# Review of Turkmenistan's second periodic report on implementation of the International Covenant on Civil and Political Rights: Freedoms of Movement, Expression, and Association

## Submission by members of the Turkmenistan Civic Solidarity Group to the United Nations Human Rights Committee. 119th session, Geneva, March 2017

This report has been prepared as a submission to the United Nations Human Rights Committee in advance of its review of the second periodic report of Turkmenistan under the International Covenant on Civil and Political Rights in March 2017. The report has been prepared by members of the **Turkmenistan Civic Solidarity Group – Centre for the Development of Democracy and Human Rights, Freedom Files, Crude Accountability, Human Rights Centre "Memorial", and a group of civic activists in Turkmen**istan, – and covers freedom of movement, freedom of expression and access to information, freedom of association, and security of civic activists. The report is based on documentation and research by submitting NGOs and their partners, including civic activists inside Turkmenistan, working discreetly at high risk. The report was finalised in early February 2017.

**Turkmenistan Civic Solidarity Group** was founded in spring 2013 as a working group of an international NGO coalition, the Civic Solidarity Platform. It includes NGOs from several countries of Europe and North America as well as civic activists in Turkmenistan. The group works to advance fundamental human rights, rule of law, government accountability, environmental sustainability, and democratic transition in Turkmenistan, using research, advocacy, public education, solidarity actions, and cooperation with broader civil society and intergovernmental organisations.

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**INTRODUCTION**

The government of Turkmenistan is one of the most repressive in the world. The country is virtually closed to independent scrutiny, all fundamental rights are subject to draconian restrictions, and human rights defenders and other activists face the constant threat of government reprisal. The government uses imprisonment, travel bans, and other arbitrary punishments as tools for political retaliation against perceived critics and their families and associates. The president, his relatives, and their associates maintain unlimited control over all aspects of public life.

Among the numerous violations of human rights in Turkmenistan, enforced disappearances of people sentenced to long prison terms is one of the most acute. Since the 1990s, a growing number of prisoners sentenced to long prison terms have been kept in full isolation, without no contact whatsoever with the external world. Recent report of "Prove They Are Alive!" campaign[1] provides evidence about 88 cases but there are indications that there may be up to 150 prisoners kept in full isolation. There are credible reports of widespread torture and ill-treatment in detention places, including of suspects during investigation.

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

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

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

There has been no progress in human rights in Turkmenistan since the review of its first periodic report under ICCPR in 2012. Repression has further increased in the country. Several laws adopted between 2010 and 2016 which the government shows as progress, either have not been implemented (the Criminal Code of 2010, the Criminal Procedural Code of 2011) or establish highly restrictive provisions contradicting international standard (for example, amendments to the Law on Public Organisations of 2014, the Law on Internet of 2015, and the Law on Assemblies, Meetings and Demonstrations of 2015). All key human rights concerns raised by the United Nations Human Rights Committee in 2012 remain unaddressed.

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

[1] The Disappeared in Turkmenistan. 2016 Update. Report by the Prove They Are Alive! campaign. September 2016. http://provetheyarealive.org/wp-content/uploads/2016/08/Disappeared-Report-2016.pdf

**SYSTEMATIC VIOLATIONS OF THE RIGHT TO FREEDOM OF MOVEMENT**[2]

***Article 12***

The right to freely leave and return to one's country is an essential component of a fundamental human right stipulated in international agreements: the right to freedom of movement. However, this right has never been a legal imperative for the Turkmen authorities. Instead, the absence of constitutional guarantees of this fundamental right and numerous legal gaps in a number of laws have created the grounds for arbitrary and often politically motivated bans on leaving the country and provided the authorities with an infallible instrument of repression or threat of repression throughout the history of independent Turkmenistan.

Despite numerous references to the role and rule of international law, membership in international organizations and ratification of a number of key treaties in the field of human rights, Turkmenistan's domestic law remains incompatible with international obligations and standards. Thus, no version of the Constitution of Turkmenistan since 1992 to the present, including the most recent, which was adopted on September 14, 2016, has included provisions to guarantee the right to leave the country and return. The concept of freedom of movement has been understood only to include travel within the country:

> *Everyone has the right to move freely and choose their residence within the borders of Turkmenistan. Restrictions on entry in certain areas and movement in these certain areas may only be established by law.*

The same article, virtually without any change other than its number, has been included in all versions of the Constitution adopted in 1995, 1999, 2003, 2006, and 2008,[3] and the same wording is included in Article 39 of the new Constitution[4] adopted on September 14, 2016.[5]

In essence, this article of the Turkmen Constitution reproduces the first part of Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights, protecting freedom of movement. However, the respective articles of the Universal Declaration and the International Covenant also declare the right to leave any country, including one's own, and to return to one's country, which has been omitted by the Turkmen authorities. The absence of this provision in the country's Constitution for nearly 25 years has enabled massive violations of the right to freedom of movement and has served the authorities as a mechanism of repression and intimidation.

