

EU – Turkmenistan: Seducing Dictatorships

The West’s Dangerous Obsession with the World’s Worst Regimes



Contents

Introduction	3
The constitutional process in Turkmenistan over the past five years	17
Enforced Disappearances in Turkmenistan's Prisons	37
Massive violations of the right to freedom of movement	44
COVID-19 Pandemic in Turkmenistan: Politics on the Verge of Crime.....	55
Conclusion	75
Recommendations	76
Appendix 1	79
Appendix 2	81

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"Say what you know, do what you must, come what may"

Sofia Kovalevskaya

Introduction

*Turcorum cogitans*¹—a temporary and informal creative group of Turkmen citizens united by the goal of revealing the truth—presents this document for the attention of the European Bank for Reconstruction and Development, as well as the institutions of the European Union, European governments, the United States government, and any organizations or political and economic associations involved in shaping policies regarding Turkmenistan

A similar document was submitted to the Bank in 2018 during the preparation of the EBRD's new strategy for Turkmenistan. It was also widely circulated among European Union institutions and is attached to this report. However, it was the Bank's disregard of the facts and trends in Turkmenistan's domestic policy, as outlined in the 2018 document, that provided further motivation for preparing this 2025 report, in anticipation of the upcoming adoption of the EBRD's new strategy for Turkmenistan, as well as in response to a significant shift in the European Union's policy toward the Turkmen authorities.

European Union – Turkmenistan

On 12 December 2025, Ashgabat will host the International Forum "Peace and Trust" to mark the 30th anniversary of Turkmenistan's permanent neutrality.²

The following persons have already received invitations to the Forum: President of the European Commission Ursula von der Leyen; President of the European Council António Costa;³ President of Germany Frank-Walter Steinmeier;⁴ President of France Emmanuel Macron;⁵ Prime Minister of Italy Giorgia Meloni;⁶

¹ Turcorum cogitans (Latin) – A thinking Turkmen

² International Forum "Peace and Trust". 30th Anniversary of Permanent Neutrality of Turkmenistan. December 12, 2025, Ashgabat, Turkmenistan. <https://neutrality.gov.tm/>

³ President of Turkmenistan met with the President of the European Council. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 03.04.2025. <https://tdh.gov.tm/en/post/44455/president-turkmenistan-met-president-european-council>

⁴ Telephone conversation between the Chairman of the Halk Maslahaty of Turkmenistan and the Federal President of the Federal Republic of Germany. Ministry of Foreign Affairs of Turkmenistan. 01 May 2025. <https://www.mfa.gov.tm/en/news/5236>

⁵ Turkmenistan and France discussed prospects for strategic partnership. Embassy of Turkmenistan in UK, Ministry of Foreign Affairs of Turkmenistan. <https://uk.tmembassy.gov.tm/en/news/146130>

⁶ The President of Turkmenistan had a meeting with the President of the Council of Ministers of the Italian Republic. Ministry of Foreign Affairs of Turkmenistan. <https://www.mfa.gov.tm/en/news/5280>

Prince Albert II of Monaco;⁷ President of the Swiss Confederation;⁸ the authorities of Lithuania, Estonia, Slovakia, Switzerland, Cyprus, and Georgia; Pedro Vargas David⁹, Chairman of the Board of Directors of Euronews; as well as UN Secretary-General António Guterres.¹⁰ In fact, Ursula von der Leyen received two invitations: one from the President of Turkmenistan, Serdar Berdimuhamedov,¹¹ and another from his father, the National Leader of the Turkmen People Gurbanguly Berdimuhamedov,¹² Chairman of the Halk Maslahaty (People's Council) of Turkmenistan, holding the codified honorary title "Hero-Arkadag" (Hero Patron).¹³

In practice, it is known that the Turkmen authorities only publish reports about invitations to such events after receiving prior consent from the invitee, in order to avoid diplomatic or political embarrassment if the invitation is declined. In other words, the aforementioned leaders of the free world are now no longer opposed to attending the celebration of the anniversary of Turkmenistan's "positive neutrality." A commemorative medal has already been issued in honor of this Forum and will be awarded to all its high-ranking participants.

This neutrality is precisely what Professor Decaux warned about¹⁴ in his 2003 report:

"[Turkmenistan's] 'Permanent Neutrality' cannot be a fig leaf for permanent human rights abuse."

To recall, Professor Decaux prepared his report under the OSCE's Moscow Mechanism, which was invoked in response to the mass repression in Turkmenistan. The incidents of repression have still not been investigated or condemned by the Turkmen authorities, and the fate of many of those who were repressed and disappeared in Turkmen prisons remains unknown. However, even after that, the Turkmen authorities have long been "high achievers" in violating human rights and suppressing all democratic institutions—a fact well known worldwide and no secret to anyone.¹⁵ Yet the West remains silent, with its leaders prepared

⁷ Visit of the National Leader of the Turkmen People, Chairman of the Halk Maslahaty of Turkmenistan Gurbanguly Berdimuhamedov to the Principality of Monaco. Ministry of Foreign Affairs of Turkmenistan. 22 January 2025. <https://www.mfa.gov.tm/en/news/5034>

⁸ On the visit of the Deputy Minister of Foreign Affairs of Turkmenistan to the Swiss Confederation. Ministry of Foreign Affairs of Turkmenistan. 19 March 2025. <https://www.mfa.gov.tm/en/news/5132>

⁹ The National Leader of Turkmen People discussed with the Chairman of the Board of Directors of Euronews new opportunities for cooperation. Ministry of Foreign Affairs of Turkmenistan. 28 February 2025. <https://www.mfa.gov.tm/en/news/5100>

¹⁰ The National Leader of Turkmen People and the UN Secretary General noted the significance of the International Year of Peace and Trust. Ministry of Foreign Affairs of Turkmenistan. 15 January 2025. <https://www.mfa.gov.tm/en/news/5024>

¹¹ President of Turkmenistan meets with the President of the European Commission. Turkmenistan State News Agency (TDH) - Turkmenistan Today.03.04.2025. <https://tdh.gov.tm/en/post/44456/president-turkmenistan-meets-president-european-commission>

¹² National Leader of the Turkmen People invited EC President to International Forum of Peace and Trust. Türkmenistan habarlar portaly. <https://turkmenistaninfo.gov.tm/news/12282>

¹³ Gurbanguly Berdimuhamedov's role and retaliation, along with the chronicle of the "new usurpation," are described in detail in the chapter "The Constitutional Process in Turkmenistan" of this report.

¹⁴ OSCE Rapporteur's Report on Turkmenistan by Prof. Emmanuel Decaux <https://www.osce.org/files/f/documents/0/5/18372.pdf>

¹⁵ See the relevant chapters of this report.

to meet Gurbanguly Berdimuhamedov, the former president of Turkmenistan, now chairman of the Halk Maslahaty (People's Council)—a body with absolute power and questionable legitimacy—bearing the titles of “National Leader of the Turkmen People” and the already codified “Arkadag” (Patron).

But why?!

The answer lies on the surface. Their planned visit serves as a *mental bribe* to the Turkmen regime—a tactic well known in the business world when dealing with corrupt and authoritarian governments and increasingly extending into the political sphere. The first president, Niyazov, was paid by Western businesses to have his monstrous book *Rukhnama* translated, edited, and even sent into space—all as part of the same tactic of *mental bribery*. Only now, the stakes are much higher—it is crucial for Europe and the EU to secure a “friendship” with the Turkmen regime.

This behavior by the authorities of certain European countries and the EU leadership epitomizes neocolonial thinking and policy: a complete disregard for the actual human rights situation, the state of democratic institutions, standards of good governance, and economic and financial transparency—especially in the hydrocarbon sector. The authorities of the EU and of individual EU countries are now prepared to cooperate with regimes that can provide oil, gas, access to “critical minerals,” rare earths, or any resources the EU economy may require for implementing various EU initiatives, including the “green transition.” The example of Azerbaijan is telling. European delegations to President Aliyev are countless, and their praises for him have long exceeded the bounds of decency. Meanwhile, civil and political pluralism, freedom of speech, and civil society are all effectively dead in Azerbaijan. But the country has gas. There is a potential transit route through Azerbaijan to Central Asia, Afghanistan, and China that bypasses Russia. This gives Azerbaijan leeway to act as it pleases.

The same strategy of seducing a dictatorship is already beginning to unfold in relation to Turkmenistan. EU member states have long advocated a “pragmatic approach” to Turkmenistan, as expressed by Hungarian Foreign Minister Szijjártó:

“It would be in Europe's interest if Turkmenistan entered the European energy market, Peter Szijjártó, the minister of foreign affairs and trade said in Ashgabat on Friday, adding however that major infrastructure developments were needed first.”¹⁶

Hungarian President Orbán:

“We encourage and urge European Union institutions to make sure that the partnership and cooperation agreement signed with Turkmenistan 25 years ago enters into force ... When Europe cuts

¹⁶ Szijjártó: Turkmen agreement pragmatic option to ensure energy security in Europe. The Budapest Times, 9. JUNE 2023.

<https://www.budapesttimes.hu/world/szijjarto-turkmen-agreement-pragmatic-option-to-ensure-energy-security-in-europe/>

itself off from Russian energy sources, it can't afford not to sign a partnership agreement that is in Europe's vital economic interest.¹⁷"

In advocating a "pragmatic approach," neither of these European politicians mentions human rights or democratic institutions in Turkmenistan, and Orbán fails to acknowledge that it is precisely because of the total and massive violations of human rights in Turkmenistan that the European Parliament has refused to ratify the Partnership and Cooperation Agreement (PCA) with the country for 25 years.¹⁸

Some may view Viktor Orbán as "overly pragmatic and friendly toward dictators," or even authoritarian himself, but here is the opinion expressed by the European Union Ambassador to Turkmenistan, *Diego Ruiz Alonso*, back in 2021:

I believe that during this transitional period [25-25 years], Turkmenistan can supply natural gas to the European market. We are also working with the government of Turkmenistan to ensure that the supplied natural gas is cleaner, because this will become one of the main requirements of the energy market of tomorrow. Since production of natural gas or oil will affect the price that consumers are ready to pay.¹⁹

To recall, the EU-Turkmenistan Memorandum of Understanding on gas supplies to Europe was signed back in 2008, and since then, European officials have repeatedly claimed—citing various reasons²⁰—that these supplies would be "realistic," "pragmatic,"²¹ and so forth. And two EU countries, Hungary and Austria, taking a "pragmatic approach," have signed "political agreements" with Turkmenistan for the supply of natural gas.

Significant shifts in perspective can also be observed in the European Parliament:

29. Notes that Turkmenistan remains the only Central Asian state without a PCA with the EU, which limits the scope for bilateral engagement; stresses that Turkmenistan needs to demonstrate an improvement in its dire democracy and human rights record in order for Parliament to reconsider its position and ratify the PCA; urges the Turkmenistan Government to decriminalise consensual sexual relations between men; notes that it should be in Turkmenistan's interest to open up in order to avoid being the outlier in the region with limited options for cooperation; recognises the potential of

¹⁷ Orbán: Energy from Central Asia needed in Europe. The Budapest Times, 9. JUNE 2023. <https://www.budapesttimes.hu/world/orban-energy-from-central-asia-needed-in-europe/>

¹⁸ The European Parliament. EU-Turkmenistan Partnership and Cooperation Agreement. Tuesday, 12 March 2019, https://www.europarl.europa.eu/doceo/document/TA-8-2019-0146_EN.html

¹⁹ Interview of ORIENT with the EU Ambassador to Turkmenistan: about plans, about gas and about people. Delegation of the European Union to Turkmenistan. 08.12.2021. https://www.eeas.europa.eu/delegations/turkmenistan/interview-orient-eu-ambassador-turkmenistan-about-plans-about-gas-and-about-people_und_en

²⁰ European Commission: Trans-Caspian gas pipeline from Turkmenistan may become reality. "Trend" News agency. 23 October 2019. <https://www.trend.az/business/energy/3137889.html>

²¹ <https://www.trend.az/business/energy/3138916.html>

mutually beneficial cooperation in areas such as energy, connectivity and trade, and welcomes Turkmenistan's expressed interest in supplying gas to Europe by means of building a Trans-Caspian gas pipeline;²²

And:

10. Believes that the EU's policy towards Central Asia in the fields of energy, connectivity and resource diversification should be inspired by the European Green Deal and based on mutually beneficial strategic partnerships that take into account the peculiarities of each of the Central Asian states, ensuring their access to modern technologies and quality jobs, while guaranteeing secure and competitive access to raw materials and energy for the EU;²³

However, as early as in 2021, the EU delegation, during negotiations with Turkmenistan, effectively abandoned the idea of purchasing Turkmen gas in light of its own "green transition" policy.²⁴

"The EU is Turkmenistan's fourth biggest trade partner. Most of Turkmenistan's exports to the EU are hydrocarbon-related products. Since the EU and other trade partners will decarbonise their economy and decrease imports of hydrocarbons, Turkmenistan is to diversify its trade exchanges".

Moreover, a Bloomberg report²⁵ on satellite images of methane emissions from gas fields and gas transportation infrastructure over the past few years has played a major role in Turkmen gas being labeled as "toxic". Spectroscopic satellite images analyzed by the Canadian company GHGSat Inc.²⁶ detected "one of the largest releases of methane emissions ever observed in real time" in Turkmenistan. Further research made the situation even more alarming. The scale of methane emissions in Turkmenistan shocked observers and dealt another serious blow to the idea of supplying Turkmen gas to Europe.

At that time, it seemed that the speculative factor of "Turkmen gas" would fade into oblivion, allowing the European Union and the European Parliament to remain true to their core principles of human rights and environmental protection, continuing to view the idea of gas supplies from Turkmenistan as a toxic idea and the Turkmen regime as a toxic partner.²⁷

²² European Parliament resolution of 17 January 2024 on the EU strategy on Central Asia (2023/2106(INI)).

https://www.europarl.europa.eu/doceo/document/TA-9-2024-01-17_EN.html#sdocta12

²³ Ibid.

