

Strong International Actions Are Essential to Stop Enforced Disappearances in Turkmenistan. Twenty Years after the Start of Mass Repression, OSCE Participating States Should Launch the Moscow Mechanism with Respect to Turkmenistan to Address Continued Gross Human Rights Violations

Civil society appeal to participants of the OSCE Ministerial Council Meeting in Stockholm¹

1 December 2021

The year 2022 marks the 20th anniversary of the beginning of mass repression in Turkmenistan. Even before that, the regime of President Niyazov had suppressed any dissent and cracked down on real or perceived opponents, but it was in 2002 that repression became mass and systematic. It targeted not only individual critics of the regime but also their surroundings – relatives, colleagues, acquaintances, assuming a character of “collective punishment.” The practices of mass repression of this period were reminiscent of the worst examples of public purges during the Stalin era.

Arbitrary mass arrests, torture, physical and psychological pressure on relatives of suspects and even accidental witnesses, the use of special pharmacological drugs during interrogation, swift and closed trials based on trumped-up charges, and convictions to long sentences or even to life, in gross violation of existing legislation, affected a large number of people. The victims included former deputy Prime Minister and Minister of Foreign Affairs Boris Shikhmuradov and former Ambassador to the OSCE and also former Minister of Foreign Affairs Batyr Berdyev. Society plunged into a state of fear. The authorities did not stop this orgy of lawlessness until Niyazov's death, destroying the leaders and participants of previous repression and all those suspected of disloyalty.

It was then that the criminal practice of enforced disappearances in prisons started, which serves not only as punishment for a particular convict, but also a means of intimidating the whole society.

In response to the wave of mass repression, the OSCE participating states invoked the Moscow Mechanism with respect to Turkmenistan. A report by Professor Decaux issued in the spring of 2003 within the framework of the Moscow Mechanism effectively documented total lawlessness and gross violations of human rights and highlighted the horrific picture of mass repression in Turkmenistan. In the words of the rapporteur, “The contrast between the law as it is presented and the reality marked by terror and fright is mindboggling. [...] Turkmenistan cannot constitute a “black hole” within the OSCE, a human rights desert.”² The report was followed by three UN General Assembly resolutions condemning the repression and demanding the release of those arrested and the investigation of human rights violations.

However, the repression in Turkmenistan continued until the death of President Niyazov and was not given a proper assessment when the incumbent President Berdymukhamedov came to power in 2006. The new government did not stop the practice of disappearing people in prisons. Moreover, enforced disappearances continue to the present and have targeted not only top officials and critics of the regime, but also members of religious groups, whom the authorities groundlessly accuse of extremism and terrorism.

¹ The appeal has been signed by Civic Solidarity Platform members and other NGOs and was presented to the OSCE leadership at the Parallel OSCE Civil Society Conference in Stockholm on 1 December 2021. Collection of signatures continues at <https://forms.gle/UXRxfXZSLD6QDwZ9>.

² OSCE Rapporteur's Report on Turkmenistan. ODIHR.GAL/15/03. 12 March 2003. Page 3. <https://www.osce.org/files/f/documents/0/5/18372.pdf>

The Prove They Are Alive! campaign has documented 162 cases of disappearances in Turkmenistan's prisons since 2002.³ In the context of severe suppression of civil liberties and denial of access to the country for foreign human rights organisations and international observers, this list is inevitably incomplete. The total number of victims is estimated at several hundred. 97 of the documented cases are continuing disappearances. 65 cases of people who were subjected to enforced disappearances earlier have been taken off the list of current cases based on verified and reliable data: 29 died in custody, 10 were released, and 26 continue to serve their sentences but have been granted visits and food parcels.

Throughout all these years, the government has denied families and the outside world any information about the disappeared. The detainees have been denied visitors and any correspondence, phone calls or other contact with families, lawyers, doctors, etc. Holding people in complete isolation from the outside world, with no information to their loved ones for many years or access to legal or medical assistance is a gross violation of Turkmenistan's national legislation and its international obligations, including the International Covenant on Civil and Political Rights and the Convention against Torture. There is reason to believe that the authorities continue to cover up some of the deaths among the victims of enforced disappearances. Given the Turkmen authorities' refusal to conduct an effective investigation, some of these cases can be considered extrajudicial executions under international law.