In recent years, the Law on Migration adopted in 2008 (and amended in 2012) to replace the Law on Exit and Entry Procedures has been the main act governing the right to travel outside of Turkmenistan. Despite references to the right to freedom of movement and declared guarantees of this right in the current Law on Migration, the key provision leading to massive violations of this right is contained in Article 30, Paragraph 10:

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[2] The Iron Doors of Dictatorship: Systematic Violations of the Right to Freedom of Movement in Turkmenistan. Report by the Prove They Are Alive! Campaign. September 2016. http://provetheyarealive.org/the-iron-doors-of-dictatorship-systematic-violations-of-the-right-to-freedom-of-movement-in-turkmenistan/

[3] The Constitution of Turkmenistan (2008) http://tdh.gov.tm/index.php/ru/2013-04-29-11-55-24/2013-04-13-07-33-58/16112-2016-02-14-00-00-29-

[4] The Constitution of Turkmenistan (new edition). 14.09.2016. http://www.infoabad.com/zakonodatelstvo-turkmenistana/konstitucija-turkmenistana-novaja-redakcija.html

[5] President of Turkmenistan Signs Law Endorsing New Constitution. Turkmenistan: Golden Age. 14.09.2016. http://www.turkmenistan.gov.tm/?id=11789

*Article 30. Grounds for temporary restriction of exit from Turkmenistan for Turkmen citizens*
*1. Turkmen citizens can be subjected to temporary restrictions on exit from Turkmenistan:*
*<…>*
*10) if their exit contravenes the interests of national security of Turkmenistan.*

The vagueness of this provision and the possibility of its selective application, the lack of clear indications as to who defines "national security interests," no criteria or definitions of "national security" in the text of the law have led to large-scale human rights violations. Virtually any security official has the power to impose an unmotivated exit ban on any citizen, not necessarily a suspect or defendant in criminal, administrative or judicial proceedings.

The case of the **Ruzimatov/Kakabaeva family** clearly illustrates what harm can come from this legal provision. No member of this family has ever faced criminal or administrative charges. Nevertheless, **Rashid Ruzimatov** Sr. and his wife **Irina Kakabaeva** have been banned from leaving Turkmenistan for almost 14 years. Their son, who studied and worked in Russia for a long time, came to Turkmenistan to visit his parents in 2014 and was immediately banned from leaving the country. Numerous inquiries and letters, including appeals to the President, Prosecutor General, Institute of Democracy and Human Rights and commissions supervising the law enforcement agencies, have been to no avail. The typical response to their appeals was, "Your request to lift the temporary ban on exiting the country has been denied." In 2015, the family appealed to all judicial instances in an attempt to challenge the ban. They took legal action against the Migration Service of Turkmenistan, which oversees the border crossings and compiles what are popularly known as "blacklists" of people banned from exiting Turkmenistan. However, none of the courts, including the Supreme Court, satisfied Ruzimatov's and Kakabaeva's claims against the Migration Service, and the travel ban is still in force. During all court proceedings, the Migration Service representative refused to disclose either the authority that had imposed the ban or any reason why it was imposed. Having exhausted domestic remedies, the family has taken the case to international human rights mechanisms.

In the context of Soviet and post-Soviet reality, the term "blacklist" is generally understood to mean a list of persons whose rights have been restricted. In Turkmenistan, "blacklists" stand for lists of persons denied the right to leave the country. Based on our own and our colleagues' research, we can construct a tentative picture of how the Turkmen authorities use this mechanism of repression against certain categories of citizens whom the authorities consider "disloyal."

Virtually any security agency in Turkmenistan can impose a travel ban, including the Ministry of Internal Affairs, Ministry of National Security, Prosecutor General's Office, and the State Committee for Protection of State Secrets under the Cabinet of Ministers of Turkmenistan. The procedure is extrajudicial, i.e. no court order is required. A ban can be imposed for a specified period or indefinitely.

No one notifies the individual that they have been banned from travelling. Most people learn that they are no longer allowed to exit Turkmenistan while at the border crossing. Since the spring of 2007, information on whether one has been blacklisted and prohibited from travelling abroad can be obtained from a specialised department of Turkmenistan's State Service for Registration of Foreign Citizens, and since 2013, from the State Migration Service. However, these departments refuse to provide any written documents or motives for travel restrictions in response to inquiries, only providing verbal information about which government agency has imposed the ban, and even this information is not always disclosed.

Most "refuseniks" have no idea they have been blacklisted and only learn about it when trying to cross the border. At the Ashgabat airport, similarly to most other countries, passport control comes last after passenger and baggage check-in. Once notified they are banned from exiting the country, the person must go through these procedures in reverse order, i.e. go back to receive their baggage, cancel the flight and return their ticket.

Travellers present their passports at the border to a migration officer who performs a computer check. If the passport holder's name is listed as restricted from travelling abroad, the officer calls border and migration officials who escort the "refusenik" back. In some cases, their passports are not handed back to them, but forwarded to the agency that has imposed the travel ban. Attempts to find out the reasons for exit ban from the border officers or police yield no information, as the officers only say that the person is on the list of persons "restricted from travelling abroad." The same procedure applies in other places where people can cross the border.