²⁴ Turkmenistan: 20th Joint Committee meeting under the Trade and Cooperation Agreement takes place. Delegation of the European Union to Turkmenistan. 22.10.2021. https://eeas.europa.eu/delegations/turkmenistan/106075/turkmenistan-20th-joint-committee-meeting-under-trade-and-cooperation-agreement-takes-place_en

²⁵ Turkmenistan's Dirty Secret. The former Soviet republic is one of the world's worst emitters of planet-warming methane. Bloomberg., 19.10.2021. <https://www.bloomberg.com/features/top-methane-gas-leak-problem-2021/>

²⁶ Global Emission Monitoring - GHGSat Inc. <https://www.ghgsat.com/en/>

²⁷ Turkmen Gas Now Toxic for Europe [Туркменский газ стал токсичным для Европы]. Nezavisimaya Gazeta. 28.10.2021. https://www.ng.ru/vision/2021-10-28/5_8290_vision.html

However, the current "International Partnerships: Turkmenistan" page on the official European Commission website states right from the first line:

Turkmenistan, home to the world's fourth-largest reserves of natural gas, has traditionally been dependent on its extractive industry for economic growth. However, there has been a notable shift in the country's economic strategy towards embracing a greener and more diversified economy. This transition includes efforts to increase the domestic use of renewable energies and to mitigate methane emissions.²⁸

First, the statement clearly identifies Turkmen natural gas as Europe's and the EU's main interest. This is as candid as can be. However, what follows is a misleading *untruth*. It was only in December 2023 that Turkmenistan joined the Global Methane Pledge. The Turkmen authorities simply have not had time to take any significant action, and given their well-known tendency to conceal and manipulate information, the statement posted on the European Commission's website requires consistent, independent monitoring of methane emissions over many years, since they continue to occur due to aging infrastructure and the development of new gas fields.

Second. Yes, the Turkmen authorities have announced a short-term reduction in methane emissions.²⁹ However, by looking at the territory of Turkmenistan on the current maps based on satellite imagery from the International Methane Emission Observatory,³⁰ it becomes clear why even the authorities themselves describe the planned reduction in methane emissions—just 30% by 2030, *relative to 2020 levels*—as an "ambitious goal."

And third, this may offer little consolation to European politicians: even with a 30% reduction in emissions, purchasing Turkmen gas in the coming years would effectively finance and encourage one of the dirtiest natural gas industries in the world. Rather than advancing a genuine "green transition," it would amount to **endorsing a dictatorial regime that supplies Europe with the world's dirtiest, most polluting gas. What kind of "green transition" in a global context can one speak of with this approach?** This is a mockery of the European ideas and concepts of the "green agenda" and "green transition."

If the EU delegation publicly rejected Turkmen gas in 2021 (see above), why is the EU now, in 2025, making every effort to secure access to this gas in the near future? The shift in attitude toward Turkmenistan has been linked to the war between Ukraine and Russia and efforts to isolate Russia from Europe. However, questions arise which are not directly related to this conflict:

²⁸ European Commission, International Partnerships, Turkmenistan. https://international-partnerships.ec.europa.eu/countries/turkmenistan_en

²⁹ Turkmenistan's achievements in reducing methane emissions announced at TESC 2025. State news agency of Turkmenistan, Electronic newspaper «Golden age». <https://www.turkmenistan.gov.tm/en/post/95714/turkmenistans-achievements-reducing-methane-emissions-announced-tesc-2025>

³⁰ UNEP, IMEO's Eye on Methane data platform, International Methane Emission Observatory. <https://methanedata.unep.org/map>

Why have publications about major methane emissions in Turkmenistan disappeared? Indeed, after long and persistent denial of such emissions and a refusal even to discuss the issue,³¹ Turkmenistan eventually joined the Global Methane Pledge under immense pressure from external partners³² and has even announced progress in reducing emissions. But who has been verifying these claims and conducting *independent monitoring*? It has now come to light that some donors have stopped funding projects for independent research and monitoring of methane emissions in Turkmenistan!

And after all, why would Europe need so much gas if the "green agenda" remains in force as one of the pillars of the European ideology, politics, and economy?

Why, in the eyes of the EU bureaucracy, has the Turkmen regime suddenly become sufficiently democratic and respectful of human rights to be treated as a privileged partner? And why has no European politician spoken publicly about the human rights situation in Turkmenistan for such a long time?

Meanwhile, the EU and Turkmenistan have held their 17th (!) human rights dialogue.³³ The issues raised were the same as in the previous 16 meetings. This highlights, on the one hand, the Turkmen authorities' unwillingness to address these problems while simulating "progress," and on the other, the EU delegation's lack of clear criteria for assessing human rights progress, along with its lack of political will or principled stance to demand clear, verifiable, and reverifiable evidence from Turkmenistan.

Year after year, the EU-Turkmenistan Human Rights Dialogue raises the same concerns: conditions of detention for those deprived of liberty, including torture and ill-treatment; enforced disappearances;³⁴ and the need to grant the International Committee of the Red Cross unhindered access to detention facilities. Gender-based violence and LGBT+ rights remain complete taboos for the Turkmen authorities, who have no intention of addressing them. Freedom of movement for Turkmen citizens has been deteriorating year after year.³⁵ Internet access in Turkmenistan remains among the worst and most expensive in the world, censored to the point of absurdity.³⁶ And, year after year, the Turkmen authorities refuse entry to all UN special procedures (!) that have requested to visit the country.

³¹ Turkmenistan's Dirty Secret. The former Soviet republic is one of the world's worst emitters of planet-warming methane. Bloomberg., 19.10.2021. <https://www.bloomberg.com/features/top-methane-gas-leak-problem-2021/>

³² The President of Turkmenistan announced joining the Global Methane Commitment. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 01.12.2023. <https://tdh.gov.tm/en/post/38859/president-turkmenistan-announced-joining-global-methane-commitment>

³³ Turkmenistan: 17th Human Rights Dialogue with the EU. The Diplomatic Service of the European Union. 19.06.2025. https://www.eeas.europa.eu/eeas/turkmenistan-17th-human-rights-dialogue-eu_en?s=231

³⁴ See the dedicated chapter of this report, "[Enforced Disappearances in Turkmenistan's Prisons](#)"

³⁵ See the dedicated chapter of this report, "[Travel Ban in Turkmenistan](#)"

³⁶ Digital 2025: Turkmenistan. DataReportal. Kepios. <https://datareportal.com/reports/digital-2025-turkmenistan>

All of these problems are well known to the EU bureaucracy, yet they prefer not to draw attention to them. On the "International Partnerships: Turkmenistan" page of the European Commission's official website,³⁷ there is not a single mention of the massive human rights violations in Turkmenistan. Why?

Meanwhile, the recent (August 2025) U.S. Department of State report on the global human rights situation states the following about Turkmenistan:³⁸

«There were no significant changes in the human rights situation in Turkmenistan during the year.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; restrictions of religious freedom; trafficking in persons, including forced labor; and prohibiting independent trade unions or significant or systematic restrictions on workers' freedom of association.

The government did not take credible steps or action to identify and punish officials who committed human rights abuses».

So why, and for what purpose, is the European Union bureaucracy rehabilitating the production of the dirtiest gas and one of the most dictatorial regimes?

The answer is simple: this is a new version of neocolonialism, promoted by the European Union **bureaucracy and certain European countries toward the region's nations, Turkmenistan in particular.** There is not a single precedent or argument in current EU political practice that contradicts this assertion.

EU leaders have accepted an invitation from one of the world's most odious and repressive regimes to visit Turkmenistan for an event that risks becoming an orgy of hypocrisy—the anniversary of "positive neutrality," which the regime uses as a shield to conceal horrific crimes within the country and to deflect all external criticism of its human rights violations.

Admittedly, the leaders of China, Iran, Qatar, Iraq, and Central Asian countries have also been invited to this forum. However, these countries do not claim to uphold democracy, human rights, economic transparency, or anti-corruption standards. In contrast, European countries and the European Union consistently proclaim these values and have enshrined them in national legislation and international commitments, including within the framework of the OSCE.

³⁷ European Commission, International Partnerships, Turkmenistan. https://international-partnerships.ec.europa.eu/countries/turkmenistan_en

³⁸ US Department of State. 2024 Country Reports on Human Rights Practices: Turkmenistan. August, 12 2025. <https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/turkmenistan/>

EU politicians have long ceased to care about their reputation, actively tarnishing their legacies and "spoiling their obituaries" by normalizing a dictatorship and portraying collaboration with dictators—in exchange for resource access—as diplomatic skill, achievement, or good fortune. This is precisely what European neocolonialism looks like today.

And if any European politicians believe that a policy aimed at introducing a dictatorship to "European values" could lead society toward prosperity, democracy, and respect for human rights, they are gravely mistaken. Encouraging a dictatorship never transforms it; instead, it *always* radicalizes society, increases government pressure and repression, and ultimately leads to social unrest and degradation. But that is a topic for a separate report.

EBRD – Turkmenistan

We are grateful to the EBRD for developing and publishing its new approach to civil society engagement, and we will take this opportunity to once again draw the Bank's attention to the fundamental principles of its Charter (Agreement Establishing the EBRD).

Among the key aspects of past cooperation with the EBRD, we note the complete absence—or very limited nature—of dialogue with civil society in Turkmenistan. This applies both to the preliminary discussions of the Bank's strategy and to the periods between the adoption of strategies.

Moreover, within Turkmenistan, the Bank imitates civil society engagement—with a certain degree of cynicism—by interacting with a group of NGOs and "activists" designated by the Turkmen authorities, entirely conformist, and vetted for loyalty to the regime. Admittedly, the Bank also considers the opposing views of activists and organizations in exile, who often have a peculiar and often inaccurate understanding of the realities in Turkmenistan, as most left the country 15 to 20 years ago. Neither perspective is objective or constructive, nor do they reflect the views of Turkmenistan's civil society itself. Relying on such "consultations" to define the position of civil society is fundamentally flawed and undermines the very principle of engaging with civil society.

Still excluded from the dialogue are Turkmenistan's academic and expert communities, as well as individual activists, experts, and public figures. Whether consciously or not, the EBRD in Turkmenistan acts as if these segments of society simply do not exist, even though the 2018 document³⁹ explicitly states otherwise.

We note that the EBRD bureaucracy, like most foreign missions in Ashgabat, views reality "*from the window of a diplomatic limousine*." Pretending to consult with fake NGOs in Turkmenistan—organizations that have little understanding of market economy, democracy, pluralism, or human rights, or are too afraid to speak out—is pure mockery and discredits the very concept of "civil society engagement."

³⁹ See Annex

Other foreign presences, such as embassies and missions in Turkmenistan, have long withdrawn from any contact with genuine representatives of civil society. However, their charters and operating principles do not claim to prioritize civil society engagement—unlike the EBRD, which does!

As far back as the 2010s, when asked why only fake and compliant "civic activists" were invited for consultations, one EBRD employee reportedly said: "If independent activists were allowed to participate, we (the EBRD) would be expelled from the country, and they (the activists) would be imprisoned (arrested, convicted)." ⁴⁰ Isn't this a perfect illustration of the hypocrisy that permeates the entire EBRD operation in Turkmenistan, particularly the process of discussing the next strategy and supposedly "taking civil society perspectives into account"?

EBCD Country Strategy

This imitation of public engagement meant that the public was only given a ready-made draft of the Bank's strategy for review and critique, with no opportunity to introduce fundamental changes before it was finalized. In Turkmenistan, the Bank consistently invites the public to review an already prepared draft strategy, while refusing to discuss the fundamental principles of its Charter (Agreement Establishing the Bank) or whether its operations in Turkmenistan are in line with them.

The previous (2019) strategy was poorly detailed and read more like an *office comic book* than the strategic document of a serious institution having serious intentions.⁴¹ Most importantly, it failed to specify the expected results in terms of real economic and social transformation. Annex 1 of the Strategy—Political Assessment in Context⁴²—is merely a compilation of external sources. The EBRD office in Turkmenistan avoids providing its own assessment of the country's political and social realities, as if the Bank had no staffed presence there and were not bound by Article 1 of the Agreement Establishing the Bank.

Therefore, another purpose of this document is to inform EBRD staff, experts, and analysts about what is actually happening in Turkmenistan on key issues such as the constitutional process, human rights, and good governance. We strongly recommend that the EBRD review our research findings, precisely so that the Bank's staff and experts cannot claim that "they were unaware of these facts."

Another key reason for this document is the Bank's failure to inform the public about any progress made or to provide its analysis of the implementation of previous strategies. In the Bank's previous strategies, the core principle was the so-called "*calibrated approach*", introduced by the Bank to measure Turkmenistan's progress against criteria the Bank itself had defined.

⁴⁰ Personal meetings and conversations between the authors and the EBRD staff

⁴¹ EBRD. Turkmenistan Country Strategy. https://www.ebrd.com/content/dam/ebrd_dxp/assets/pdfs/country-strategies/turkmenistan/EBRD-Latest-Turkmenistan-Strategy.pdf

⁴² Ibid.

However, as one strategy expired and before the preparation of a new one, the Bank never provided any examples of progress—or setbacks—implied by the very concept of the "calibration approach." At the same time, the Bank expanded its operations from strategy to strategy based on obscure and undisclosed "achievements" of Turkmenistan resulting from its cooperation with the Bank—achievements that were supposed to be documented by the "calibration approach" before moving forward.

The only information typically reported is the total amount of investments and loans, and the number of partners who received them. However, there is no data on how many of these loan recipients "survived"—that is, remained active one, two, or three years after receiving the loan—whether ownership or lines of business changed, or whether the original business owners faced prosecution or convictions. These are not trivial questions; they are *essential*, as the answers would reveal the true effectiveness of the Bank's operations, the extent to which they align with the goals set in the previous strategy, and whether the strategy, its objectives, and its methods conform to the EBRD Charter.

It is widely understood that the EBRD is not merely a financial institution but was originally conceived as a political and economic instrument to support the transformation and modernization of states, their economies, and societies as they transitioned from the Soviet past. However, we must state that the EBRD in Turkmenistan has become fully integrated into a system that supports the construction of a new, hereditary (dynastic) dictatorship, complete with a full array of token mechanisms and simulated actions and intentions—mirroring the same pattern of imitating a market economy and a pluralistic society.

Deserving separate mention is the obsessive eagerness of the Bank's experts to accept the false narratives presented by the Turkmen authorities as signs of reform. This includes claims such as the creation of an "independent political party" and the "first non-governmental media," the adoption of the Law on Rallies and Demonstrations in Turkmenistan, and numerous similar indicators of so-called "democratization".

All of this was conceived by the Turkmen authorities as a deliberate deception—a *façade* that the Bank's experts either accepted or feigned to accept as progress on the path of transition, liberalization, and democratization. Today, no one even needs to feign satisfaction with any "progress," while the EBRD endorses the political exercises of the Turkmen government, including a rollback to the archaic model of a hereditary dictatorship disguised as an imitation democracy, since none of this is even acknowledged in the EBRD's documents.

A dictatorship with a dynastic transfer of power, pervasive systemic corruption, an archaic (!) economy, blatant disregard for national and international law demonstrated by the Berdimuhamedov dynasty, persecution of not only independent activists but also constructive critics of government, severe restrictions on leaving the country, absence of freedom of speech (pluralism? what pluralism?), and the plight of political prisoners and those who disappeared in prisons—this is just a brief overview of the problems that have defined the backdrop for the EBRD's nearly fifteen-year presence in Turkmenistan.

As a reminder, back in 2018, Turkmen activists (see Annex) warned about these trends and urged the EBRD to take a political step by suspending its operations in Turkmenistan—a move that could have halted the country's final descent into a cemented hydrocarbon dictatorship.