In an even more despicable violation of human rights, a number of those who are disappeared in Turkmenistan's prisons have not been released after their prison terms ended. Although their terms are over, they continue to be disappeared in a system that routinely tortures inmates and forces them to live in inhumane conditions. The fate of at least 11 persons from the list of the disappeared whose terms have already expired is of urgent concern. Terms of another dozen people will expire in 2022. There is absolutely no justification for their continued imprisonment, even in the deeply flawed logic of the regime.

Over the years, the problem of enforced disappearances has been raised with Turkmenistan by the international community many times, including in a letter in March 2018 by Ambassadors to the OSCE of 14 participating States; by over a dozen delegations of States at the recent OSCE HDIMs, several UN treaty bodies in their concluding observations in the last five years, delegations of 19 states to the UN during the UPR of Turkmenistan in May 2018, the UN Working Group on Enforced and Involuntary Disappearances (WGEID), the OSCE Secretary General as well as leaders of Switzerland, US and Germany during their visits to Ashgabat, and in the framework of the EU-Turkmenistan annual human rights dialogues. Turkmen representatives deny the existence of enforced disappearances in their country, often ignore formal requests for information, and only sometimes provide piecemeal and often contradictory information on very limited number of individual cases. The common argument used by the Turkmen officials is that "these people are terrorists and extremists and serve their prison term according to court verdicts."

In recent years, in response to mounting international pressure and criticism, the Turkmen authorities have somewhat softened their position, lifting some of the restrictions and prohibitions concerning various groups of prisoners previously held incommunicado. Since mid-2018, some of the prisoners held in the infamous Ovadan Depe prison on convictions of "Islamic extremism" have been granted visits by family and food parcels that they were previously arbitrarily denied. In September 2018, the authorities announced their acceptance of almost all recommendations made by other countries within the framework of the UPR regarding enforced disappearances, prison conditions, prevention of torture, and allowing visits to the country by UN special procedures, including the WGEID. This limited but important

³ List of the Disappeared in Turkmenistan's Prisons. Report by the Prove They Are Alive! campaign. November 2021. https://provetheyarealive.org/wp-content/uploads/2021/12/Disappeared-in-Turkmenistans-prisons_report_Prove_November-2021_final.pdf

progress was the result of active involvement by the international community and demonstrates the effectiveness of international pressure.

However, since the fall of 2018 when public actions gave way to “quiet diplomacy” in the dialogue with Turkmenistan on the issue of enforced disappearances, a stage of stagnation has begun. The voluntary commitments on disappearances and related issues have not been included in the country’s roadmap for the implementation of the UPR commitments. The circle of incommunicado prisoners granted visits has not expanded since. The discussion of a visit by the WGEID to the country was abruptly discontinued.

As in the past, the government of Turkmenistan refuses to disclose any information about the vast majority of the cases from the list of the disappeared to their relatives and the international community. It continues to ignore relevant decisions by inter-governmental bodies and has avoided taking any significant steps to end this gross violation of human rights, instead simulating an ineffective “dialogue” with international organisations on this issue.

Moreover, there are serious reasons to believe that the Turkmen authorities are preparing new waves of repression. In particular, they are taking active steps to organise the deportation of exiled Turkmen civic activists from a number of countries, primarily from Turkey and Russia. All of them, in case of deportation, face a high risk of disappearing in prisons. Recently, under the pretext of measures to prevent the Covid-19 pandemic, the authorities have cancelled visits by relatives and parcels for many prisoners who are again at risk of being subjected to complete isolation from the outside world. Finally, the crisis in Afghanistan has become another pretext the authorities are now using to tighten the regime of detention of persons accused of “Islamic extremism,” including incommunicado detention.

The scale of continued repression in Turkmenistan requires an adequate reaction.

As we approach the tragic 20th anniversary of the beginning of the heinous practice of enforced disappearances in Turkmenistan, we call on concerned states and intergovernmental organisations to renew strong and consistent international pressure on the government of this country. It should be multilateral and effectively coordinated among relevant international bodies, including the United Nations, the OSCE, the EU, and the capitals of the concerned states. The international community must actively insist that Turkmenistan stop the practice of enforced disappearances; provide information on the fate and whereabouts of all people on the list of the disappeared to their families and international organisations without any further delay; immediately release all individuals whose prison terms have expired; allow international observers into prisons, including the infamous Ovadan Depe; permit family visits, medical care, and legal assistance to those in prison; and comply with international human rights standards regarding enforced disappearance and torture.