No official data are available on the number of people blacklisted and banned from travelling outside of Turkmenistan without special permission from the authorities.

Various experts and organizations provide different numbers, categories, and functions. All sources, however, point to the fact that the blacklist includes several dozens of thousands of persons, and that the categories of people barred from leaving the country are expanding. In 2010, Uzbekistan-based Human Rights Group Nazhot revealed that a secret decree of President Berdymukhamedov on the prohibition of entry and exit of certain citizens would take effect that year. The human rights group stated that the blacklist of people barred from leaving Turkmenistan consisted of 37,057 individuals, falling into categories of civil servants, employees of executive administrations in the regions, and Turkmen citizens under constant surveillance by security services.[6]

In 2012, the opposition website Gundogar.org stated that those falling into the blacklist categories of journalists, civic activists, political dissidents, relatives of political prisoners and dissenters, and Turkmen students studying abroad totalled 18,000 individuals. All of these categories fall under the article "threat to national security of Turkmenistan" of the Law on Migration. In a case of mass refusal to allow exit from the country, the Lebap Province Migration Board denied 315 applications for travel passports, referring to the "blacklists," and citing a false pretext of an upcoming population census.[7]

People included in the travel ban are civil servants of different levels of authority and access to information constituting state, military and other secrets protected by law. The total number of civil servants thus listed is kept secret. By expert estimates, the total number of public officials who are altogether banned or partially restricted, subject to permission from different levels of government, from travelling outside of Turkmenistan, stands at 5,000 to 6,000. Estimates vary because the types of "state secrets" these officials may have access to, such as grain and cotton crops in certain parts of the country, may be different from year to year, affecting the number and type of individuals who are privy to such secrets. On some occasions, their family members are also banned from exiting the country, adding another few thousand affected people. However, the situation of public servants is not the subject of this report.

Another group of approximately 50,000 people added and deleted each year from the black list is young conscripts legally restricted from exiting the country under the Law on Migration to ensure

[6] "Black lists" of suspicious citizens have been compiled in Turkmenistan. Ferghana.ru. 29.07.2010. http://www.fergananews.com/news.php?id=15276
[7] "Doors are closing!" Nurmurat Niyazmuradov. Gundogar.org. 11.05.2012. http://www.gundogar.org/?01205124510000000000000011000000

they comply with their military duty obligations. These 50,000 conscripts include those eligible for both spring and autumn drafts, depending on when they reach conscription age.

Several thousand of the blacklisted persons fall into another category of persons lawfully banned for travel due to restrictions imposed on them with respect to their status in criminal or administrative proceedings: persons facing administrative liability imposed by the court; debtors; persons under probationary sentence; conditionally released or amnestied; those sentenced to living in a settlement colony (Turkmenistan's law provides for this type of administrative penalty); and, very often, witnesses in criminal and administrative proceedings.

However, what makes the blacklists a particular social and political concern in Turkmen society, which sees them as injustice, is that they also affect the rights of other categories of people who do not have access to state secrets, and are not involved in any criminal offenses against the state or society.

Most of these people are relatives or close acquaintances of individuals convicted under the "presidential assassination attempt" or the "Central Bank theft" cases, and also individuals and families repressed under other high-profile cases, such as the "oil rigger case" of 2005, including former deputy prime minister **Yolly Gurbanmuradov**, the cases of former prosecutor general **Kurbanbibi Atadjanova**, former vice premier **Enebay Atayeva**, former head of presidential security service General **Atamurad Rejepov** and many others, for whom the Turkmen "justice" tradition had failed to devise any other punishment than incommunicado incarceration for many years and prohibition for family members to leave the country.

Travel bans on relatives and acquaintances are often accompanied by their dismissal from jobs or universities, restrictions on employment and studies, eviction, and internal exile. This type of repression against family members serves several purposes. First, it is a form of collective punishment widely applied by the Turkmen authorities. Second, by restricting exit from the country for witnesses of repression, the government seeks to avoid international publicity and measures under international instruments which may be triggered by relatives' testimony.

The Kyarizov family is a prominent example of collective punishment by blacklisting in Turkmenistan. **Geldy Kyarizov** is a renowned international horse expert who brought the Akhal-Teke horse back from the brink of extinction. Falling out of favour with then-President Saparmurad Niyazov, Kyarizov spent over five years in prison, including in the infamous Ovadan Depe penitentiary.[8] After his release, his entire family was continuously harassed and blacklisted from leaving the country for many years. On two occasions, his daughter and sister in-law suffered violent attacks by unknown individuals in moving vehicles. After several attempts to leave the country, broad appeals to the international community and a sustained campaign by international civil society, including the "Prove They Are Alive!" campaign, all members of the Kyarizov family were finally able to flee the country in September 2015.[9]

No official statistics are available, but according to experts, some **5,000 to 7,000 family members and close friends of people sentenced to long prison terms are currently banned from travelling abroad**.