From one country strategy to another, the Bank's bureaucracy highlighted and acted upon highly dubious phenomena in Turkmenistan, presenting them as "progress." Some of the authors of this report attended meetings where the Bank's employees spoke euphorically about the emergence of the "first independent print media"—the newspaper of the Union of Entrepreneurs and Industrialists (links below). In reality, from its inception to the present day, it has been little more than a carbon copy of the extreme ideological propaganda found in other Turkmen media, with only rare snippets of information on the affairs of Turkmen businesses. The same euphoria was evident in statements from the Bank's bureaucracy following the establishment of the political party of Entrepreneurs and Industrialists of Turkmenistan. Bank employees could not explain how a party based on the principle of a narrow professional union differs from a trade union or public association, especially when it lacks a clear political and ideological program, vision for the future, or any independence from the political and economic course set by the President of Turkmenistan.⁴³

At the same time, the Bank does not address or publicly comment on the existence of two currency exchange rates: the official rate and the "gray" (or, in fact, real) rate. This creates a severe burden on society, as the difference between the rates is fivefold and falls on ordinary citizens—wages in Turkmenistan are paid at the official rate, while almost all prices, including basic necessities and especially medicines, are set according to the "gray" rate. The EBRD does not acknowledge the practical impossibility of free currency conversion for ordinary citizens and most entrepreneurs, the inability to make or receive cross-border payments without special permission from regulatory authorities, and numerous other constraints, none of which are reflected in the Bank's documents.

There is not even a brief public analysis of how these—and many other—constraints hinder the development of a market economy in Turkmenistan. Nor is there any acknowledgment that these phenomena result directly from deliberate economic and political choices of the authorities, who are unable to establish a real and efficient economy and instead rely on the simple sale of energy resources abroad, concealing their incompetence and economic inefficiency beneath a flood of hydrocarbon revenues.

The EBRD claims to focus on supporting small and medium enterprise in Turkmenistan, which might sound commendable. Yet without addressing the problems outlined above, fostering genuine entrepreneurship is impossible, especially when the authorities understand perfectly well that truly independent business poses a threat to their power and will never allow it. Instead, they have created an environment where business must remain "tame"—kept under supervision and control, constantly vulnerable to ruin, arrest, or takeover by security forces, prosecutors, or the president's relatives. Examples are numerous, and the EBRD office in Ashgabat is surely aware of most of them.

⁴³ Based on personal testimony of the attending authors.

Neocolonial Motives

Every head of the EBRD office in Turkmenistan, along with the experts drafting the Bank's conceptual documents on the country, has long dreamed of building "something" across the Caspian Sea—and they have declared this repeatedly.⁴⁴ These ambitions included the Nabucco Pipeline, the Trans-Caspian Gas Pipeline, and more recently, transport and logistics projects.⁴⁵ Yet all of them suffer from a lack of realism. Worse still, they come across as encouragement of the dictatorial regime: *"we need your gas and your territory for transit, and everything else does not concern us."* This is the seduction of a dictatorship—*by encouraging it to preserve its entire system of institutions, from the repressive apparatus to the raw-material dependence of its economy.*

And most importantly, with each change in leadership at the EBRD office and its expert staff, the theme of "something trans-Caspian" reappears in a new iteration—mutated, perhaps, but still the overarching idea behind the Bank's presence in Turkmenistan.

Neither the dubious legitimacy of Turkmenistan's authorities, nor the existence of political prisoners, nor travel bans, nor the examples of violations by the Turkmen authorities of the so-called "good governance" principles, nor the country's hydrocarbon mono-economy—none of this troubles the EBRD's representatives or leadership,⁴⁶ nor has it ever prompted them to reflect on *how much the EBRD and its leaders have contributed to sustaining and legitimizing the current regime in Turkmenistan.*

We must state that the EBRD is turning into an instrument of Western neo-colonial policy in Central Asia, as all concepts and strategies of the Global Gateway, all trans-Caspian projects, investments in transport and logistics infrastructure, and the search for and development of so-called "strategic minerals" and "rare earths" amount to nothing more than systematic attempts to re-colonize the region—without any genuine prospect of improving people's lives or respecting their rights and freedoms.

Technical Details

This report consists of several chapters that highlight the most telling aspects of the current situation in Turkmenistan, namely:

- The chapter "[The constitutional process in Turkmenistan over the past five years](#)" chronicles the usurpation of power by the Berdimuhamedov family. A 2018 document (attached) described similar developments prior to that year, analyzed the consolidation of Gurbanguly Berdimuhamedov's

⁴⁴ The President of Turkmenistan received the Vice President of the EBRD. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 14.03.2024. <https://tdh.gov.tm/en/post/39951/president-turkmenistan-received-vice-president-ebrd>

⁴⁵ Serdar Jorayev met with the EBRD President [Сердар Джораев встретился с президентом ЕБРР]. Orient. 26.10.2023. <https://orient.tm/ru/post/62611/serdar-dzhoraev-vstretilsya-s-prezidentom-ebr>

⁴⁶ President of Turkmenistan met with the head of the European Bank for Reconstruction and Development. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 03.04.2025. <https://tdh.gov.tm/en/post/44437/president-turkmenistan-met-head-european-bank-reconstruction-and-development>

power, and predicted the continuation of such trends. The dedicated chapter of this report highlights the transfer of power from Berdimuhamedov—the father—to his son, as well as the subsequent usurpation of power by Berdimuhamedov the father in a new role. The chapter raises issues and highlights legal and legislative nuances that call into question the legitimacy of both Berdimuhamedov father and son remaining in power.

- The chapter "[Enforced Disappearances in Turkmenistan's Prisons](#)" details the continuing crimes of the Turkmen authorities, such as concealing information about the fate of those who disappeared in Turkmen prisons, political persecution, collective (solidary) punishment of relatives, and the stance of Western diplomats and other officials on this issue.
- The chapter "[Massive violations of the right to freedom of movement](#)" addresses a systemic problem—the authorities' total violation of citizens' right to freely leave the country. This issue is particularly relevant for the EBRD in relation to freedom of entrepreneurship, and for the EU as a violation of the fundamental human right to freedom of movement.
- The chapter "[COVID-19 Pandemic in Turkmenistan: Politics on the Verge of Crime](#)" examines the policies and actions of the Turkmen authorities during the pandemic. This account serves as a striking example of the type of "good governance" that prevails across other sectors in Turkmenistan, including the economy, social policy, education, science, and culture. This chapter will be of particular interest to foreign parties wishing to see the authorities of Turkmenistan as reliable partners, capable of making and honoring agreements.

The authors of this report attest that, following the publication of a previous report to which they contributed—*The Private Pocket of the President (Berdymukhamedov): Oil, Gas and the Law*⁴⁷—the Turkmen authorities deliberately damaged and removed links to most primary sources of information on internet servers and websites under their control. In this regard, we would like to inform readers that most of the references to the original sources in this report have been preserved separately in PDF format. We ask readers to take this into consideration.

⁴⁷ The Private Pocket of the President (Berdymukhamedov): Oil, Gas and the Law. Crude Accountability. October 2011. <https://crudeaccountability.org/wp-content/uploads/2012/04/20111016-PrivatePocketPresidentBerdymukhamedov.pdf>

The constitutional process in Turkmenistan over the past five years

The constitutional process, along with its dynamics and content, reflects to some extent both the key trends in the evolution of post-Soviet states and the attempts by governing authorities or individual leaders to transform the constitutional process into a tool for the usurpation of power.

An analysis of the constitutional process should be particularly insightful for EBRD experts and staff involved in drafting the EBRD strategy for Turkmenistan—those who, not long ago, advocated for a "calibrated approach" to shaping relations with Turkmenistan, an approach that assessed the country's progress in the context of the EBRD Charter provisions and its proclaimed principles and priorities.⁴⁸

A document prepared in 2018 by members of the Turkmen public for the EBRD's reference, in connection with public hearings on the EBRD strategy, includes an analysis of the constitutional process covering the period up to 2018.⁴⁹ This analysis reveals that by 2018, President Gurbanguly Berdimuhamedov had orchestrated yet another usurpation of power in Turkmenistan through restructuring the socio-political entity known as the Halk Maslahaty (People's Council). This restructured body absorbed and subordinated all branches of government, along with society's institutions such as the mass media, civic organizations, trade unions, and even individual citizens held in high regard by society. As a result, in 2018, Turkmenistan reverted its state structure to the pre-2008 era, effectively returning to the governance model established under the country's first President, Saparmurat Niyazov. Although Berdimuhamedov, when he assumed power in 2006, initially distanced himself from Niyazov's controversial legacy, while Turkmenistan adopted a governance model with a clear separation of powers, delineating the competencies and responsibilities of each branch of government.

Overall, Niyazov's role in the erosion of constitutional law is unparalleled. On 28 December 1999, Turkmenistan adopted the Constitutional Law on the Exclusive Powers of the First President of Turkmenistan, Saparmurat Turkmenbashi, which stated:

"To grant the popularly elected first President of Turkmenistan, Saparmurat Atayevich Niyazov (Saparmurat Turkmenbashi), the exclusive right to exercise the powers of the head of state without term limitations."⁵⁰

A day later, on 29 December 1999, amendments were made to the Constitution of Turkmenistan, which granted the People's Council (Halk Maslahaty) the authority to amend the Constitution and established the People's Council in its current form. This body, intermittently operational and currently existing, has become the main instrument for the usurpation of power and effectively dismantled the principle of

⁴⁸ Since adopting its "calibrated strategic approach" to assessing Turkmenistan's progress, the EBRD has never published the results of this analysis from the previous period, which informed its subsequent strategy.

⁴⁹ The document is attached to this text.

⁵⁰ The Constitutional Law of Turkmenistan on the Exclusive Powers of the First President of Turkmenistan, Saparmurat Turkmenbashi. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/630>

separation of powers, subordinating all branches of government to the President. The decision to grant Niyazov "exclusive powers" was itself a violation of the Constitution, as the body—the People's Council—that made this decision, only acquired the authority to amend the Constitution a day later.

This excursion into the history of Turkmenistan's constitutional law serves to highlight how Gurbanguly Berdimuhamedov has employed similar methods to usurp power and effectively establish a system of hereditary succession enshrined in the country's constitution—which is not the case in other states of the region, where such hereditary succession has already occurred (Azerbaijan) or is being prepared (Tajikistan).

The relevance of this brief analysis is even greater in light of the fact that Gurbanguly Berdimuhamedov carried out these constitutional manipulations between the two processes of the EBRD developing its Strategy for Turkmenistan: that of 2018 and the one currently being drafted in 2024-2025. Applying the EBRD's "calibrated strategic approach" could be particularly relevant in this case.

A year after the adoption of the revised version of the Constitution of Turkmenistan in 2016, President Berdimuhamedov unexpectedly announced ⁵¹ in September 2017 the need for introducing new amendments to the governance structure, and thus to the country's Constitution. Local observers attributed this move to the harsh criticism from international partners regarding the hierarchical and archaic structure of authoritarian power enshrined in the 2016 Constitution.⁵²

After that, the Turkmen authorities initiated a series of maneuvers to transform national legislation, balancing the demands and "suggestions" of international and foreign partners, the dynamics of energy markets, and their unrelenting desire to consolidate absolute power.

By dividing the process of legislative transformation into distinct *phases*, one can trace how the Turkmen authorities initially created the illusion of democratization and even inclusivity, only to later move towards constructing quasi-constitutional schemes with an even greater degree of autocracy than at the outset.

Phase 1. Bicameral Parliament

At a meeting of Turkmenistan's People's Council (Halk Maslahaty) on 25 September 2019, President Berdimuhamedov announced an initiative to create a bicameral parliament and signed a Decree establishing a Constitutional Commission to develop and compile proposals for amendments to the Constitution of Turkmenistan, along with the approval of the Commission's membership.⁵³

⁵¹ Session of the Council of the Elders undergoes in Turkmenistan. The State News Agency of Turkmenistan (TDH)-Turkmenistan Today. <https://tdh.gov.tm/en/post/9476/session-of-the-council-of-the-elders-undergoes-in-turkmenistan>

⁵² The Constitution of Turkmenistan as amended in 2016. OSCE Centre in Ashgabat. The Database of Legislation of Turkmenistan. <http://www.turkmenlegaldatabase.info/documents.download/id/48298.html>

⁵³ Meeting of the Halk Maslahaty (People's Council) of Turkmenistan on 25 September 2019. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. <https://tdh.gov.tm/en/post/19777/president-gurbanguly-berdimuhamedov-prosperity-of-the-country-and-nation-is-our-goal>

A year later, on 25 September 2020, during an online meeting of Turkmenistan's Halk Maslahaty (People's Council), the Constitutional Law on Amendments to the Constitution of Turkmenistan was adopted. The Mejlis (Parliament) of Turkmenistan, also meeting online, approved this Constitutional Law, which was then promptly signed by President Berdimuhamedov.⁵⁴ The meetings were held online in 2020 to prevent the spread of the coronavirus, although the presence of the virus in Turkmenistan has been officially denied to this day (see the chapter on COVID in Turkmenistan).

According to this Constitutional Law, a bicameral supreme representative body was established in Turkmenistan, exercising legislative power under the name of Milli Gengesh of Turkmenistan and consisting of an upper house called Halk Maslahaty and a lower house called Mejlis.⁵⁵

Article 78 of the new version of the Constitution of Turkmenistan states,

The Halk Maslahaty consists of eight representatives from each velayat (region) and the city of Ashgabat, who are elected by secret ballot during meetings of the Halk Maslahaty of the velayats (regional parliaments) and the city of Ashgabat.

In other words, according to this provision, the upper house of the Parliament of Turkmenistan was not elected through a direct public vote.

Additionally:

Eight members of the Halk Maslahaty are appointed by the President of Turkmenistan. [...] Every former president of Turkmenistan is a member of the Halk Maslahaty, unless he chooses to renounce this right.

Article 78 also defines the composition of the Mejlis (lower house):

The Mejlis consists of 125 members, who are elected from electoral districts with approximately equal numbers of voters.

This Constitutional Law was set to take effect on 1 January 2021.