All OSCE participating States have a new responsibility to take stronger action to eradicate enforced disappearances in the OSCE region after the adoption by consensus of the MC Decision 7/20 on Prevention and Eradication of Torture in December 2020, which for the first time includes a commitment to fight incommunicado detention.

We call on the OSCE participating States to invoke the OSCE human dimension mechanisms with respect to Turkmenistan, namely the Vienna and the Moscow mechanisms. The 20th anniversary of the beginning of mass repression in 2022 would give this step a powerful symbolic meaning. Attaining tangible progress in eradicating enforced disappearances in Turkmenistan is important for the restoration of justice for the victims. This is important also for their relatives and loved ones, who have not had any information about them for almost twenty years, which is a form of torture in itself. This is important for the entire society of Turkmenistan, in which no reforms and positive change are possible while everyone in the country –

public official, civic activist, journalists, and ordinary person – is at risk of becoming another victim of enforced disappearance. This is important to prevent repression in the future. Enforced disappearances in Turkmenistan must finally stop.

Signatures:

1. Crude Accountability (USA)
2. Centre for the Development of Democracy and Human Rights (Russia)
3. Freedom Files (Poland)
4. Norwegian Helsinki Committee (Norway)
5. Human Rights Watch (international)
6. Human Rights Centre “Memorial” (Russia)
7. A group of civic activists (Turkmenistan)
8. Turkmen Helsinki Foundation for Human Rights (Bulgaria)
9. Turkmen Initiative for Human Rights (Austria)
10. Democratic Civil Union of Turkmenistan (Netherlands)
11. Turkmenistan Independent Lawyers Association (Netherlands)
12. Turkmen.News (Netherlands)
13. Human Rights Movement “Bir Duino” (Kyrgyzstan)
14. Legal Policy Research Centre (Kazakhstan)
15. Public Association “Kadir-Kasiet”/“Dignity” (Kazakhstan)
16. Center for Civil Liberties (Ukraine)
17. Promo LEX (Moldova)
18. International Partnership for Human Rights (Belgium)
19. Human Rights Monitoring Institute (Lithuania)
20. Public Verdict Foundation (Russia)
21. IDP Women Association "Consent" (Georgia)
22. Association humanrights.ch (Switzerland)
23. Kharkiv Regional Foundation “Public Alternative” (Ukraine)
24. Public Foundation Notabene (Tajikistan)
25. Kazakhstan International Bureau for Human Rights and the Rule of Law (Kazakhstan)
26. Helsinki Citizens' Assembly – Vanadzor (Armenia)
27. German-Russian Exchange – DRA (Germany)
28. Centre de la Protection Internationale (France)
29. Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMDPL) (Ukraine)
30. ZMINA Human Rights Center (Ukraine)
31. Human Rights Matter e.V. (Germany)
32. Bulgarian Helsinki Committee (Bulgaria)
33. Freedom Now (USA)
34. Human Rights Center of Azerbaijan (Azerbaijan)
35. Libereco Partnership for Human Rights (Germany/Switzerland)
36. Truth Hounds (Ukraine/Georgia)
37. Netherlands Helsinki Committee (Netherlands)
38. World Organisation against Torture (OMCT) (international)
39. Citizens' Watch (Russia)
40. Human Rights Center (Georgia)
41. Human Rights in Mental Health-FGIP (international)
42. International Rehabilitation Council for Torture Victims (IRCT) (international)

43. Helsinki Foundation for Human Rights (Poland)
44. Albanian Helsinki Committee (Albania)
45. United for Intercultural Action (international)
46. Macedonian Helsinki Committee (North Macedonia)
47. Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims – GCRT (Georgia)
48. Center for Participation and Development (Georgia)
49. The Barys Zvozkau Belarusian Human Rights House (Lithuania)
50. Swiss Helsinki Committee (Switzerland)
51. Human Rights Club (Azerbaijan)
52. Swedish OSCE Network (Sweden)
53. Tatiana Shikhmuradova, family member of the disappeared Boris and Konstantin Shikhmuradov
54. “Women of the Don” (Russia)