

Yuri's remarks at the side event on Turkmenistan at OSCE SHDM-2

Updated

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Following up on remarks of my colleague, I would like to focus on the problem of enforced disappearances in Turkmenistan and actions needed to stop it. Today, when we mark the 20th anniversary of the release of the Moscow Mechanism report, we would like to see a new commitment for action among concerned States and a strong resolve to take concrete steps this year to finally achieve tangible progress in ending this heinous crime.

The Moscow Mechanism was invoked 20 years ago in 2003 in response to mass repression in Turkmenistan. It targeted not only individual critics of the regime but also their surroundings – relatives, colleagues, acquaintances, assuming a character of “collective punishment.” The report documented total lawlessness and gross violations of human rights and highlighted the horrific picture of mass repression in Turkmenistan.

It was then that the criminal practice of enforced disappearances in prisons started, which continues to serve not only as punishment for a particular convict, but also a means of intimidating the whole society. Since November 2002, hundreds of enforced disappearances have occurred, after people were sentenced to long-term prison terms on political grounds and a variety of trumped-up charges. The victims include 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. In Turkmenistan, enforced disappearances in the prison system is a well-documented crime, the scale of which continues to grow. Since 2013, the Prove They Are Alive! campaign has documented 162 enforced disappearances in Turkmenistan, with the possibility of hundreds more undocumented cases. Of the 162 individuals forcibly disappeared, 95 are considered cases of continued disappearances.

In an even more despicable violation of human rights, over thirty 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. There is absolutely no justification for their continued imprisonment, even in the deeply flawed logic of the regime. This amounts to a new type of torture, piled on to the years of tortuous treatment of the imprisoned and their families.

International civil society has repeatedly called on the OSCE to take vigorous actions to end enforced disappearances in Turkmenistan's prisons. Five years ago, we at the Prove They Are Alive! campaign held a side event in this very building, on the 15th anniversary of the release of the Moscow Mechanism report on Turkmenistan. At the panel at that time, we had the author of the report Dr. Emmanuel Decaux and two relatives of the disappeared people. This was the time when we had strong hopes for joint multilateral actions in the OSCE and beyond to put pressure on the Turkmenistani authorities to end enforced disappearances. Five years later, we are still struggling to convince concerned states to take strong action in the OSCE framework, in cooperation with other organisations and instruments. As we continue our efforts to convince international policy makers to exert real pressure on Ashgabat and hear various arguments in favour of “continued dialogue”

instead of pressure, the crime of disappearance continues, people remain kept in full isolation, some of them are dying. This is not a matter of the past, but a continued tragedy and an ongoing crime.

The government of Turkmenistan, despite its OSCE commitments, continues to obfuscate or ignore inquiries about the fate of the disappeared, including those who should have been released at the end of their terms.

A difference in the OSCE between five years ago and now is that these days all OSCE participating States have a new responsibility to take 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. In this decision, OSCE participating States for the first time unanimously included fighting enforced disappearances in the OSCE commitment to prevent torture and incorporated prolonged incommunicado detention in their definition of what can facilitate torture and other cruel, inhuman or degrading treatment or punishment or can by itself constitute a form of such treatment.

As we mark the 20th anniversary of the release of the Moscow Mechanism in respect of Turkmenistan and the beginning of the heinous practice of enforced disappearances in this country, we call on concerned states and intergovernmental organisations, including the OSCE, to renew strong and consistent international pressure on the government of this country. It should be multilateral and effectively coordinated among relevant international bodies and the capitals of concerned states.

Concerned OSCE participating States and OSCE institutions must demand an immediate and permanent halt to enforced disappearances in Turkmenistan. All prisoners whose sentences have expired should be immediately released. Incommunicado detention of all individuals listed among the disappeared should end immediately. Verifiable information on all individuals should be released to the OSCE and individual families immediately. All individuals still imprisoned should receive family visitations, food parcels, health care, and legal representation within a strict timeframe. Turkmenistan should allow international observers into prisons, including the infamous Ovadan Depe, as promised in its UPR voluntary commitments in 2018.

Turkmenistan must be reminded that as an OSCE participating state it is obligated to comply with OSCE commitments and recommendations. Turkmenistan must also be reminded that as a member of the United Nations, it is obligated to comply with international law which prohibits the practice of enforced disappearances. These demands should be in the form of public diplomatic condemnation of the Turkmenistani government, with the support of civil society and other participating states.

Five years ago public pressure from concerned OSCE participating States, including a very strong letter by 17 Ambassadors to the Turkmen authorities, together with pressure coming from the EU, the UN treaty bodies and special procedures, generated limited but important progress. In response to the multilateral action, Turkmenistani authorities allowed family visitations and food parcels to a several dozen prisoners previously held incommunicado on charges of “Islamic extremism”, and started to give bodies of deceased prisoners who were on our list of the disappeared. They also promised to allow a visit to the country by the UN Working Group on Enforced Disappearances and cooperate fully in the framework of the upcoming UPR. Unfortunately, concerned states bought into these false promises, and public pressure in the OSCE gave way to quiet, behind the doors diplomacy – quarterly non-public meetings in Vienna by Ambassadors of concerned states with the Ambassador of Turkmenistan. For two years, the Turkmen side skilfully imitated dialogue while taking no steps to

address the problem of disappearances, continuing keeping people incommunicado, and building an increasingly repressive regime. With the Covid pandemic and then the full-scale Russian aggression against Ukraine, these meetings stopped. Essentially, any pressure on the Turkmenistani authorities regarding enforced disappearances also stopped, except the UN treaty bodies who repeat the same conclusions and recommendations as five and ten years ago, to no avail.

We strongly believe that the OSCE and its participating States must rebalance their interactions with Turkmenistan by renewing public efforts to pressure the government and partnering with civil society and the greater international community to do so, including the UN treaty bodies, relevant UN special procedures, UN Human Rights Council, European External Action Service, and governments of other concerned states. Quiet diplomacy and written statements alone have failed. It is imperative that the OSCE and concerned participating States revisit and finetune tactics that have worked in the past, in 2018.

The current approach has allowed Turkmenistan to remove itself from the attention of the international community and shield itself from scrutiny by ignoring demands, inquiries, and recommendations. If the practice of enforced disappearances is to end in Turkmenistan, the international community and civil society must have access to the country and the Turkmenistani government must genuinely engage with them.

We call on concerned OSCE participating States to invoke the OSCE human dimension mechanisms with respect to Turkmenistan this year, namely the Vienna and the Moscow mechanisms. The 20th anniversary of the release of the Moscow Mechanism report 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, their relatives, the entire society of Turkmenistan, where everyone 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.