order and cleanliness, and provide for general hygiene according to the timing of the year.

2. In order to maintain proper health status of the prisoners, they should be provided with adequate space for living, and access to a sufficient quantity of fresh air and light. The minimum standard of living area calculated for a single convict ...in prison – three square meters.... Lighting, heating, ventilation and comfort in places of detention must comply with

the basic needs for the health of convicts. Artificial lighting should be sufficient to ensure that the prisoners could read or work without injury to eyesight.

- Article 72: Material and social maintenance of the prisoners
 2. Correctional facility provides the convicts, from the state budget of Turkmenistan, food, clothing, bedding, medicines and other essentials, according to the protocol, in quantity and quality necessary to maintain health and strength of each convict. Standards for food and other material and social security provisions for the prisoners (clothing, bedding, personal washing and sanitizing products, medicines and other essentials) are established by the Cabinet of Ministers of Turkmenistan.
- Article 74 Medical and sanitary maintenance of prisoners
 2. Medical services of correctional facilities must have equipment, facilities and medicines needed for proper medical care and treatment of prisoners, as well as qualified staff. Health care and preventive care of the convicted in prison is organized in close association with local health authorities, and conducted in accordance with the law and internal regulations. Prison medical services provided upon arrival of the convicted in an institution should identify any physical or mental illnesses or defects that may hamper a convict, and take care of their recovery. To this end, correctional institutions should be able to provide the necessary medical, surgical and psychiatric services.
- Article 88: Penalties applicable to prisoners
 1. The infliction of severe physical or mental pain or using elements of torture, cruel, inhuman or degrading treatment, as well as corporal punishment and punishment in the form of confinement in a dark cell is prohibited the application of penalties associated towards the prisoners.
- Article 92. Conditions for holding prisoners in punishment or disciplinary cell-type rooms and solitary confinement.
 1. Prisoners placed in solitary confinement [kartser cell], disciplinary, or punishment cells, are prohibited the purchase of food and other essentials, meetings, sending and receiving of packages, parcels and letters, and telephone conversations. They are entitled to a daily walk for one hour.
 2. Prisoners transferred to disciplinary cell-type rooms or solitary confinement, as a form of punishment, are entitled to:
 - 1) once a month purchase food and other essentials in amount of up to fifty percent of money earned in the month preceding the transfer to the disciplinary cell or solitary confinement;
 - 2) receive during their stay in the disciplinary cell or solitary confinement one parcel or package;
 - 3) have a daily walk for half an hour;
 - 4) receive necessary medical care;
 - 5) with permission from the institution administration, receive one short visit.
- Article 93. Medical examination of prisoners contained in penal and disciplinary confinement in punishment cells, cell-type rooms, or solitary confinement

1. Placement in punishment and disciplinary confinement, kartser or transfer of prisoners to a disciplinary cell or solitary confinement are to be done after a medical examination to assess the possibility of detention of convicted persons in these places.

- Article 112. Types of security in prisons

1. Prisons in Turkmenistan have two types of security regimes: general and strict regime security.

2. General security prisons contain individuals who are in prison for the first time, and those transferred from maximum security prison.

3. Strict regime security prisons contain: persons who have previously served a prison sentence; persons convicted to imprisonment for crimes committed in prison; those transferred in the prescribed manner to a strict regime as punishment, and individuals transferred to prison in the manner prescribed by the fourth part of Article 49 of this Code. The period of service in the strict-regime prison is set between two to six months.

4. Convicted men over 62 years of age, women over 57 years of age, and individuals with group I and II disabilities cannot be contained in strict regime prisons.

5. Individuals serving in strict regime prisons may be transferred to a general regime prison after serving at least two thirds of their sentence. The transfer of the convicted before that time is allowed due to special health circumstances, according to medical opinion.

6. Individuals serving sentences in general regime prisons, who are considered malicious offenders, are to be transferred to a strict regime prison. Transfer back to the general regime prison can be carried out in accordance with part five of this article.

- Article 114. Terms of serving of sentences in prisons.