Elections to the upper house of parliament, the Halk Maslahaty, were held on 28 March 2021. As early as on 29 March 2021, at a meeting of the Cabinet of Ministers of Turkmenistan, the Chairman of the Central Election Commission congratulated the President of Turkmenistan on his victory in the elections to the

⁵⁴ Meeting of the Halk Maslahaty (People's Council) of Turkmenistan on 25 September 2020. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. <https://tdh.gov.tm/en/post/24327/president-gurbanguly-berdimuhamedov-adoption-of-the-constitutional-law-will-be-written-in-gold-letters-to-the-chronicle-of-the-nation>

⁵⁵ The Constitutional Law of Turkmenistan on Amendments and Additions to the Constitution of Turkmenistan, dated 25 September 2020. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/625>

upper house of parliament.⁵⁶ However, Gurbanguly Berdimuhamedov was not included in the lists of candidates for membership in the upper house of parliament, which were published by the Central Election Commission.⁵⁷ The only way for him to enter the Halk Maslahaty was through the "presidential quota" of 8 members, whom the president appoints personally, as stipulated by the Constitutional Law (see above). In other words, President Berdimuhamedov could appoint himself to the upper house of parliament, bypassing any election process, in order to become a member of the Halk Maslahaty. However, as subsequent events revealed, this did not happen.

At the same time, *Article 73 of the Constitution of Turkmenistan explicitly prohibits the current President from being a member of the Mejlis of Turkmenistan*. Moreover, the 2020 Constitutional Law, under which elections to the upper house of parliament were held, further clarified Article 73 by stating that the president cannot be "a member or deputy of the Milli Gengesh of Turkmenistan," meaning they cannot sit in either the upper or lower houses of parliament,⁵⁸ regardless of the "presidential quota" mechanism for appointment to the upper house.

During the first meeting of both houses of the Milli Gengesh on 14 April 2021, President Berdimuhamedov's decree was read aloud, listing the names of all eight individuals appointed by the president as members of the upper house. However, Berdimuhamedov's name was not among them.⁵⁹

Nevertheless, during this meeting, the Chairman of the Parliament of Turkmenistan congratulated President Gurbanguly Berdimuhamedov on this significant event (the elections) and on his election as a member of the Halk Maslahaty, emphasizing that one hundred percent of voters had cast their votes in favor of the head of state.⁶⁰

How President Berdimuhamedov, who was in office at the time, became a member of the upper house of the Parliament of Turkmenistan remains a mystery. He was not among the registered candidates, there is no information as to which local authority had nominated him as a candidate in which electoral district, and he was not on the "presidential list" of appointed members.

⁵⁶ President Gurbanguly Berdimuhamedov was elected as a member of the Halk Maslahaty of the Milli Gengesh. From the meeting of the Cabinet of Ministers of Turkmenistan. State News Agency of Turkmenistan (TDH) - Turkmenistan Today. <https://tdh.gov.tm/en/post/26631/president-gurbanguly-berdimuhamedov-elected-member-peoples-council-national-assembly>

⁵⁷ Details of the candidates registered for the election to the Halk Maslahaty of the Milli Gengesh of Turkmenistan, scheduled for 28 March 2021. Chronicles of Turkmenistan. https://www.hronikatm.com/wp-content/uploads/2021_03_09_halk_maslahaty_candidates_all_01.pdf

⁵⁸ The Constitutional Law of Turkmenistan on Amendments and Additions to the Constitution of Turkmenistan, dated 25 September 2020. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/625>

⁵⁹ President Gurbanguly Berdimuhamedov holds the first joint session of two chambers of National Assembly. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. <https://tdh.gov.tm/en/post/26872/president-gurbanguly-berdimuhamedov-holds-first-joint-session-two-chambers-national-assembly>

⁶⁰ Ibid.

In other words, *Gurbanguly Berdimuhamedov's "ascension" to all senior positions in the bodies of supreme representative legislative power of Turkmenistan was not only in violation of the Constitution of Turkmenistan but also in contravention of its provisions in force at the time.*

However, on 14 April 2021, during a meeting of both chambers of the newly elected parliament, Gurbanguly Berdimuhamedov was non-competitively elected chairman of the Halk Maslahaty (upper house), while a candidate appointed under the "presidential quota" was named his deputy.

In 2021, sitting President Berdimuhamedov simultaneously became chairman of the upper house of parliament, marking the first stage of the usurpation of power aimed at establishing a ruling "*crypto dynasty*" under the guise of an imitation democracy.

Phase 2. Operation Successor/Heir

The current President of Turkmenistan, Serdar Berdimuhamedov,⁶¹ in office since 2022 and the son of Turkmenistan's second president, Gurbanguly Berdimuhamedov, quickly ascended to power. There is still no clear understanding or consensus as to why Gurbanguly Berdimuhamedov, being in good physical shape and at the "peak of his career," decided to hand over power to his son Serdar. The most plausible explanation for this transfer of power was proposed by *Nezavisimaya Gazeta*:

"Observers from the realist camp point out the forced and reluctant nature of this transition, given that the current president is only 65 years old, in good physical condition, and there appears to be no pressing need for a transfer of power. However, they highlight the significant toxic legacy accumulated by the current president, both domestically and internationally. This is attributed to numerous issues, including widespread violations of human rights and democratic norms, flawed social and demographic policies, and catastrophic failures in the economy—particularly in its backbone, the oil and gas sector, a problem that the Turkmen authorities themselves have admitted, while injecting substantial financial resources into this industry. The Turkmen authorities desperately need investments and new technologies, but several obstacles—primarily the toxic image of the current president and his inner circle—hinder the arrival of significant investments and technologies in the country."⁶²

Beginning in 2013, Serdar Berdimuhamedov returned to Turkmenistan from his diplomatic work abroad and began working at the country's Foreign Ministry. He was also appointed Deputy Director of the State Agency for the Management and Use of Hydrocarbon Resources under the President of Turkmenistan, the

⁶¹ Wikipedia. Serdar Berdimuhamedow. https://en.wikipedia.org/wiki/Serdar_Berdimuhamedow

⁶² Change of President Upcoming in Turkmenistan [В Туркменистане грядет смена президента.] *Nezavisimaya Gazeta*. https://www.ng.ru/vision/2022-02-13/5_8370_vision.html

critically important government agency responsible for accumulating revenues from the sale of hydrocarbon resources.⁶³

In 2016, Serdar Berdimuhamedov was elected to the Mejlis of Turkmenistan in by-elections held to replace retired members. Until 2020, he continued to hold his position as a member of parliament while simultaneously serving in various roles within the executive branch, all of which were appointments made by his father. On June 18, 2019, the President of Turkmenistan, Gurbanguly Berdimuhamedov, appointed Serdar Berdimuhamedov as the hyakim (governor) of Ahal Velayat, the central region of Turkmenistan that encompasses the capital, Ashgabat. This appointment violated the *Constitution of Turkmenistan*, as Article 87⁶⁴ explicitly prohibits holding the positions of both a member of parliament (Mejlis) and a hyakim (governor) simultaneously. Serdar Berdimuhamedov resigned from his position as a member of parliament only in February 2020, as his father, the President of Turkmenistan, initiated the process of transforming the Constitution and the state system during 2019–2020 (see above).

Another legal violation was the fact that Serdar Berdimuhamedov held a public service position directly subordinate to his father, Gurbanguly Berdimuhamedov. Since 1995,⁶⁵ the Law on Restricting Joint Service of Relatives in Government and Administrative Bodies was in effect in Turkmenistan.⁶⁶ Drafted upon instruction from the first President, Niyazov, the law aimed to prevent and eliminate paternalism, nepotism, and the corruption associated with them.

Article 1 of this law, titled Restriction of the Joint Service of Relatives in Government and Administrative Bodies, states:

"Joint service in the government and administrative bodies of Turkmenistan by individuals who are close relatives or in-laws (including parents, spouses, siblings, children, as well as the parents, siblings, and children of spouses) is prohibited if such service involves direct subordination or supervision of one by the other, except in cases of holding elected positions."⁶⁷

Thus, beginning in 2013, all appointments of Serdar Berdimuhamedov to positions involving direct subordination to, and direct appointment to these roles by President Gurbanguly Berdimuhamedov were unlawful, starting with his role as Deputy Director of the State Agency for the Management and Use of Hydrocarbon Resources *under the President of Turkmenistan*.

⁶³ The Private Pocket of the President (Berdimukhamedov): Oil, Gas and the Law. Crude Accountability. <https://crudeaccountability.org/wp-content/uploads/2012/04/20111016-PrivatePocketPresidentBerdimukhamedov.pdf>

⁶⁴ The Constitution of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/1>

⁶⁵ Decree of the President of Turkmenistan Concerning the Draft Law of Turkmenistan on Restricting Relatives from Simultaneously Serving in Public Governance and Administration Bodies. OSCE Centre in Ashgabat. The Database of Legislation of Turkmenistan. <http://www.turkmenlegaldatabase.info/documents.download/id/23151.html>

⁶⁶ The Law of Turkmenistan on Restricting Joint Service of Relatives in Government and Administrative Bodies, of 14 June 1995. OSCE Centre in Ashgabat. The Database of Legislation of Turkmenistan. <http://www.turkmenlegaldatabase.info/documents.download/id/24597.html>

⁶⁷ Ibid.

The Law on Restricting Joint Service of Relatives in Government and Administration Bodies was declared "invalid"⁶⁸ only in March 2019. Indeed, *from 2013 to 2019, then-President Gurbanguly Berdimuhamedov effectively violated this law of Turkmenistan by appointing his son, Serdar Berdimuhamedov, to various government positions under his direct authority, while his son Serdar Berdimuhamedov held these positions unlawfully.*

The rationale behind appointing Serdar Berdimuhamedov to various positions within the executive branch is quite clear—it served as "fast-track" training to prepare him for assuming the presidency. Between 2019 and 2022, leading up to his election as president, he held six senior government positions, including serving as Deputy Chairman of the Government (effectively acting as his father's deputy).

The approach of having Serdar Berdimuhamedov simultaneously hold a high-ranking executive position while being a member of parliament served as a safeguard against any attempts to intercept power in the event of its hypothetical transfer. The reason behind this is that, since 2008, Turkmenistan had a de facto "wartime" constitutional provision, which stated that in the event of the President losing legal capacity, their successor would be an unnamed member of the Security Council of Turkmenistan, chosen by the same Security Council.⁶⁹ It was only in the 2016 version of the Constitution that, under pressure from international partners, a provision was introduced stating that until the next elections, presidential power would be exercised by the Chairman of the Parliament of Turkmenistan.⁷⁰ Serdar Berdimuhamedov was elected to the Mejlis (Parliament) for the first time in 2016.

On 11 February 2021, Gurbanguly Berdimuhamedov appointed Serdar Berdimuhamedov to the positions of Deputy Prime Minister and Chairman of the Supreme Audit Chamber of Turkmenistan and made him a member of the State Security Council of Turkmenistan. The responsibilities of the new Vice Premier were vaguely defined as promoting and overseeing the introduction of digital systems and innovative technologies across all production industries, as well as within public administration and social organization systems.

At a meeting of the Cabinet of Ministers of Turkmenistan on 7 September 2021, Serdar Berdimuhamedov was appointed Deputy Chairman of the Cabinet of Ministers for Economic and Banking Affairs and Relations with International Financial Organizations and was dismissed from his positions as Chairman of the Supreme Audit Chamber and member of the State Security Council.⁷¹

⁶⁸ The Law of Turkmenistan on the Annulment of Certain Legislative Acts of Turkmenistan, dated 14.03.2019. The State Information Agency of Turkmenistan. Turkmenistan: The Golden Age. <https://turkmenistan.gov.tm/ru/post/33231/zakon-turkmenistana-o-priznanii-utrativshimi-silu-nekotorykh-zakonodatelnykh-aktov-turkmenistana>

⁶⁹ The Constitution of Turkmenistan as amended in 2008. OSCE Centre in Ashgabat. The Database of Legislation of Turkmenistan. <http://www.turkmenlegaldatabase.info/documents.download/id/46034.html>

⁷⁰ The Constitution of Turkmenistan as amended in 2016. OSCE Centre in Ashgabat. The Database of Legislation of Turkmenistan. <http://www.turkmenlegaldatabase.info/documents.download/id/48298.html>

⁷¹ Expanded session of the Cabinet of Ministers of Turkmenistan on 9 July 2021. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. <https://tdh.gov.tm/en/post/28007/enlarged-session-cabinet-ministers-turkmenistan>

Almost simultaneously, Serdar Berdimuhamedov was tasked with leading the development of a new national program for the socio-economic development of Turkmenistan for the period 2022-2052. This effectively marked the beginning of Serdar Berdimuhamedov's unannounced election campaign for the yet-to-be-announced presidential election in Turkmenistan. This program, which mobilized all administrative and analytical resources of both the government and a broader range of state institutions, ultimately served as Serdar Berdimuhamedov's de facto election program and launch platform, giving him a clear, albeit largely formal, advantage over other candidates during the campaign.

The program itself was approved on 11 February 2022 during a joint ad-hoc (effectively emergency) meeting of the two houses of the Parliament of Turkmenistan and was titled *The Program for the Revival of a New Era of a Powerful State: The National Program for the Socio-Economic Development of Turkmenistan in 2022-2052*.⁷²

An ad-hoc meeting of the Halk Maslahaty of the Milli Gengesh (two houses of parliament) was convened by a separate decree of the President of Turkmenistan and Chairman of the Halk Maslahaty of the Milli Gengesh of Turkmenistan, Gurbanguly Berdimuhamedov, on 18 January 2022.⁷³

Addressing this ad-hoc meeting of the Halk Maslahaty of the Milli Gengesh of Turkmenistan, President of Turkmenistan Gurbanguly Berdimuhamedov said:⁷⁴

"For 15 years already, I have been working at the highest and very responsible post of the President of Turkmenistan, simultaneously acting as Chairman of the Cabinet of Ministers of Turkmenistan, Chairman of the State Security Council, Supreme Commander-in-Chief of the Armed Forces of Turkmenistan, Chairman of the Halk Maslahaty of the Milli Gengesh of Turkmenistan," said the nation's leader Gurbanguly Berdimuhamedov.

As you know, the head of state continued, two years ago I reached the age of a Prophet. In this regard, the country's President announced a difficult decision for him.

Noting that he fully supports the opinion on the need to open the way to public administration at a new stage of our country's development to young leaders brought up in a spiritual environment and in accordance with the high requirements of modernity, the leader of the nation Gurbanguly

⁷² The Program for the Revival of a New Era of a Powerful State was Approved: The National Program for the Socio-Economic Development of Turkmenistan in 2022-2052. The State News Agency of Turkmenistan, Turkmenistan: Golden Age website. 11.02.2022.

<https://turkmenistan.gov.tm/en/post/60824/program-revival-new-era-powerful-state-was-approved-national-program-socio-economic-development-turkmenistan-2022-2052>

⁷³ Resolution of the Halk Maslahaty of the Milli Gengesh of Turkmenistan "On holding an extraordinary meeting of the Halk Maslahaty of the Milli Gengesh of Turkmenistan." The State News Agency of Turkmenistan (TDH) - Turkmenistan today 18.01.2022.