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**8** For information about this prison see "Ovadan Depe: Medieval Torture in Modern Turkmenistan." Report by the Prove They Are Alive! campaign. September 2014. http://provetheyarealive.org/ovadan-depe-medieval-torture-in-modern-turkmenistan/

[9] Government of Turkmenistan allows family members of horse breeder Geldy Kyarizov to leave Turkmenistan. Press release by the Prove They Are Alive! campaign. 21.09.2015. http://provetheyarealive.org/government-of-turkmenistan-allows-family-members-of-horse-breeder-geldy-kyarizov-to-leave-turkmenistan/

Another category includes dissenters and other people perceived as "disloyal," current and former journalists, individuals having access to foreign diplomats or independent means of communication (e.g. unrestricted web access at foreign embassies), and reporters or stringers of the Turkmen Service of Radio Liberty/Radio Azatlyk. All of them are suspected of disloyalty and face the looming threat of a travel ban without any explanation or a real possibility of appeal. This category also includes former employees of foreign organizations or local experts knowledgeable of the real situation with healthcare, epidemiology, disease prevalence in prisons and the army, etc., who have collaborated with Medecins Sans Frontieres, Red Cross TB in Prisons Program, and certain USAID and UNDP programs. The total number of dissidents, journalists, and former employees of international organizations banned from exiting Turkmenistan is **estimated at 1,000**. In most cases, their immediate relatives are also banned from exiting the country, thus adding up to **3,000 more people**.

In February 2016, a former employee of the international NGO Medecins Sans Frontieres and a dual citizen of Turkmenistan and Russia, **Yevgeniya Deeva**, was stopped at passport control in the Ashgabat airport. She was refused passage on her Moscow bound flight and was told that, for unspecified reasons, her name was on a blacklist for exit from the country. She was advised to inquire with the Migration Service of Turkmenistan at her place of residence, which was Dashoguz. Deeva had arrived in Turkmenistan in December 2015 to visit her sick mother and intended to return to Russia as her mother's health improved.[10]

Blatant pressure targeting family members of journalists, civic activists and regime opponents who have emigrated from Turkmenistan deserves a special mention. Their families living in Turkmenistan are often banned from leaving the country. Travel restrictions on relatives effectively amount to hostage-taking in addition to collective punishment, since those who live in exile are forced to practice self-censorship to avoid harming their relatives still under control of the regime. Experience reveals that appealing to Turkmenistan's domestic mechanisms ostensibly designed to restore justice and protect human rights such as courts, the National Institute for Democracy and Human Rights, the Prosecutor General's Office, and the Presidential Commission for Public Complaints against Law Enforcement and Security Service Misconduct are ineffective. All inquiries are forwarded to the State Migration Service whose written replies do not give information about which body imposed the ban, on what grounds, and for how long. Although no statistics of such appeals are publicly available, their ineffectiveness has been confirmed by interviews and by Turkmen human rights defenders' field experience in helping victims of repression.

In one striking case, **Aydzhemal Rejepova**, the daughter of a Turkmen opposition leader and former parliamentarian **Pirimkuli Tanrykuliev**, was blacklisted from leaving the country with her two underage children. Tanrykuliev had been granted political asylum in Norway, where he had been living for over a decade. On July 22, 2015, Aydzhemal and her children were denied boarding an Istanbul bound flight from Ashgabat. After a lengthy interrogation, a representative of the Migration Service told her that she was blacklisted from leaving the country for life, due to her father's political activities. An "exit denied" stamp was placed into her and her children's passports, one of whom was only 3 years old at the time.[11] Members of the Prove They Are Alive! campaign successfully advocated on their behalf, which contributed to lifting of the travel ban. Rejepova and her daughters successfully left the country on June 4, 2016.

[10] One more person is included in the black lists in Turkmenistan. Chronicles of Turkmenistan. 18.02.2016. http://www.chrono-tm.org/2016/02/eshhe-odin-chelovek-vklyuchen-v-chernyie-spiski-turkmenistana/

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

Students attending western universities have also been subject to blacklists, implying that western, pro-democratic ideas are a security threat to the establishment. In 2009, Turkmen authorities denied exit to over 150 Turkmen students enrolled in the American University of Central Asia (AUCA), a liberal and progressive institution located in Bishkek, Kyrgyzstan. Some students, who were returning to AUCA after the summer holidays, were physically removed from the airplane. According to Fergana.ru, the AUCA leadership in Bishkek never received any explanatory letter from the Turkmen authorities.[12] Some of the students barred from resuming their studies were on financial scholarships from the U.S. State Department Turkmenistan AUCA Scholarship Program (TASP). According to WikiLeaks, these scholarship students were blacklisted directly by Deputy Prime Minister for Education and Health, Khidir Saparliev, specifically due to "security concerns." Only after six months of negotiations between U.S. embassy officials and Turkmen authorities, including Foreign Minister Rashid Meredov, were TASP students allowed to exit the country. Their names, however, were not taken off the blacklist; an exception was made for a one-time exit.[13]