4. In general regime prison, convicts are entitled to:

- a) have six short visits during the year;
- b) receive during the year six parcels;
- c) send one letter per month;
- d) have a daily walk for one and a half an hour.

5. Strict regime prison convicts are entitled to:

- a) have four short visits during the year;
- b) receive during the year four parcels;
- c) send one letter every two months;
- d) have a daily walk for one hour.

- Article 117. Conditions in punishment cells (kartser).

1. In the kartser, convicted have the right to:

- a) have daily walk of one hour;
- b) receive necessary medical care.

2. Medical examination of the convict, who is subject to a penalty in the form of placement in solitary confinement (kartser), is made in the manner provided in Article 93 of this Code.

Annex B. Violations of International Law

Universal Declaration of Human Rights

- Preamble—the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family
- Article—all human beings are born free and equal in dignity and rights
- Article 5—No one shall be subjected to torture or cruel, inhumane, or degrading treatment or punishment
- Article 25 (1)—Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...

International Covenant on Economic, Social and Cultural Rights

- Article 11—The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family..."
- Article 12—The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

International Covenant for Civil and Political Rights

- Article 7—No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 10, para. 1—All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- Article 1—For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.
- Article 2—1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
- Article 13—Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.
- Article 15—Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Declaration on the Protection of All Persons from Enforced Disappearance

- Preamble—Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental

freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity...

- Article 1—Any act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.
- Article 10 (2)—Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

- Principle 6—Governments shall ensure that persons deprived of their liberty are held in officially recognized places of custody, and that accurate information on their custody and whereabouts, including transfers, is made promptly available to their relatives and lawyer or other persons of confidence.
- Principle 7—Qualified inspectors, including medical personnel, or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of this function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to all their records.

Body of Principles on Detention or Imprisonment

- Principle 6—No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Principle 15—Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.
- Principle 16 (1,2)—1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody. 2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

- Principle 19—A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.
- Principle 21(2)—No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgment.
- Principle 24—A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Standard Minimum Rules for the Treatment of Prisoners

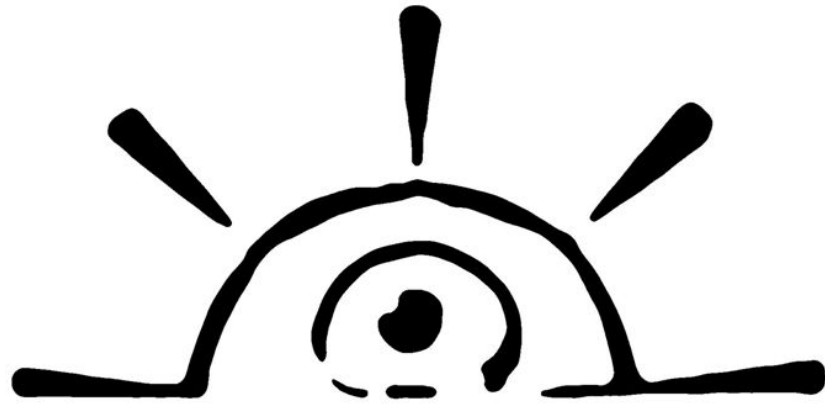
Most everything that is known about the Ovadan Depe prison and the treatment of prisoners within it is in violation of the UNOHCHR Standard Minimal Rules for the Treatment of Prisoners. It would be too lengthy to list every single violation in this report, but the Rules themselves can be found in the Annex. Specific attention should be paid to Rules below:

- 9. (2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.
- 10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.
- 11. In all places where prisoners are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
- 12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.
- 13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.
- 17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.
(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
- 19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.
- 20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

- (2) Drinking water shall be available to every prisoner whenever he needs it.
- 21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.
- 22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.
 - (2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.
 - (3) The services of a qualified dental officer shall be available to every prisoner.
- 24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
- 25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
 - (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
- 31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.
- 32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.
 - (2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.
 - (3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.
- 33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
 - As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
 - On medical grounds by direction of the medical officer;
 - By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the

director shall at once consult the medical officer and report to the higher administrative authority.

- 38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
- 39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.
- 40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.
- 41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
- 44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
- 57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.
- 77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.
(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.
- 78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.
- 79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.



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