<https://tdh.gov.tm/en/post/29987/resolution-halk-maslakhaty-milli-gengesh-turkmenistan-holding-extraordinary-meeting-halk-maslakhaty-milli-gengesh-turkmenistan>

⁷⁴ The Halk Maslahaty of Turkmenistan adopted a historical decision for the upcoming 30 years. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 11.02.2022. <https://tdh.gov.tm/en/post/30235/halk-maslakhaty-turkmenistan-adopted-historical-decision-upcoming-30-years>

Berdimuhamedov announced his intention to use his vast life and political experience as Chairman of the Halk Maslahaty."

Translated from the jargon of Turkmen officialdom and bureaucracy, this statement can be summarized in several key points:

- Gurbanguly Berdimuhamedov is "tired,"
- Gurbanguly Berdimuhamedov wants to open the way for younger people,
- Gurbanguly Berdimuhamedov wants to remain chairman of the upper house of parliament.

The specific terms "resignation" and "election of a new president" were not mentioned, but the essence was clear: Gurbanguly Berdimuhamedov announced his intention to step down as President but would only do so after the election of a new President. This meant there would be no "transition period," ensuring a smooth power transfer without an actual resignation or the interim procedure of transferring power to the chairman of parliament, of which he himself was the head.

"Furthermore, addressing the audience, the President of the country noted that the proposal made during the forum regarding the participation of younger people in the future governance of the country had been approved. In this regard, the Chairman of the Central Commission for Elections and Referendums was instructed to begin relevant work in accordance with the Constitution and legislation of Turkmenistan."⁷⁵

However, sources from *Nezavisimaya Gazeta* indicate that the situation unfolded according to a different scenario:

"However, the president did not mention a word about his resignation, his successor, or the upcoming elections, leaving both the country and the rest of the world in the dark. It was only on the next day that some details of the already decided power transfer began to emerge. First, the Central Election Commission, through a relatively low-ranking official, leaked—notably to a foreign publication—that 'the president has issued instructions to begin preparations for the elections.' Later that day, the Milli Gengesh issued a brief announcement stating that early presidential elections would be held on March 12, just one month after the decision was made. However, once again, no mention was made of the reasons or procedure for the resignation of the current president."⁷⁶

⁷⁵ Ibid.

⁷⁶ Change of President Upcoming in Turkmenistan [В Туркменистане грядет смена президента.] *Nezavisimaya Gazeta*. https://www.ng.ru/vision/2022-02-13/5_8370_vision.html

On 14 February 2022, at the ad-hoc 9th Congress of the Democratic Party of Turkmenistan,⁷⁷ Serdar Berdimuhamedov was nominated as a candidate for the post of President of Turkmenistan.⁷⁸

Three political parties and six citizens' initiative groups participated in the candidate nomination process. A total of nine candidates were nominated for the highest state office.

The election was held on 12 March 2022, with a voter turnout of 97.17 percent.⁷⁹ Serdar Berdimuhamedov secured 72.97 percent of the vote.⁸⁰ He was inaugurated on 19 March 2022.⁸¹

As a result of this stage in the constitutional process, Turkmenistan established a duumvirate, with the former President serving as the head of the upper house of parliament and his son as the current President.

Phase 3.1. "Enthronement" = usurpation. (Part One)

However, within less than a year, it became evident that Gurbanguly Berdimuhamedov's ambitions extended beyond his current role as chairman of the upper house of parliament. According to another theory proposed by local observers, all actions taken by the Turkmen authorities since 2017 are part of a cohesive and deliberate plan.

Hints about the forthcoming "modernization of legislation" were previously mentioned in speeches by the country's top officials, including the President and the Chairman of the upper house of parliament, but these remarks lacked any specific details.

On 11 January 2023, the *Decree of the President of Turkmenistan on holding a joint meeting of the chambers of the Milli Gengesh of Turkmenistan with the participation of members of the public* was published.⁸² The inclusion of the phrase "members of the public" in the presidential decree clearly signaled the authorities' intention to stage a purely manipulative event serving their own interests.

⁷⁷ Democratic Party of Turkmenistan. Wikipedia. https://en.wikipedia.org/wiki/Democratic_Party_of_Turkmenistan

⁷⁸ Nomination of candidates for the post of the President of the country began in Turkmenistan. 14.02.2022. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. <https://tdh.gov.tm/en/post/30288/nomination-candidates-post-president-country-began-turkmenistan>

⁷⁹ The Central Election Commission has announced the preliminary results of the presidential election in Turkmenistan [Центральная избирательная комиссия подвела предварительные итоги голосования по выборам Президента Туркменистана]. The State News Agency of Turkmenistan, Turkmenistan: Golden Age. 12.03.2022. <https://turkmenistan.gov.tm/ru/post/61534/centralnaya-izbiratelnaya-komissiya-podvela-predvaritelnye-itogi-golosovaniya-po-vyboram-prezidenta-turkmenistana>

⁸⁰ Expanded meeting of the Cabinet of Ministers and State Security Council of Turkmenistan. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 15.03.2022. <https://tdh.gov.tm/en/post/30737/expanded-meeting-cabinet-ministers-and-state-security-council-turkmenistan>

⁸¹ Solemn ceremony of inauguration of the President of Turkmenistan. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 19.03.2022. <https://tdh.gov.tm/en/post/30757/solemn-ceremony-inauguration-president-turkmenistan>

⁸² Decree of the President of Turkmenistan on holding a joint meeting of the chambers of the Milli Gengesh of Turkmenistan with the participation of members of the public. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 11.01.2023. <https://tdh.gov.tm/en/post/34344/decree-president-turkmenistan-10>

The practice of expanding attendance at joint sessions of parliament to include "members of the public" having no powers under electoral law has been a recurring tactic throughout Turkmenistan's post-independence history.

This approach enabled the authorities to legitimize highly controversial or even absurd proposals, including those that directly contradicted existing legislation. Such proposals were typically voiced by some of the invited "members of the public," who would then, as a rule, vanish from the public sphere entirely.

Thus, at the Halk Maslahaty (People's Council) meeting on 30 December 2022, several "members of the public" called for the death penalty for those accused in the so-called "Novembrists case," which involved an alleged assassination attempt on President Niyazov. However, the death penalty was explicitly prohibited in Turkmenistan under a specific Constitutional Law. But this did not prevent others, including high-ranking government officials, from embracing the idea of reinstating the death penalty. The Minister of Foreign Affairs of Turkmenistan, Rashid Meredov, also publicly called for the death penalty for the "Novembrists," despite being a trained lawyer with extensive professional experience who should have been well aware that such a demand exceeded the reasonable boundaries of law enforcement.

On the same day that the presidential decree was published, 11 January 2023, Chairman of the upper house of the Parliament of Turkmenistan, Gurbanguly Berdimuhamedov, addressed both houses of parliament, but this time, without the presence of the "public." In his speech, he outlined the "key goals for consistent improvement of lawmaking at a new stage of the country's development in the era of the Revival of a New Epoch of a Powerful State."⁸³

"Esteemed participants of the meeting!

As you know, two years ago, as part of the modernization of the public governance system, we transformed the national legislative body, the Parliament, into the Milli Gengesh of Turkmenistan, which now consists of two houses: the Halk Maslahaty and the Mejlis. Today, they successfully perform their functions.

However, in light of modern transformations, there is a need for consistent improvement of the legislative authority structure, which should be based on the real demands of the time. Therefore, comprehensively taking into account the state-building practices developed by our people throughout its centuries-old history and guided by the noble traditions of our ancestors in resolving the most important political, economic, and military issues with public delegates at the

⁸³ Important tasks of improving the structure of the legislative power in Turkmenistan have been considered [Рассмотрены важные задачи совершенствования структуры законодательной власти Туркменистана]. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 11.01.2023. <https://tdh.gov.tm/ru/post/34331/rassmotreny-vazhnye-zadachi-sovershenstvovaniya-struktury-zakonodatelnoj-vlasti-turkmenistana>

national forum, I propose creating the highest representative body of the people's power—the Halk Maslahaty of Turkmenistan.

With the creation of the Halk Maslahaty of Turkmenistan and the granting of broad powers to it, including the authority to consider and approve proposals regarding the adoption of the Constitution of Turkmenistan, constitutional laws, and amendments or additions to them, the Halk Maslahaty of the Milli Gengesh is hereby abolished. Therefore, we deem it appropriate to reorganize the Milli Gengesh of Turkmenistan (Parliament), which exercises legislative power in our country, into a single-chamber Mejlis of Turkmenistan.⁸⁴

In clear terms, Gurbanguly Berdimuhamedov's proposals were as follows:

- bicameral parliament is abolished;
- a "new" single-chamber parliament, the Mejlis of Turkmenistan, is established as the legislative body
- a "new" Halk Maslahaty (People's Council) is established, which includes the new Mejlis (parliament) as well as other branches of government, such as the executive (at all levels) and the judiciary;
- the Halk Maslahaty also includes political parties and "representatives of the public" such as elders, trade unions, the media, and other unspecified structures.⁸⁵

For the third time in Turkmenistan's history, Berdimuhamedov proposed reviving the Halk Maslahaty (People's Council), a highly hierarchical system of power and decision-making. The independent branch of government, represented by the bicameral parliament (with the upper house serving a key role in regional representation at the highest levels of government), was completely abolished. The unicameral parliament, as the legislative body, became subordinate to the Chairman of the Halk Maslahaty through its full integration into the Halk Maslahaty.

This proposal undermined the entire balance among the various branches of government in Turkmenistan, effectively subordinating the legislative power to an arbitrarily appointed, unelected individual (as explained below). In fact, it can be said that *Gurbanguly Berdimuhamedov once again proposed altering the fundamental principles of the state structure and political system.*

At a meeting of the bicameral Parliament, a Constitutional Commission was established to develop and compile proposals for amendments and additions to the Constitution of Turkmenistan, and the

⁸⁴ Address by Chairman of the Halk Maslahaty of the Milli Gengesh of Turkmenistan Gurbanguly Berdimuhamedov at a joint meeting of the Halk Maslahaty and the Mejlis of the Milli Gengesh of Turkmenistan [Выступление Председателя Халк Маслахаты и Меджлиса Милли Генгеша Туркменистана Гурбангулы Бердымухамедова на совместном заседании Халк Маслахаты и Меджлиса Милли Генгеша Туркменистана]. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 11.01.2023. <https://tdh.gov.tm/ru/post/34329/vystuplenie-predsedatelya-halk-maslahaty-i-medzhlisa-milli-gengesha-turkmenistana>

⁸⁵ Ibid.

composition of the Commission was approved. In addition, the Constitutional Commission was tasked with preparing and, in accordance with the established procedure, presenting for consideration and adoption, drafts of the Constitutional Law of Turkmenistan on Amendments and Additions to the Constitution of Turkmenistan and the Constitutional Law of Turkmenistan on the Halk Maslahaty of Turkmenistan to the upcoming joint meeting of the houses of the Milli Gengesh of Turkmenistan, which would include public representatives.⁸⁶

Phase 3.2. "Enthronement" = usurpation. (Part Two)

Opening a joint session of both houses of parliament and the "public" on 21 January 2023, Chairman of the upper house, Gurbanguly Berdimuhamedov, reiterated the goals of the assembly, which included the abolition of the bicameral parliament, the establishment of a unicameral parliament with legislative functions (the Mejlis), and the creation of the "supreme representative body," the Halk Maslahaty.

After the approval of the agenda and introductory remarks by Gurbanguly Berdimuhamedov himself, the floor was given to "representatives of the public."

The first to speak was G. Bazarov, a resident of the Khalach etrap in the Lebab Velayat, who expressed full support on behalf of the country's elders for the initiative to create the Halk Maslahaty of Turkmenistan and amend the Constitution.

A proposal was then put forward to elect Hero-Arkadag Gurbanguly Berdimuhamedov as the head of the newly created Halk Maslahaty. This choice is based on Arkadag's⁸⁷ great achievements and his extensive government activities, all of which are dedicated to ensuring a happy and prosperous life for the people, promoting the prosperity of the Fatherland, and raising its international prestige, said Bazarov, expressing firm confidence that this proposal would be fully supported by the Turkmen people.

[...]

The elder then asked the participants of the meeting to support the proposal to officially recognize Arkadag Gurbanguly Berdimuhamedov as the National Leader of the Turkmen people at the legislative level.⁸⁸

⁸⁶ Important tasks of improving the structure of the legislative power in Turkmenistan have been considered [Рассмотрены важные задачи совершенствования структуры законодательной власти Туркменистана]. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 11.01.2023. <https://tdh.gov.tm/ru/post/34331/rassmotreny-vazhnye-zadachi-sovershenstvovaniya-struktury-zakonodatelnoj-vlasti-turkmenistana>

⁸⁷ "Arkadag," meaning "patron" in Turkmen, is an uncodified title and nickname for the second president, Gurbanguly Berdimuhamedov, used in the formation of a personality cult and state propaganda.

⁸⁸ The highest representative body of people's power, the Halk Maslahaty of Turkmenistan, has been established [Создан высший представительный орган народной власти – Халк Маслахаты Туркменистана]. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 21.01.2023. <https://tdh.gov.tm/ru/post/34445/sozdan-vysshij-predstavitelnyj-organ-narodnoj-vlasti-halk-maslahaty-turkmenistana>

The item of "recognizing Arkadag Gurbanguly Berdimuhamedov as the National Leader of the Turkmen people at the legislative level" was neither on the approved agenda of the parliamentary meeting nor formally endorsed by the authorized participants of the meeting. The published transcripts of this meeting of the two houses of parliament and the "public" contain no mention of any public officials, with the constitutional right to do so, introducing a draft Law on the National Leader of the Turkmen people to members of parliament for consideration. As will become clear later, the status of this legislative act will be defined as a Constitutional Law.

According to the current version of the Constitution of Turkmenistan (as amended in 2020), Article 83 stipulates:

Article 83. The right of legislative initiative belongs to the President of Turkmenistan, members of the Halk Maslahaty, deputies of the Mejlis, the Cabinet of Ministers of Turkmenistan, and the Supreme Court of Turkmenistan.⁸⁹

Following this speech, several other "representatives of the public" expressed their support of all decisions previously announced by Gurbanguly Berdimuhamedov regarding the transformation of parliament and the incorporation of these changes into constitutional amendments. Additionally, all speakers supported the "idea" of adopting a new Law on the National Leader of the Turkmen People.⁹⁰

When given the floor, G. Mammedova, Chair of the Mejlis of the Milli Gengesh, provided further clarification on the history of this "initiative":

[...]

"... in our country, which is dynamically developing under the leadership of Head of State Serdar Berdimuhamedov, the democratic principles of public administration are consistently being refined.

[...]

...in the speeches delivered today, as well as in the numerous appeals received from fellow citizens, it was emphasized that *our people consider Hero-Arkadag to be a true National Leader*. It has been proposed to officially recognize this high status for him by codifying it in law, as a sign of deep respect and acknowledgment of Arkadag Gurbanguly Berdimuhamedov's contributions to strengthening sovereignty, enhancing international prestige, and bolstering the economic potential of the Fatherland.

