



**Human Rights Watch Concerns and Recommendations on Turkmenistan
Prepared to Assist the Human Rights Committee Draw Up the List of Issues for the February 28,
2022 List of Issues Phase of the Review of Turkmenistan**

In light of the Human Rights Committee's upcoming pre-session review of Turkmenistan, we urge the Committee to raise issues related to freedom of movement and enforced disappearances. We hope this submission will inform the Committee's consideration of the Turkmen government's compliance with the International Covenant on Civil and Political Rights (ICCPR). The concerns described below derive from our ongoing research on Turkmenistan and are but two of many grave concerns about Turkmenistan's appalling record on compliance with the ICCPR. These include the right to freedom of movement and the prohibition on enforced disappearances, torture, and other forms of ill-treatment.

1. Government refusal to renew passports in consulates abroad, infringing on the right to freedom of movement (Covenant art. 12)

In recent years, Turkmen authorities have systematically refused to renew expired or expiring passports for its citizens abroad via diplomatic missions. Turkmen diplomats often tell Turkmen citizens that passports can be renewed or re-issued only at their place of residence in Turkmenistan, compelling them to return to the country. Many Turkmen nationals abroad are reluctant to return to Turkmenistan because they fear they will be denied exit, including by being arbitrarily put on an informal blacklist of people banned from leaving. Due to Turkmenistan's protracted economic crisis, many Turkmen citizens are migrant workers abroad, whose families heavily depend on remittances. For these individuals, being denied the right to leave Turkmenistan means denying them the means by which to feed their families.

In June 2021, the Turkmen government amended the Migration Law, allowing the validity of passports with an expiration date of January 1, 2020 through December 30, 2022, to extend until December 31, 2022. The amendment applies to people who may not leave their host countries to return to Turkmenistan due to "circumstances beyond their control" and was intended mainly for people stranded due to the Covid-19 pandemic. It does not address the needs of many Turkmen abroad whose passports have expired and who have no plans to return to Turkmenistan.

The refusal to renew or re-issue passports through diplomatic missions abroad jeopardizes the safety and wellbeing of potentially tens of thousands of Turkmen migrant workers and their families.

With expired passports, they are at risk of serious human rights violations, as their legal status in host countries is tied to their valid Turkmen passport. Remaining abroad with an expired passport is an administrative offence under Turkmen law. Moreover, the Turkmen authorities put pressure on the governments of host countries, in particular Turkey, demanding deportation of Turkmen activists in exile, using the argument that their passports have expired. If they are deported, they face a serious risk of arrest, unfair trial, torture and enforced disappearance in Turkmenistan's prison system¹.

- We encourage the Committee to ask the government to explain the reasons why it does not renew or re-issue passports to citizens through consular missions abroad and why remaining abroad after the expiration of a passport is an administrative offense.
- We encourage the Committee to ask the government whether there are any plans to authorize consulates abroad to renew or reissue expired passports, particularly older, non-biometric passports.
- We encourage the Committee to ask the government whether it is considering amending the migration law to further expand the extension of passport validity to passports that expired prior to January 1, 2020, including older, nonbiometric passports.
- We encourage the Committee to ask the government how many passport extensions it granted under the June 2021 amendments to the migration law.

2. Enforced disappearances (arts. 6, 7, 9, 10, 14)

The Turkmen government continues to conceal the fate and whereabouts of dozens of people in the Turkmen prison system following convictions since the early 2000s after closed trials, on what appear to have been politically motivated charges. The government has denied families and the outside world any information about these detainees, and the detainees have been denied visitors and any correspondence, phone calls or the like with families, lawyers, doctors and the like. Only in recent years did the government begin to return to families the bodies of several inmates forcibly disappeared years ago who died in custody.