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

On October 24, 2015, 45 Turkmen citizens were stopped at passport control and prevented from boarding their Istanbul bound flights: 27 individuals on a Turkmen Airlines flight and 18 more with Turkish Airlines. All of these passengers had proper tickets and did not need visas to Turkey. After inquiries, some of the blacklisted individuals learned that they were stopped due to extremism related concerns. Turkmen authorities feared that Turkish ISIL cells and other extremist groups recruiting Turkmen individuals.[14] The campaign has also learned that in 2015-2016 travel bans were imposed on family members of several hundred persons who left for Turkey and are suspected by the Turkmen authorities in having joined ISIL.

Sometimes, Turkmen citizens are blacklisted from travelling abroad without any basis in Article 30 of the Law on Migration. One such victim of blacklisting is a well-known Turkmen writer, 74-year-old **Tirkish Dzhumageldyev**. He learned of his situation after his son, who was living in Moscow, invited him for a visit. Despite numerous inquiries with various officials of the State Migration Service, no reason for the travel ban was given. His subsequent appeals to the Ministry of National Security of Turkmenistan and four letters addressed to President Berdymukhamedov have never been answered.[15]

The categories of those blacklisted are continually changing and expanding. According to our information, the current number of people included in the black lists on political grounds: "disloyal" dissenters, former workers of international organizations, former and current journalists, relatives of the above groups, relatives of emigrants, students of Western universities, or having no guilt other

[12] Turkmenistan does not allow students of the Bishkek-based American University to leave the country. Fergana.ru. 07.09.2009. http://www.fergananews.com/news.php?id=12908&mode=snews
[13] WikiLeaks Dispatches: Truth about the "black list" of people banned from exiting Turkmenia. Deutsche Welle. 13.09.2011. http://www.dw.com/ru/депеши-wikileaks-правда-о-черном-списке-невыездных-в-туркмении/a-15383097
[14] Turkmenistan: The number of bans on exiting the country is growing. Chronicles of Turkmenistan. 02.11.2015. http://www.chrono-tm.org/2015/11/turkmenistan-kolichestvo-zapretov-rastet/
[15] Well-known Turkmen author was put on the "black list" of people banned from exiting the country. Atadzhan Akiyev, Gundogar.org. 03.11.2012. http://www.gundogar.org/?01205130410000000000000011000000

than being relatives of people imprisoned for long-term sentences or relatives of people suspected in Islamic extremism, **is more than 17,000**.

Legal restrictions and bans on leaving from and returning to Turkmenistan constitute a gross violation of the fundamental human right to freedom of movement and clearly contravene the international law and Turkmenistan's obligations as state party to the UN and OSCE. Such violations are not limited to individual cases; they are widespread, systematic, and have been ongoing for many years.

These restrictions are not based in the rule of law and run counter to the key principles of international law: proportionality and necessity in a democratic society. In addition to this, they fail to satisfy the principle of predictability, as individuals subject to travel restrictions are not aware of them and cannot foresee which situations or actions may lead to restriction of their rights. Those already under a travel ban are not notified of the ban or any grounds for it.

Travel bans are extra-judiciary, arbitrary, selective and politically motivated. They effectively serve as a tool of political repression, control and intimidation, and in some cases amount to hostage-taking.

In addition, widespread travel bans, along with media censorship, restrictions on access to information and means of communication, further support the government's policy of isolating Turkmen society from the outer world.

While formally one can appeal a decision violating one's rights, including in most cases a travel ban, people in Turkmenistan are afraid to send written inquiries to government institutions or take the government to court. The judicial mechanism is therefore ineffective as a remedy and its use could lead to retaliation against the authors of complaints or appeals. In the one case that we know of in which a family attempted to appeal a travel ban in courts of various instances, all judges upheld the ban and refused to offer any explanation as to why it had been imposed.

In recent years, the international community, driven by human rights NGOs, has become aware of this problem and started raising the issue before the Turkmen government during negotiations, conferences, and human rights dialogues. Perhaps such increased international attention has started to bring results: according to recent reports following a new wave of international criticism, the Turkmen authorities have begun drafting amendments to the Law on Migration.

Based on prior experience, it is essential that all stakeholders monitor the process closely to make sure that the Turkmen authorities are not faking change instead of making it. Even though laws can be amended by specific provisions to ensure freedom of movement, transparent decision-making and effective judicial appeal, there is still a risk that security agencies may continue the abusive practice of imposing travel bans for "national security" considerations. Given the fear of repression in the society and the lack of independent judges, defence lawyers and experts, it is likely that neither the people affected nor the courts will dare to challenge the powerful security agencies and question their decisions as to whether a certain individual may be a threat to national security if allowed to travel abroad. It is more likely that courts will simply rubber stamp judgments upholding the bans.