⁸⁹ Constitutional Law of Turkmenistan on Amendments and Additions to the Constitution of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan. 2020. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/625>

⁹⁰ The highest representative body of people's power, the Halk Maslahaty of Turkmenistan, has been established [Создан высший представительный орган народной власти – Халк Маслахаты Туркменистана]. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 21.01.2023. <https://tdh.gov.tm/ru/post/34445/sozdan-vysshij-predstavitelnyj-organ-narodnoj-vlasti-halk-maslahaty-turkmenistana>

In this regard, *taking into account the wishes of the people, a draft Constitutional Law of Turkmenistan on the National Leader of the Turkmen People has been drafted and discussed.* This legislative act has been approved, adopted, and submitted for consideration to the President of Turkmenistan, who has endorsed and signed it.⁹¹

In other words, the Chair of the country's parliament stated in her speech that the initiative to create the Law on the National Leader of the Turkmen People came from the "public", from the "people." However, neither the "public" nor the "people" in this interpretation and context are subjects of constitutional law, and therefore, cannot initiate legislation in accordance with Article 83 of the Constitution of Turkmenistan. *Thus, the Chair of the Mejlis (the lower house of parliament, which is the legislative body) violated the provisions of the Constitution of Turkmenistan, specifically Article 83, which outlines the right of legislative initiative.*

This maneuver was necessary to personalize and elevate Gurbanguly Berdimuhamedov as an "exceptional person" with supra-constitutional powers, because with the dissolution of the upper house of parliament, Gurbanguly Berdimuhamedov had lost any legitimacy and had become an ordinary private citizen.

Nevertheless, the lack of information about the anonymous authors of this legislative initiative creates a legal conflict, as such initiatives are strictly defined by the Constitution and legislation of Turkmenistan. This, in turn, *calls into question the legitimacy of the Law on the National Leader of the Turkmen People*, especially considering the role it would subsequently play in the resulting system of the state power (see below).

In other words, the privileges granted to Gurbanguly Berdimuhamedov by the Law on the National Leader of the Turkmen People are inherently unlawful and unconstitutional, as is the status of "National Leader" itself.

[...]

From the speech of G. Mammedova, Chair of the Mejlis of Turkmenistan:

In this context, it was noted that, according to the first part of Article 3 of the Constitutional Law of Turkmenistan on the Halk Maslahaty of Turkmenistan, the Chairman of the Halk Maslahaty of Turkmenistan is appointed by the President of Turkmenistan.

It was emphasized that Arkadag Gurbanguly Berdimuhamedov dedicated his entire life to serving the people, exemplifying wise leadership that has played a pivotal role in the remarkable achievements of our country. The Turkmen people enjoy a prosperous and peaceful life, and our Fatherland has transformed into a land where dreams become reality. *All these achievements and successes are inseparably tied to the name of Hero Arkadag, who is the only person our people envision as the Chairman of the Halk Maslahaty of Turkmenistan.* This was affirmed by the

⁹¹ Ibid.

unanimous wishes and proposals submitted to the President of Turkmenistan. The Head of State satisfied the proposals by signing the Decree on the Chairman of the Halk Maslahaty of Turkmenistan.⁹²

This decree of the President of Turkmenistan pertains to the head of the People's Council—the Chairman of the Halk Maslahaty⁹³—and includes reasoning behind the selection of a specific individual for this position:

"...in accordance with the first part of Article 3 of the Constitutional Law of Turkmenistan on the Halk Maslahaty of Turkmenistan, I hereby order as follows:

to appoint the Hero of Turkmenistan, Honorary Elder of Turkmenistan, Arkadag (*Arkadag means patron, ed.*) of the people, National Leader of the Turkmen people Berdimuhamedov Gurbanguly Myalikgulyevich as **Chairman of the Halk Maslahaty of Turkmenistan**"⁹⁴

However, of all the listed regalia, titles, and positions, only the title of the National Leader (which is essentially a personalized position) is codified, as it is enshrined in a separate law, i.e. the Constitutional Law of Turkmenistan on the National Leader of the Turkmen People.⁹⁵ However, as shown and proven above, this law has a questionable history of origin. The entire initiative behind it did not comply with the Constitution of Turkmenistan, and the law itself holds minimal legal weight in this context. This, in turn, completely discredits the Decree of the President of Turkmenistan on the Chairman of the Halk Maslahaty and calls into question its legitimacy.

The Law of Turkmenistan on the Halk Maslahaty of Turkmenistan contains the same legal conflict.⁹⁶

Article 2. Composition of the Halk Maslahaty of Turkmenistan.

1. The great personality of our time, the Hero of Turkmenistan, Honorary People's Elder of Turkmenistan, Arkadag of the People, the Esteemed Gurbanguly Berdimuhamedov, whose high status as National Leader is recognized in law, shall be a permanent member of the Halk Maslahaty of Turkmenistan.

The same conflict that undermines the Decree of the President of Turkmenistan on the Chairman of the Halk Maslahaty, which has minimal legitimacy, also discredits the Constitutional Law on the Halk Maslahaty

⁹² The highest representative body of people's power, the Halk Maslahaty of Turkmenistan, has been established [Создан высший представительный орган народной власти – Халк Маслахаты Туркменистана]. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 21.01.2023. <https://tdh.gov.tm/ru/post/34445/sozdan-vysshij-predstavitelnyj-organ-narodnoj-vlasti-halk-maslahaty-turkmenistana>

⁹³ Decree of the President of Turkmenistan on Chairman of the Khalk Maslakhaty of Turkmenistan. The State News Agency of Turkmenistan (TDH) - Turkmenistan Today. 21.01.2023. <https://tdh.gov.tm/en/post/34460/decree-president-turkmenistan-chairman-khalk-maslakhaty-turkmenistan>

⁹⁴ Ibid.

⁹⁵ The Constitutional Law of Turkmenistan on the National Leader of the Turkmen People. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/623>

⁹⁶ The Constitutional Law on the Halk Maslahaty of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/622>

(People's Council). In this case, both the clearly privileged member of the Halk Maslahaty (the National Leader of the Turkmen People) and the Chairman of the Halk Maslahaty, who is appointed by decree rather than elected, with both positions held by the same individual, have inherently illegitimate grounds and privileges for being part of the Halk Maslahaty and serving as its chairman.

All these legal violations raise doubts about the legitimacy of the entire hierarchical structure known as the Halk Maslahaty, its powers, and its decisions. The situation is further complicated by the fact that the *Constitutional Law on the Halk Maslahaty (People's Council) is not implemented in the Constitution of Turkmenistan*. The Halk Maslahaty is mentioned several times in the text of the Constitution, and there are references to the Constitutional Law governing it. However, the Constitution does not include any details on its powers, composition, or the procedure for its formation. Furthermore, the Constitution does not list the Halk Maslahaty as part of the system of governing bodies in Turkmenistan:

Article 66. The highest state power in Turkmenistan is exercised by the President of Turkmenistan, the Mejlis of Turkmenistan, the Cabinet of Ministers of Turkmenistan, and the Supreme Court of Turkmenistan.⁹⁷

Meanwhile, the Law on the Halk Maslahaty⁹⁸ states:

Article 8. Decisions of the Halk Maslahaty of Turkmenistan

1. Decisions of the Halk Maslahaty of Turkmenistan are adopted in the form of resolutions by a simple majority vote of the total number of members participating in its meeting.
2. Resolutions adopted by the Halk Maslahaty of Turkmenistan are binding on the entire territory of Turkmenistan.
3. Resolutions adopted by the Halk Maslahaty of Turkmenistan may only be amended or canceled by the Halk Maslahaty itself.

This provision of the Law on the Halk Maslahaty essentially deprives the supreme authorities of Turkmenistan, as defined by the Constitution, of their agency.

Moreover, paragraph 1 of Article 8 creates ample opportunities for manipulation by the authorities in securing the "necessary" decisions of the Halk Maslahaty, as its membership is not defined by any law. This provision allows individuals who have not undergone any electoral procedure, such as "representatives of the public," the media, political parties, and other categories of citizens, to be "recruited" as members of the Halk Maslahaty.

Article 9 of the Law on the Halk Maslahaty explicitly establishes the primacy of the Halk Maslahaty's decisions over the authority of all branches of state power in Turkmenistan.

⁹⁷ The Constitution of Turkmenistan as amended in 2023. Ministry of Justice (Adalat) of Turkmenistan.

<https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/1>

⁹⁸ The Constitutional Law on the Halk Maslahaty of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan.

<https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/622>

Article 9. Execution of Decisions of the Halk Maslahaty of Turkmenistan⁹⁹

Decisions of the Halk Maslahaty of Turkmenistan are executed by the President of Turkmenistan, the Mejlis of Turkmenistan, the Cabinet of Ministers of Turkmenistan, and other state bodies in accordance with their powers established by the Constitution of Turkmenistan and regulatory legal acts of Turkmenistan.

Numerous conflicts between the norms of the Constitution of Turkmenistan and the Law of Turkmenistan on the Halk Maslahaty indicate that *the Halk Maslahaty is an unconstitutional body, and its sole purpose appears to be the usurpation of power by Gurbanguly Berdimuhamedov, whose appointment to, and tenure in the position of Chairman of the Halk Maslahaty are both inherently illegitimate.*

The Criminal Code of Turkmenistan¹⁰⁰ includes several articles that could apply to the actions of top officials and specifically to Gurbanguly Berdimuhamedov, such as Article 184: Seizure or Usurpation of State Power, or Article 202: Usurpation of the Power of a Public Official. However, Gurbanguly Berdimuhamedov, due to his status as both a former and current senior government official, is shielded from prosecution by two laws—the Law on the President of Turkmenistan and the Law on the National Leader of the Turkmen People—as well as a specific article of the Constitution of Turkmenistan (Article 74). Moreover, an even greater level of protection is afforded to him by his son, who currently holds the position of President of Turkmenistan.

Phase 4. Duumvirate and Dynasty

The greater level of protection afforded to Gurbanguly Berdimuhamedov by his son Serdar is not solely based on their family ties, although this factor is certainly highly significant.

The succession of power from father to son, and vice versa, is also formalized by law, considering that Serdar Berdimuhamedov is the President of Turkmenistan, while his father holds the position of Chairman of the Halk Maslahaty.

Thus, Article 11 of the Law on the Halk Maslahaty outlines the powers of the Chairman of the Halk Maslahaty, among other, as follows:

- 6) upon instructions from the President of Turkmenistan, [the Chairman] shall exercise [the President's] powers outlined in paragraphs 2, 15, and 18 of Article 71 of the Constitution of Turkmenistan;¹⁰¹

⁹⁹ Ibid.

¹⁰⁰ The Criminal Code of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/600>

¹⁰¹ The Constitutional Law of Turkmenistan on the Halk Maslahaty of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan.

<https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/622>

The mentioned articles of the Constitution of Turkmenistan¹⁰² include the following:

- 2) oversees the implementation of foreign policy, represents Turkmenistan in relations with other states, conducts negotiations, signs international treaties, appoints and recalls ambassadors and other diplomatic representatives of Turkmenistan in foreign countries and at interstate and international organizations, and accepts credentials and letters of recall from diplomatic representatives of foreign states;
- 15) awards state honors of Turkmenistan, confers military ranks, and grants other state titles;
- 18) grants pardons and amnesties.

Further, Article 76 of the Constitution of Turkmenistan,¹⁰³ as amended in 2023, states:

If the President of Turkmenistan is unable to perform his duties for any reason, his powers shall be transferred to the Chairman of the Halk Maslahaty of Turkmenistan until a new President is elected.

The Law on the Halk Maslahaty¹⁰⁴ also provides for a reverse succession of power:

Article 3. Chairman of the Halk Maslahaty of Turkmenistan

3. If the Chairman of the Halk Maslahaty of Turkmenistan is unable to perform his duties for any reason or voluntarily resigns, his powers shall be transferred to the President of Turkmenistan.

In other words, the father-son duumvirate ensures, at the legislative level, a system of guaranteed power inheritance and the exercise of each other's powers in the event of incapacity. These provisions not only consolidate power within one family but also prevent any attempts to seize power by outsiders beyond the Berdimuhamedov father-son family circle.

In fact, the decisions adopted in 2023 by the bicameral parliament (which has since been abolished) with the participation of the "public" laid the groundwork for the establishment of a dynastic system of government, disguised as an imitation democracy through a controlled parliament and other similar attributes. The resulting power structure is capable of guaranteeing not only the dynastic transfer of power for many years but, more importantly, the continuity of authoritarian governance and ideological dogmas, of which one of the key pillars is the pervasive cult of personality surrounding Gurbanguly Berdimuhamedov.

¹⁰² The Constitution of Turkmenistan as amended in 2023. Ministry of Justice (Adalat) of Turkmenistan.

<https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/1>

¹⁰³ Ibid.

¹⁰⁴ The Constitutional Law of Turkmenistan on the Halk Maslahaty of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan.

<https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/622>

particularly as the founder of the dynasty, with a similar cult already being cultivated for his son Serdar, the current president.¹⁰⁵

Takeaways for the EBRD

Since the EBRD's "return" to Turkmenistan in 2008, reforms in Turkmen legislation have sparked bouts of euphoria among EBRD staff and experts working on Turkmenistan.

Thus, the system of succession of power, amended by the 2016 Constitution, where, in the event of the president's incapacity, power would pass not to an anonymous member of the Security Council of Turkmenistan, but to the Chairman of Parliament who is required to initiate and conduct new elections, was seen as a potential step toward democratization of the entire country. The EBRD staff,¹⁰⁶ among others, had a similar reaction to the adoption of the Law on the Organization and Conduct of Meetings, Rallies, Demonstrations, and Other Mass Events.¹⁰⁷ The same applies to the Law on Political Parties¹⁰⁸ and the registration of the "first independent media outlet in Turkmenistan," namely *Rysgal*, the newspaper of the Union of Industrialists and Entrepreneurs of Turkmenistan,¹⁰⁹ a favored partner of the EBRD office in Turkmenistan. One can form an opinion about the "independence" of *Rysgal*¹¹⁰ by visiting its website.

All these projections and expectations from the EBRD officials, their consultants and experts turned out to be ridiculously unrealistic, possibly hypocritical, and, in any case, short-sighted and incompetent. From the perspective of the EBRD's Charter, where it is defined as a "transition instrument," the bank's presence and activities in Turkmenistan *represent a political failure*.