In its most recent report, the Prove They Are Alive! campaign documented 162 cases of enforced disappearances in Turkmenistan's prisons since 2002.² 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 likely to be incomplete. Prove They Are Alive! documented 65 additional cases of individuals who are also victims of enforced disappearances, but whose whereabouts and fate

¹ Pressure on Turkmen Nationals in Turkey Must Be Stopped. Their Rights and Freedoms Must Be Secured. Statement by non-governmental organizations. 02 November 2021. <https://provetheyarealive.org/statement-against-pressure-on-turkmen-activists-in-turkey/>

² 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

are now known, i.e. they are no longer disappeared: 29 died in custody, 10 were released, and 26 are in detention serving sentences but their whereabouts is acknowledged and known and they have been granted visits and food parcels. There is reason to believe that the authorities continue to cover up some of the deaths those who have been forcibly disappeared. Given the Turkmen authorities' refusal to conduct an effective investigation, some of these cases can be considered extrajudicial killings under international law.

Of urgent concern is the fate and whereabouts of persons who disappeared in Turkmenistan's penitentiary system, whose terms have expired between 2017-2021 or are about to expire in 2022. We are deeply concerned that they continue to be disappeared in a system where inmates are routinely tortured and forced to live in inhumane conditions. Among such individuals are:

1. Annageldy Akmuradov – term expired in 2019
2. Mamour Atayev – term expired in 2019
3. Esen Buriev – term expired in 2017 [possibly died]
4. Isa Garataev – term expired in 2017
5. Bazar Gurbanov – term expired in 2018
6. Konstantin Shikmuradov – term expired in 2019
7. Rustem Djumaev – term expired in 2020
8. Saparmurat Mukhammedov – term expired in 2020
9. Batyr Sardzhaev – term expired no later than 2020
10. Orazmammet Yklymov – term expired in 2021 [possibly died]
11. Ovezmurat Yazmuradov – term expired in 2021

Around 10 more people will have their prison terms expired in 2022.

- We urge the Committee to ask the government about the fate and whereabouts of the 11 people, listed above, and specifically whether they have been fully released.
 - Should the Turkmen authorities inform the Committee that these individuals were transferred by means of
 - internal exile to a “place of designated living,” the Committee should ask the government for the specific location of this designated place and whether there have been any family visits.
 - Should the Turkmen authorities inform the Committee that individuals had died in detention, the Committee should ask the authorities to provide information about the date, certification of death, and burial place and to explain why information on their death had not been communicated earlier to UN mechanisms, diplomatic partners or to international non-governmental advocates.

- We urge the Committee to ask the government the whereabouts in custody of Boris Shikmuradov, a former foreign minister, and Batyr Berdiev, a former foreign minister and former ambassador to the Organization for Security and Co-Operation in Europe, both of whom were arrested and forcibly disappeared in 2002, and indeed whether they are dead or alive.

Relatedly, we wish to note the case of political dissident **Gulgeldy Annaniyazov**, 60, who was arrested in 2008. Annaniyazov's sentence expired in March 2019, after he served his full 11-year sentence on charges of illegal border crossing and document forgery. Turkmen authorities arbitrarily imposed on him five more years of forced internal exile and restricted movement in a "place of designated living". They had not previously informed anyone—neither UN agencies with which the authorities had engaged on Annaniyazov's case, nor Annaniyazov's family—of the internal exile penalty. Annaniyazov is currently living in a settlement in a Caspian coastal area, under restrictions on his movement. The severe conditions in Turkmen state custody took a toll on Annaniyazov's health – most recent reports suggest that he has poor vision and numbness in his feet. He is in acute need of quality medical care. In 2002, Annaniyazov received political asylum in Norway, where his wife and sons also reside.

Under amendments adopted to Turkmenistan's Criminal Code in 2010, the maximum punishment for illegal border crossing was reduced to five years, with or without an additional maximum 5 years of living in a "designated area." The maximum prison sentence for document forgery is two years. Article 6 of the amended code states that its provisions on lighter sentences for the same crime are to be applied retroactively to crimes committed before 2010.

- We encourage the Committee to ask the Turkmen government why, in light of the 2010 criminal code amendments, Annaniyazov has not been fully released.