Thus, even a change of law may still leave room for selective, arbitrary and politically motivated travel bans supported by submissive courts. It is therefore essential that the international community follow the situation closely, put forward concrete requirements, track progress based on specific, measurable and realistic benchmarks, and avoid buying into empty declarations and imitation.

## FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

### *Article 19*

There is no press freedom in Turkmenistan, and the media is entirely controlled by the government. In 2015-16, the authorities have increased repression on independent collection and dissemination of information. The authorities have harassed, threatened, arbitrarily detained and unfairly tried local journalists who contribute to foreign media such as Radio Azatlyk – the Turkmen service of Radio Free Europe/Radio Liberty. In 2015, government pressure forced four correspondents to cease working for Radio Azatlyk. One of them, **Saparmamed Nepeskuliev**, was convicted on fabricated drug charges and is now serving a three-year prison term[16]. In December 2015, he was recognized by the UN Working Group on Arbitrary Detentions as a victim of arbitrary detention, punished for having peacefully exercised his right to freedom of expression. In autumn 2016, two new arrests were reported of activists documenting human rights violations in cotton production, and violent assaults against a female Azatlyk reporter, who was taking photos of people queuing for scarce food products in state stores. The authorities are doing all they can to stop critical reporting of the situation in Turkmenistan from getting out.

For the past two years, the authorities have been taking active steps to impose a full information blockade on Turkmen society by advancing an ongoing nationwide campaign to dismantle thousands of privately owned television satellite dishes, which could receive international news programs — including the sole source of independent information in Turkmen language, Radio Azatlyk, — offering to replace them with government censored cable packages, thereby further isolating people from independent sources of information.[17] Throughout the post-Soviet years, privately owned satellite dishes have served as the only means for the Turkmen people to access independent international television and radio broadcasting. Official Turkmen and Russian television only broadcast propaganda.

Countrywide removal of private satellite dishes on the pretext of "improving the look of cities" began in the spring of 2015.[18] After an intervention by the OSCE Representative on Freedom of the Media, the campaign was put on hold, but in 2016 resumed with new vigor. With the adoption of the country's new Constitution, celebrations of the 25th anniversary of independence, and preparations for presidential elections in February 2017, the campaign to destroy the remaining satellite dishes has gained new strength. The removal of satellite dishes happens in two stages: first, in a targeted effort driven by the central government, TV antennas are removed from rooftops everywhere, one after another. After a while, the local authorities raid residential communities repeatedly, destroying any antennas that people have managed to recover and install in inconspicuous places. For this purpose, small teams of municipal employees make surveillance rounds of local communities and destroy any detected antennas in a most barbaric way so as to make them unrepairable and unusable. Residents trying to resist the ban have faced pressure and threats. Local observers have described the campaign as "information terror." As an alternative, the authorities are offering strictly censored "cable TV" which airs pre-recorded foreign entertainment programs and does not include any radio

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[16] Joint Letter on the Detention of Saparmamed Nepeskuliev, 05.07.2016. https://www.hrw.org/news/2016/07/05/joint-letter-detention-saparmamed-nepeskuliev.

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

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

broadcasting. Satellite radio allowed Turkmen citizens to listen to Radio Azatlyk, which is the RFE/RL's Turkmen Service and the only Turkmen-language broadcaster independent from the authorities. The destruction of satellite dishes effectively cuts off Turkmen people from any information and news from the outside world, leaving them with nothing but the official propaganda broadcast by Turkmen and Russian television.

Government control over internet has increased with the adoption in 2015 of the Internet law which introduced even more thorough government control. The Internet is prohibitively expensive, its speed is deliberately slow, and most importantly, it is subject to total censorship. Access is blocked to all websites that have ever posted critical information about the Turkmen authorities, including the websites of foreign NGOs and Turkmen human rights groups in exile. Virtually all known social media, messengers, and video hosting platforms are outlawed. All Internet access is channeled through a sole government-controlled monopolist provider, allowing the authorities to access and read all user correspondence. Attempts to use proxy servers and VPN are detected and blocked; their users are subjected to administrative penalties and summoned for "preventive conversations" to the Ministry of National Security, where they face intimidation. As an example of the Turkmen authorities' attitude towards the Internet and freedom of expression, President Berdymuhamedov said recently that Turkmenistan had already put together "a team of experienced professionals who will deal with the proliferation of false information on the Internet"[19] about the Asian Indoor Games to be held in the autumn of 2017. Thus, the Internet, as well as television, radio and print media, can no longer serve as a channel for receiving and transmitting independent public interest information in Turkmenistan.

## FREEDOM OF ASSOCIATION. PERSECUTION OF CIVIC ACTIVISTS

### ***Article 22***

The government adopted a law on NGOs in 2013, but independent domestic NGOs cannot register and operate openly in the country after they were shut down in 2004. Local activists who work discreetly report the fiercest government pressure against them in recent years, including slander campaigns in the media, house arrests during visits of foreign delegations, and intimidation by security services.