The analysis of the constitutional process presented above demonstrates that, from the perspective of "democratization and pluralism" in Turkmenistan—especially within the realm of constitutional legislation—there is a significant regression, reflecting the country's descent into dictatorship. The EBRD had an opportunity to influence this process. But it was missed. Among other factors, it was missed due to the EBRD bureaucracy's categorical disregard for the voices and opinions of both the Turkmen and international community.¹¹¹

¹⁰⁵ A Replacement President: First Anniversary of Serdar Berdimuhamedov's Presidency [Запасной президент. Исполнился год правления Сердара Бердымухамедова]. Nezavisimaya Gazeta. https://www.ng.ru/courier/2023-03-26/11_8689_president.html

¹⁰⁶ Personal and public interactions with EBRD staff, experts, and consultants.

¹⁰⁷ On the Organization and Conduct of Meetings, Rallies, Demonstrations, and Other Mass Events. The State Information Agency of Turkmenistan. The Golden Age electronic newspaper. 11.03.2015. <https://turkmenistan.gov.tm/ru/post/23756/zakon-turkmenistana-%3Cbr%3Eob-organizatsii-i-provedenii-sobraniii-mitingov-demonstratsii-i-drugikh-massovykh-meropriyatiy>

¹⁰⁸ The Law of Turkmenistan on Political Parties. The State Information Agency of Turkmenistan. The Golden Age electronic newspaper. 14.02.2012. <https://turkmenistan.gov.tm/ru/post/16478/zakon-turkmenistana-%3Cbr%3Eo-politicheskikh-partiyakh>

¹⁰⁹ The Union of Industrialists and Entrepreneurs of Turkmenistan (TUIE). <https://tstb.gov.tm/sppt>

¹¹⁰ *Rysgal* <https://tstb.gov.tm/newspaper>

¹¹¹ A letter from the Turkmen and international community to the EBRD is attached as a separate document.

Enforced Disappearances in Turkmenistan's Prisons

Disappearances in Turkmenistan's prisons have been consistently documented and confirmed. The “Prove They Are Alive!” campaign,¹¹² led by an international coalition that has been working since 2013 to end enforced disappearances in Turkmenistan, has documented at least 162 disappearances in Turkmen prisons, 97 of which are unresolved, including 33 individuals whose prison terms expired at the end of 2022 but whose fates and whereabouts remain unknown.¹¹³

The vast majority of these individuals are victims of mass repression, subjected to trials characterized by blatant legal violations and manipulations, where defendants were convicted under newly enacted laws applied retroactively.¹¹⁴ Many victims of repression were given disproportionately long prison sentences, and the fate of numerous prisoners has remained unknown for over twenty years.¹¹⁵

Many individual cases of repression amounted to targeted elimination of high-ranking officials who had accrued "excessive political weight and influence," such as Deputy Chairman of the Cabinet of Ministers of Turkmenistan (Deputy Prime Minister) Batyr Sardzhaev¹¹⁶ (repressed in 2002), Yelly Gurbanmuradov¹¹⁷ (2005), and numerous others.

From the outset, repression took the form of *collective and solidary punishment*, with the closest relatives of those targeted facing harassment, including extrajudicial persecution, psychological pressure, torture, and long-term imprisonment. Thus, virtually all adult members of the Yklymov family faced repression, while those who avoided imprisonment endured severe psychological torture.¹¹⁸ The wife of former Deputy Prime Minister Yelly Gurbanmuradov (see above), Olga Kudratova, was sentenced to 15 years in prison,¹¹⁹ and the wife of Yklym Yklymov,¹²⁰ Olga Prokofieva, along with her mother and sister, was subjected to brutal

¹¹² Prove They Are Alive! campaign <https://provetheyarealive.org/>

¹¹³ Human Rights Watch: World report 2024. Turkmenistan. <https://www.hrw.org/world-report/2024/country-chapters/turkmenistan>

¹¹⁴ OSCE Rapporteur's Report on Turkmenistan By Prof. Emmanuel Decaux. <https://www.osce.org/files/f/documents/0/5/18372.pdf>

¹¹⁵ Prove They Are Alive! campaign: Twenty Years Since the Beginning of Mass Repression in Turkmenistan, OSCE Participating States Should Take Strong Action to Stop Enforced Disappearances https://provetheyarealive.org/wp-content/uploads/2022/11/Nov22_Twenty-Years-Since-the-Beginning-of-Mass-Repression-1.pdf

¹¹⁶ Batyr Sardzhaev. Turkmen Wiki. https://wiki-tm.com/index.php/Сарджаев,_Батыр: <https://provetheyarealive.org/the-disappeared/73-sardzhaev-batyr/>

¹¹⁷ Yelly Gurbanmuradov. Turkmen Wiki. https://wiki-tm.com/index.php/Курбанмурадов,_Ёллы: <https://provetheyarealive.org/the-disappeared/40-gurbanmuradov-yelly/>

¹¹⁸ The Turkmen saga. The entire country, as one family, held hostage by Niyazov [Туркменская сага. Вся страна как одна семья – в заложниках у Ниязова]. *Vremya Novosti* https://web.archive.org/web/20240725153802if_/http://www.vremya.ru/2004/210/13/112530.html *Vremya Novosti* has ceased operations: the provided link redirects to the web archive. <http://www.vremya.ru/2004/210/13/112530.html>

¹¹⁹ Yelly Gurbanmuradov. Turkmen Wiki. https://wiki-tm.com/index.php/Курбанмурадов,_Ёллы: <https://provetheyarealive.org/the-disappeared/40-gurbanmuradov-yelly/>

¹²⁰ Turkmenistan: Yklym Yklymov Arrested [Туркменистан: арестован ыкым ыкlyмов]. Memorial Human Rights Defence Centre. <https://memohrc.org/ru/news/turkmenistan-arestovan-yklym-yklymov>

beatings and electric shock torture.^{121,122} Olga was convicted in February 2003 and remained imprisoned until her release following Niyazov's death in 2007.¹²³

The Turkmen authorities refuse to acknowledge the existence of the group of people having "disappeared in prisons," although President Gurbanguly Berdimuhamedov publicly mentioned the issue twice. In 2007, in a presentation at Columbia University in New York, answering a question from Peter Zalmayev of the International League for Human Rights about the fate of two former foreign ministers, Boris Shikhmuradov¹²⁴ and Batyr Berdyev,¹²⁵ who had been convicted and disappeared in prison, Gurbanguly Berdymukhammedov stated, "I am sure that these people are alive."¹²⁶

The other public mention occurred during Secretary of State John Kerry's visit to Turkmenistan in 2015:

Human Rights Watch calls it "one of the most repressive and closed countries in the world," noting the dozens who have "simply disappeared in the Turkmen prison system." Mr. Kerry noted a list of "87 prisoners of concern."

Mr. Berdymukhammedov said each situation involved "technical issues" that would have to be followed up by "experts."¹²⁷ - *The New York Times*.

In the first instance, President Berdymukhammedov effectively acknowledged the incommunicado detention of two high-ranking officials, Shikhmuradov and Berdyev, thus fully assuming responsibility for their lives as the guarantor of the Constitution of Turkmenistan.¹²⁸

In the second case, Berdymukhammedov did not immediately dismiss the fact that there were "prisoners of concern," referring specifically to those who had disappeared in Turkmen prisons. Instead, he cited "technical issues" and the need for "experts" to follow up on the matter.

¹²¹ Turkmenistan: Repression Continues [Туркменистан: репрессии продолжаются]. Memorial Human Rights Defence Centre. <https://memohrc.org/ru/news/turkmenistan-repressii-prodolzhayutsya>

¹²² OSCE Rapporteur's Report on Turkmenistan By Prof. Emmanuel Decaux <https://www.osce.org/files/f/documents/0/5/18372.pdf>

¹²³ Turkmenistan: The List of Amnestied Political Prisoners Published [Туркмения: Опубликован список амнистированных политзаключенных]. Fergana.Ru. 10/08/2007. <https://www.fergananews.com/news/6757>

¹²⁴ Boris Shikhmuradov. Turkmen Wiki. https://wiki-tm.com/index.php/Шихмурадов,_Борис: <https://provetheyarealive.org/the-disappeared/75-shikhmuradov-boris/>

¹²⁵ Batyr Berdyev, Turkmen Wiki. https://wiki-tm.com/index.php/Бердыев,_Батыр: <https://provetheyarealive.org/the-disappeared/17-berdyev-batyr/>

¹²⁶ Peter Zalmayev, Columbia Uni., asks Turkmen president about political prisoners, Sept 2007, New York. <https://youtu.be/RNA64DGh0LI>

¹²⁷ John Kerry Confronts Human Rights as He Zips Through Central Asia. The New York Times.

<https://www.nytimes.com/2015/11/04/world/asia/john-kerry-confronts-human-rights-as-he-zips-through-central-asia.html>

¹²⁸ Disappeared in Turkmenistan's prisons: Are they still alive? Briefing of the Commission on Security and Cooperation in Europe (US Helsinki Commission) <https://www.govinfo.gov/content/pkg/CHRG-113jhrg95597/html/CHRG-113jhrg95597.htm>

Reliable information indicates that during their meetings with President Gurbanguly Berdymukhammedov, the issue of disappearances in Turkmen prisons was raised by Didier Burkhalter, who visited Turkmenistan as the OSCE Chairperson-in-Office, and by German Chancellor Angela Merkel.

"As the diplomats who attended the meeting later stated, Berdymukhammedov was surprised by the question about the disappearances directed at him. "And without an answer to the question, the meeting ended."¹²⁹

International Mechanisms

In 2003,¹³⁰ 2004,¹³¹ and 2005,¹³² the UN General Assembly adopted three resolutions on the situation in Turkmenistan, expressing concern over the mass repression. In addition, in 2005¹³³ and 2006,¹³⁴ the UN Secretary-General published reports on the situation with human rights in Turkmenistan, indicating the UN's extreme concern about the human rights situation, mass repression, widespread use of torture, arbitrary detention, and the plight of those who disappeared in Turkmen prisons.

A group of ten OSCE participating states invoked the OSCE Moscow Mechanism, leading in 2003 to the appointment of Rapporteur Professor Emmanuel Decaux and the preparation of a report,¹³⁵ which later served as the basis for the international community's dialogue with the authorities of Turkmenistan regarding disappearances in prisons and human rights violations.

Emmanuel Decaux's report states:

"...concerning the different facets of the repression, which is going on since the murder attempt of 25 November 2002 against President Niyazov. Large-scale violations of all the principles of due process of law, like arbitrary detentions or show trials took place.

¹²⁹ The fate of victims of enforced disappearances during repression reveals the scale of violations [Судьба насильственно пропавших без вести во время террора раскрывает масштабы нарушений]. Radio Azatlyk. <https://rus.azathabar.com/a/sudba-nasilstvenno-propavshih-bez-vesti-vo-vremya-terrora-raskryvaet-masshtaby-narusheniy/33119999.html>

¹³⁰ Resolution adopted by the General Assembly on 22 December 2003. Situation of human rights in Turkmenistan. <https://documents.un.org/doc/undoc/gen/n03/506/22/pdf/n0350622.pdf>

¹³¹ Resolution adopted by the General Assembly on 20 December 2004. Situation of human rights in Turkmenistan. <https://documents.un.org/doc/undoc/gen/n04/488/62/pdf/n0448862.pdf>

¹³² Resolution adopted by the General Assembly on 16 December 2005. Situation of human rights in Turkmenistan. <https://documents.un.org/doc/undoc/gen/n05/497/92/pdf/n0549792.pdf>

¹³³ Situation of human rights in Turkmenistan. Report of the Secretary-General. 2005. <https://documents.un.org/doc/undoc/gen/n05/515/74/pdf/n0551574.pdf>

¹³⁴ Situation of human rights in Turkmenistan. Report of the Secretary-General. 2006. <https://documents.un.org/doc/undoc/gen/n06/552/49/pdf/n0655249.pdf>

¹³⁵ OSCE Rapporteur's Report on Turkmenistan By Prof. Emmanuel Decaux. <https://www.osce.org/files/f/documents/0/5/18372.pdf>

Not only has torture been used to obtain confessions, but the forced use of drugs was a means of criminalising the detainees, entailing lethal risks for them. A multiform collective repression fell on the “enemies of the people.”¹³⁶

Turkmenistan, however, refused to participate in the Moscow Mechanism process. Following the release of Decaux's report, the Ministry of Foreign Affairs of Turkmenistan reacted sharply:

“...According to Ashgabat, Professor Decaux's report is 'hastily compiled according to the previously prepared templates, does not hold against criticism and is particularly biased.'

“Those one-sided conclusions and recommendations, which the report contains, are in no way different from, and often repeating the fabrications of the 'yellow press' that cannot be considered a source of objective information,” the Foreign Ministry's statement reads. “In this regard, the Turkmen side expresses its indignation towards the unobjective attitude and biased coverage of the situation in Turkmenistan from the side of the OSCE rapporteur.”¹³⁷

Fifteen years after the publication of the OSCE Rapporteur's Report, Professor Emmanuel Decaux, now a private individual, gave an in-depth interview about the history and nuances of working on the report.¹³⁸

By refusing to cooperate with the OSCE, the Turkmen authorities blatantly violated the country's obligations as an OSCE participating state and, for many years, shut down any possibility to even discuss the issue of disappearances in Turkmenistan's prisons.

Nevertheless, UN bodies, primarily the UN Human Rights Committee, have repeatedly acknowledged the existence of incommunicado prisoners in Turkmenistan, which amounts to enforced disappearances:

Secret detention and enforced disappearances

16. The Committee remains concerned (see CCPR/C/TKM/CO/1, para. 10) about reports of secret detention and enforced disappearance of a large number of convicted and imprisoned persons, including those convicted for alleged involvement in the assassination attempt on the former President in November 2002. It regrets the State party's failure to respond to such allegations and to disclose the fate and whereabouts of these persons, including former Foreign Minister Boris

¹³⁶ OSCE Rapporteur's Report on Turkmenistan By Prof. Emmanuel Decaux <https://www.osce.org/files/f/documents/0/5/18372.pdf>

¹³⁷ Turkmenistan and OSCE: Exchange of Jabs [Туркмения и ОБСЕ: Обмен «уколами»]. TURKMENISTAN.RU . <https://www.turkmenistan.ru/ru/node/14921>

¹³⁸ E. Decaux: “I feel a strong responsibility both in regard to the true people of Turkmenistan and in regard to the 'integrity' and efficiency of the Moscow Mechanism.” Chronicle of Turkmenistan. <https://en.hronikatm.com/2017/11/e-decaux-i-feel-a-strong-responsibility-both-in-regard-to-the-true-people-of-turkmenistan-and-in-regard-to-the-integrity-and-efficiency-of-the-moscow-mechanism/>

Shikhradov, who has been recognized by the Committee as a victim of enforced disappearance (see CCPR/C/112/D/2069/2011) (arts. 2, 6, 7, 9, 14 and 16).¹³⁹

In preparation for the Universal Periodic Review (UPR), the Report issued by the Office of the High Commissioner for Human Rights included submissions from stakeholders (coalitions or individual human rights organizations), which demonstrate that the practice of enforced disappearances in Turkmenistan's prisons remains a continuing violation. Indeed, disappearances continued even at the time of writing the Report¹⁴⁰ in 2018.