Recently, new measures aimed at extra-judicial isolation of critics of the regime were developed and tested in Turkmenistan. In the end of March 2016, a national counter-terrorism exercise took place, involving all law enforcement and security agencies. In the course of this exercise, at the order of president Berdymukhamedov, measures were elaborated for isolation, in the case of an emergency situation, the state of emergency, or anti-terrorist operation, of all those who have contacts with foreign journalists, diplomats, and international organisations. The goal of such complete isolation is to prevent spreading of any information beyond borders of the country during emergencies, including presidential elections. A database has been produced with names of all critics of the regime who are supposed to be isolated in such circumstances, with their addresses, telephone numbers, photographs, and other biographical data. After that, a training in a conduct of such an isolation operation was held, imitating full isolation of three different categories of people, including house arrest, detention for several days, or arrest with full isolation for indefinite time. These isolation measures would be taken without a court decision, justified by an emergency situation. Authorities are getting ready for presidential elections scheduled for 2017 and are taking any real or imagined threat of protests and leaks of uncontrolled information very seriously.

[19] Президент Туркменистана провел совещание по вопросам подготовки к Азиаде-2017. Turkmenistan.ru. 14 October 2016. http://www.turkmenistan.ru/ru/articles/42050.html

The authorities have extensively used psychological pressure and slander against civic activists and journalists in Turkmenistan and in exile. In particular, since the spring of 2015, an anonymous website[20] of unclear origins, whose content makes it clear that its owners are acting in the interests and on behalf of the Turkmen authorities, has been publishing threats and offensive materials with discreditation of civic activists (often bordering on the obscene or crossing that border) and calling for reprisals against them. Another similar website[21] has posted extremely offensive materials to defame Turkmen activists in exile and their relatives in Turkmenistan, which amounts to brutal psychological pressure aimed to discredit and undermine the reputation of civic activists opposing the Turkmen authorities. Interestingly, the said websites' addresses resemble the addresses of two leading news websites critical of Turkmenistan's government and published by activists in exile. In Turkmenistan, this type of websites can only exist with the authorities' permission and encouragement and should thus be recognized as instruments of psychological intimidation and a real threat to their targets' lives and well-being. According to observers, these websites serve as "a venue for informal expression of the Turkmen authorities' official position."

This disgusting propaganda against civic activists has grown in recent years into full-scale psychological terror[22]. These propaganda-driven websites were reportedly initiated and supported by Turkmenistan's senior government officials to promote loyalty to the government, construct a foreign enemy image, and demonize the few remaining Turkmen civil society activists. While such websites never mention their government affiliation, their aggressive propaganda clearly indicates that they not only transmit the official opinions, but also seek to propagate the official ideology and outlook on domestic and international events. They react with aggressive publications to every critical comment voiced by foreign media or raised by intergovernmental organizations. Such reactions are often extremely vulgar and clearly seek to create the image of an enemy. They smear, marginalize, and attack specific individuals, independent activists as a social group, and civic engagement as a phenomenon. Such use of massive, sordid propaganda to forge the image of an enemy contributes to an overall atmosphere of intimidation and intolerance for independent activism, effectively calls for discrimination, and justifies violence against civic activists. Such legitimization of violence is extremely dangerous in the context of increasingly frequent threats and attacks against activists in exile and even murders of their relatives inside the country.

An odious trend has been recently observed in these propaganda-driven publications, along with the already familiar insults, demeaning labels, and images of external and internal enemies. These publications have also engaged in explicit anti-Semitism. Blatant and increasing anti-Semitism projected by the authors and the government officials who stand behind them clearly indicates that they have crossed the last boundary. This disgraceful practice deserves strong and public condemnation by the international community.

As_yet another example of severe psychological pressure, the authorities launched a campaign of intimidation against civic activists before US Secretary of State Kerry's visit to Ashgabat in November 2015. A week before the visit, the authorities began to call the phones of activists known to them, commanding them to stay at home during the State Secretary's visit under threat of detention. As it turned out later, the Secretary of State decided to welcome the employees of the Embassy and other US government agencies (USAID, etc.) in front of the US Embassy building in a space accessible to general public, because the Embassy building could not accommodate all the employees,[23] and

[20] http://gundogar-news.com/
[21] http://chrono-tm.2x2forum.com/
[22] Turkmenistan: Information Blockade and Fomenting Terror through Propaganda Must Be Stopped. Statement by the Turkmenistan Civic Solidarity Group. 28.10.2016. http://civicsolidarity.org/article/1165/turkmenistan-information-blockade-and-fomenting-terror-through-propaganda-must-be
[23] http://static.ca-news.org/gallery/3/3613_g.png, http://static.ca-news.org/gallery/2/3612_g.png

Turkmenistan's security agencies rushed to prevent civic activists and dissidents from appearing before the distinguished guest, fearing that they might voice appeals, carry posters, etc.

Similar pressure has been applied on civic activists just a few days ago, in the end of January 2017, when a number of people received phone calls from the security services demanding them to refrain from any contacts, including over internet, with foreigners, diplomats, and foreign media, on the eve of presidential elections on 12 February 2017.

In 2015-2016, against a backdrop of growing international criticism of the human rights situation in Turkmenistan, the country's security services have stepped up operations aimed at suppressing the voices of exiled dissidents. At least two Turkmen families in Moscow and their relatives in Turkmenistan were subjected to aggressive pressure, including dissident **Akmuhammet Baihanov**[24] and famous horse-breeder **Geldy Kyarizov**.[25] Pressure included constant surveillance and photographing on the streets, repeated intimidation and open threats over the telephone and social media, physical attacks on the streets, attempts of kidnapping, and temporary detention and harassment of relatives living in Turkmenistan.

It is possible that the attack on Baikhanov was triggered by the recent publication of his memoir *The Lost Souls of Ovadan-Depe*, in which he describes life in the Ovadan-Depe high security prison. The book was published in Russia in early July 2016. Similarly, attacks on and threats against the Kyarizov family were likely caused by his interviews to Radio Liberty and other international media.

There is reason to believe that these events are not just a series of isolated incidents. According to reports, the leadership of the Turkmenistan security services is discussing possible scenarios of attacks and kidnappings of dissidents in Russia and other countries, using common criminals or hired hands from Turkey or Ukraine. Sources say the proposal to resume such operations, common during President Saparmurad Niyazov's era, was approved at the political level at the end of 2015.

In a more tragic development, a suspicious death on September 4, 2016 of **Altymurad Annamuradov**, brother of an exiled dissident journalist **Chary Annamuradov**, happened just four days after Altymurad was kidnapped from his home in Turkmenistan and beaten by unknown men. Altymurad Annamuradov, 52, was kidnapped while his brother, Chary Annamuradov, was in detention in Belarus under a Turkmen government extradition request in connection with politically motivated criminal fraud charges filed in 2000. On September 14, Belarusian authorities released Chary Annamuradov and allowed him to return to Sweden, where he was granted asylum in 2003. Three of Chary Annamuradov's brothers died under very suspicious circumstances within a year after he left the country in 1999. Altymurad, a father-of-five, was his last living brother. "The death of Altymurad Annamuradov smacks of targeted retaliation against a political dissident," said Rachel Denber, deputy Europe and Central Asia director at Human Rights Watch. "Turkmen authorities have a long history of persecuting Chary Annamuradov and his family, and now his brother seems to have paid the price for the international scandal that surrounded the attempt to extradite Chary."[26]

[24] Turkmen Special Services Increasing Pressure on Dissidents Abroad. Press-release by "Prove They Are Alive!" campaign, April 19, 2016. http://provetheyarealive.org/turkmen-special-services-increasing-pressure-on-dissidents-abroad/, and Turkmen Dissident Attacked in Moscow, Press Release by Prove They Are Alive! campaign, August 25, 2016.
[25] Geldy Kyarizov and Family Threatened by Unidentified Turkmen. Press-release by "Prove They Are Alive!" campaign, October 5, 2015. http://provetheyarealive.org/geldy-kyarizov-and-family-threatened-by-unidentified-turkmen/
[26] Turkmenistan: Dissident's Brother Dies After Beating. Investigate Abduction; Ensure Family's Safety. Human Rights Watch. 17 October, 2016. https://www.hrw.org/news/2016/10/17/turkmenistan-dissidents-brother-dies-after-beating

**RECOMMENDATIONS**

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

**Freedom of movement**

1. Provide explicit legal guarantees of the right to free exit from, and return to Turkmenistan, including in the Constitution of Turkmenistan.
2. Amend the Law on Migration, which allows selective application of exit bans, *inter alia* as a repressive measure, to remove article 30, part 1, paragraph 10.
3. Provide an exhaustive and detailed list of possible grounds for travel restrictions; ensure that any such restrictions comply with the principles of proportionality and necessity.
4. Ensure that the procedures for making decisions to impose travel restrictions are clearly articulated and publicly available.
5. Provide an exhaustive list of government bodies authorized to make such decisions.
6. Introduce a provision stating that only a competent court may impose a temporary restriction on exiting the country through a judicial procedure.
7. Ensure immediate notification of individuals subject to travel restrictions.
8. Secure an unconditional right to appeal any exit ban in domestic courts and to international bodies.
9. Lift existing travel bans and cease the practice of compiling informal "black lists," for people such as relatives of the disappeared, former prisoners, relatives of exiled activists and students studying abroad, etc.
10. In the interim, provide to those banned from foreign travel an official written explanation for the ban including information about appeal procedures.

**Freedom of association**

1. End psychological and other forms of pressure against civil society activists, arbitrary detention and temporary isolation of activists.
2. Stop smear campaigns in the media against activists and journalists inside the country and in exile.
3. End the practice of physical attacks on and threats against activists and journalists living in exile.
4. Register independent human rights NGOs and allow them to work without fear of retribution.
5. Allow international human rights NGOs to conduct work in the country.

**Freedom of expression**

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