"13. JS1 reported that enforced disappearances and the use of arbitrary, incommunicado and politically motivated detention have continued. It stated that dozens of individuals previously imprisoned after closed trials remained forcibly disappeared. The authorities denied them visits, letters, or any other contacts with their families, who had not received any information about their fate or whereabouts in custody for years. Similarly, HRF reported that Turkmen were arbitrarily taken into custody at the end of 2016, without presenting arrest warrant to them and without informing them of charges behind the arrest. It reported that they were subject to torture and ill-treatment during interrogation and were held incommunicado in pretrial detention. The detainees were not given opportunity to communicate with their families, and did not have access to their lawyers during their pretrial detention. They were tried in a closed trial and their right to due process was violated, concluded HRF.

14. JS3 reported on a growing number of prisoners who had been kept in full isolation, without any contact with the outside world. Among such prisoners were those who convicted of an alleged attempt to assassinate then President Saparmurat Niyazov, former high officials charged with different economic crimes and persons accused of Islamic extremism. It stated that there had been no verifiable information about whereabouts and condition of those persons since their arrest or trial - with a few exceptions when the authorities returned the bodies of deceased prisoners to their families. JS3 reported on a growing number of deaths of persons held incommunicado in prisons after being many years of isolation in harsh conditions of prisons.

15. JS1 stated that individuals convicted on politically motivated grounds or in politically charged cases were reportedly subject to abusive treatment in detention. In many cases, they were believed to be held in the high-security Ovadan Depe prison. JS3 made similar observations and reported that torture was widespread in Ovadan Depe prison. It noted reports that cells of Ovadan Depe maximum-security prison were completely isolated and communication between cells were forbidden. Some cells had covered up windows. Water inside cells was filthy and the toilet was

¹³⁹ International Covenant on Civil and Political Rights. Human Rights Committee. Concluding observations on the second periodic report of Turkmenistan. 2017. <https://documents.un.org/doc/undoc/gen/g17/096/09/pdf/g1709609.pdf>

¹⁴⁰ Human Rights Council. Working Group on the Universal Periodic Review. Thirtieth session. 7-18 May 2018. Summary of Stakeholders' submissions on Turkmenistan. Report of the Office of the United Nations High Commissioner for Human Rights. https://upr-info.org/sites/default/files/documents/2018-04/a_hrc_wg_6_30_tkm_3_en.pdf

inside the cell without respect for the privacy of inmates. Food was scarce and of poor quality. In the few cases where bodies of disappeared prisoners were returned to families, they reportedly showed signs of starvation."

(where JS1, JS2 and JS3 refer to joint submissions by several human rights NGOs)

Moreover, according to the Prove They Are Alive! campaign:

"JS3 reported that the International Committee of Red Cross withdrew from negotiations on cooperation with Turkmenistan, citing unwillingness of the authorities to accept standard requirements for prison visits of the International Committee of Red Cross" (§.20)¹⁴¹

The Report also noted that:

"It was recommended that Turkmenistan ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." (§.2)¹⁴²

Turkmenistan refuses to sign and ratify the Convention and the Protocol.

Additionally, Turkmenistan failed to respond to communications from the UN Working Group on Enforced Disappearances concerning several cases.

Joint Submission (JS3) reported that Turkmenistan had failed to respond to communications from the United Nations Working Group on Enforced Disappearances concerning several cases. (§5)¹⁴³

It was also noted that Turkmenistan refused to issue standing invitations to UN special procedures mandate holders (§6).¹⁴⁴

The legislation of Turkmenistan acknowledges the supremacy of international law over domestic laws, although it does not grant international norms direct effect at the national level.

The Constitution of Turkmenistan states in Article 9:

Turkmenistan shall recognize the priority of the universally accepted norms of international law.¹⁴⁵

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ The Constitution of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/1>

The Constitutional Law of Turkmenistan on Permanent Neutrality of Turkmenistan, in the context of the country's permanent neutrality status, states in Article 2:

Article 2. Turkmenistan's acceptance of permanent neutrality status does not affect its fulfillment of obligations arising from the UN Charter. Turkmenistan will fully contribute to achieving the goals of the United Nations.

Turkmenistan acknowledges the priority of the United Nations and its decisions.¹⁴⁶

Many laws in Turkmenistan include the provision:

If international treaties to which Turkmenistan is a party establish rules different from those in this law, the provisions of the international treaties shall apply.

However, there is no precedent, particularly in the area of human rights, for this provision being applied as direct legislation.

The dissonance between the domestic legal provisions cited above and the dire reality of Turkmenistan's relations with international institutions such as the UN and OSCE and their structures indicates that the Turkmen authorities are grossly violating both their own legislation and their international obligations. All the above facts demonstrate and prove that the Turkmen authorities deliberately and systematically sabotage any international cooperation with the UN and OSCE in the humanitarian and legal spheres, particularly regarding the fate of the disappeared persons, and more broadly, in ensuring the elimination of this horrific and shameful practice and preventing its recurrence in the future.

¹⁴⁶ The Constitutional Law of Turkmenistan on Permanent Neutrality of Turkmenistan, 1995. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/620>

Massive violations of the right to freedom of movement

Banning citizens from leaving the country has long been used by the Turkmen authorities as a key tool of repression and a method of preventive intimidation¹⁴⁷ ¹⁴⁸ and has been applied on a massive scale.

The Constitution of Turkmenistan¹⁴⁹ does not include provisions to safeguard the right to leave the country and return. Article 39 of the Constitution guarantees only the freedom of movement within the country.

It is worth noting that from 1995 to 2002, Turkmenistan implemented a system of "exit visas." Under this legislation,¹⁵⁰ holding an international passport required for transborder travel as a Turkmen citizen was insufficient; one also had to justify their need to leave the country, while the legal grounds for departure were strictly limited by law. This system was abolished by a presidential decree issued by President Niyazov in 2001¹⁵¹ (effective as of 2002), and subsequently by a new presidential decree in 2002.¹⁵² However, in 2004, a new restriction on the unconditional right to leave the country was introduced; it applied to all citizens of Turkmenistan, requiring them to obtain a visa from their destination country before departure.¹⁵³ This restrictive measure remains part of Turkmenistan's legislation to this day.¹⁵⁴

The Law of Turkmenistan on Migration¹⁵⁵ includes Article 24, titled "The Procedure for Exit from and Entry into Turkmenistan for Citizens of Turkmenistan," stating as follows:

1. Every citizen of Turkmenistan has the right to leave Turkmenistan and enter Turkmenistan.

A citizen of Turkmenistan cannot be denied the right to leave or enter Turkmenistan.

¹⁴⁷ The Iron Doors of Dictatorship: Systematic Violations of the Right to Freedom of Movement in Turkmenistan. Prove They are Alive! Campaign <https://provetheyarealive.org/the-iron-doors-of-dictatorship-systematic-violations-of-the-right-to-freedom-of-movement-in-turkmenistan/>

¹⁴⁸ Human Rights Watch: Submission to the Universal Periodic Review of Turkmenistan, 2023 <https://www.hrw.org/news/2023/04/05/submitting-universal-periodic-review-turkmenistan>

¹⁴⁹ The Constitution of Turkmenistan. Ministry of Justice (Adalat) of Turkmenistan. [https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/1](https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/)

¹⁵⁰ Decree of the President of Turkmenistan on the Draft Law of Turkmenistan on the Procedures of Exiting and Entering Turkmenistan by Citizens of Turkmenistan of 14 June 1995. The Database of Legislation of Turkmenistan, OSCE Centre in Ashgabat. <http://www.turkmenlegaldatabase.info/documents.download/id/22905.html>

¹⁵¹ Saparmurat Niyazov Signs Decree Abolishing Exit Visas for Turkmen Citizens [Сапармурат Ниязов подписал указ об отмене выездных виз для граждан Туркменистана] Turkmenistan.ru <http://www.turkmenistan.ru/ru/node/14214>

¹⁵² Decree of the President of Turkmenistan on Amendments to Certain Acts of the President of Turkmenistan, of 18 April 2002. The Database of Legislation of Turkmenistan, OSCE Centre in Ashgabat. <http://www.turkmenlegaldatabase.info/documents.download/id/4725.html>

¹⁵³ Niyazov Adopts Decree on Refining the Procedure for Exiting Turkmenistan [Ниязов принял постановление "О совершенствовании порядка выезда граждан из Туркменистана"]. Turkmenistan.ru. <http://www.turkmenistan.ru/ru/node/15651>

¹⁵⁴ The Law of Turkmenistan on Migration, Article 24, paragraph 2. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/514>

¹⁵⁵ The Law of Turkmenistan on Migration. Ministry of Justice (Adalat) of Turkmenistan. <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/514>

The right to leave Turkmenistan may be temporarily restricted under the provisions of Article 30 of this Law.

Article 30 of the Law on Migration, in turn, lists ten (10) sub-paragraphs outlining the grounds on which a citizen of Turkmenistan may be prohibited from traveling abroad. Paragraph 1, subparagraph 10 of this article states: "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 Law does not define or clarify the concept of "national security interests" anywhere in the text, and this provision is frequently used by authorities to selectively apply restrictions, often as a form of punishment, retaliation, or a threat against individuals seeking to leave the country.

The Law does not specify which government agencies are authorized to impose a ban on a citizen's departure from the country. As a result, challenging the exit ban in court is virtually impossible, as demonstrated by the practice of such appeals (discussed below).

Moreover, Article 31 of the Law, titled "Dispute Resolution Procedure," fails to stipulate, explicitly and unambiguously, the right to appeal a "temporary restriction on exiting the country" in court.

Taken together, this represents a serious flaw in Turkmenistan's legislation, creating a broad scope for arbitrary and selective application of the exit ban, which is routinely abused by the authorities. The lack of transparency in the decision-making process regarding travel bans disorients and demoralizes citizens who have been prohibited from leaving. The Migration Service of Turkmenistan, the agency responsible for authorizing exit and entry, never discloses the reasons for an exit ban or the agency that has imposed it. This makes it impossible to appeal the travel ban in court, and citizens are not informed of the reasons for, or the anticipated duration of the "temporary restriction on leaving the country" imposed on them.

In addition to the legal uncertainty in both the legislation and its enforcement, the authorities create additional, arbitrary, and therefore illegal obstacles to leaving the country for broad categories of citizens.

Since September 2024, all students at higher educational institutions are required to surrender their international travel passports to the university administration upon admission until the completion of their studies. When surrendering their travel passports to the university administration, students are required to sign a statement that reads: "I voluntarily surrender my passport to the dean's office. I pledge not to leave the country until graduation. In the event of a breach of this pledge, I consent to being expelled from the university."¹⁵⁶

Around the same time, in August-September 2024, the authorities launched a massive campaign to confiscate travel passports from state employees of all sectors. "All employees of educational, healthcare and culture institutions, transport enterprises, and public utilities are required to surrender their passports.

¹⁵⁶ Biometric Passports Taken Away from Turkmen Students Enrolled in Universities [У поступивших в вузы туркменистанцев отбирают биометрические паспорта]. Radio Liberty's Turkmen Service/Azatlyk <https://rus.azathabar.com/a/u-postupivshih-v-vuzy-turkmenistantsev-otbirayut-biometricheskie-pasporta/33098352.html>

Those who have not yet been issued a travel passport must obtain a certificate of its absence from the Migration Service.¹⁵⁷

While previous campaigns to confiscate travel passports were¹⁵⁸ random¹⁵⁹ and non-systemic,¹⁶⁰ the confiscation of passports from state employees of all categories has become strictly mandatory and total in nature starting in 2024.

When issuing travel passports, the authorities of Turkmenistan conduct thorough loyalty checks on each individual applicant. The processing time for obtaining a passport can range from 1 to 2 months in the capital, Ashgabat, to up to 10 months or more in the provinces.¹⁶¹ In some cases, the waiting time to just be allowed to file paperwork for a travel passport can be as long as two years.¹⁶²

The Turkmen authorities have consistently restricted their citizens' ability to travel abroad. Under the Law of Turkmenistan on Migration, dated 31 March 2012, the validity period of travel passports was ten years,¹⁶³ while amendments enacted on 19 September 2016 reduced the validity period to five years.¹⁶⁴

"Blacklists" and the main categories of those blacklisted

Until around 2015-2016, the authorities used so-called "blacklists" that contained the names of Turkmen citizens barred from leaving the country.¹⁶⁵ At that time, the blacklisted categories included independent journalists, civic activists, relatives of convicted officials, and ordinary citizens who happened to be caught in several waves of mass repression since 2002. The list also included a broad range of civil servants in high-

¹⁵⁷ Turkmen State Employees Forced to Surrender Travel Passports [Туркменских бюджетников заставляют сдавать загранпаспорта]. Radio Liberty's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/turkmenских-byudzhetnikov-vynuzhdayut-sdavat-zagranpasporta/33114965.html>

¹⁵⁸ In Turkmenistan, State Employees Are Required to Surrender Travel Passports [В Туркменистане от бюджетников требуют сдать загранпаспорта]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/31346119.html>

¹⁵⁹ Maximum Security Studies [Учеба строгого режима]. Chronicles of Turkmenistan. <https://www.hronikatm.com/2024/03/ucheba-strogogo-rezhima/>

¹⁶⁰ Gas Workers Have Travel Passports Confiscated [У газовиков отнимают загранпаспорта]. Turkmen.news. <https://turkmen.news/maslozavod-v-turkmenabade-postradal-iz-za-massovoj-ehmigracii-sotrudnikov-u-gazovikov-otnimayut-zagranpasporta/>

¹⁶¹ Waiting Lists to Obtain Travel Passports Extend to 2025 In Turkmenbashi and Balkanabad [В Туркменбashi и Balkanabad очереди за загранпаспортами растянулись до 2025 года]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/v-turkmenbashi-i-balkanabade-ocheredi-za-zagranpasportami-rastyanulis-do-2025-goda/32822222.html>

¹⁶² Two Years on Waiting List to Obtain Travel Passport in Turkmenistan [Очереди за загранпаспортами в Туркменистане растянулись на два года]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/ocheredi-za-zagranpasportami-v-turkmenistane-rastyanulis-na-dva-goda/32847521.html>

¹⁶³ On Amendments to the Law of Turkmenistan on Migration of 12 March 2015 <https://turkmenistan.gov.tm/ru/post/23771/zakon-turkmenistana-%3Cbr%3Eo-vnesenii-izmenenii-i-dopolnenii-v-zakon-turkmenistana-o-migratsii->

¹⁶⁴ The Law of Turkmenistan on Amendments to the Law on Migration of 19 September 2016 <https://turkmenistan.gov.tm/ru/post/27042/zakon-turkmenistana-%3Cbr%3Eo-vnesenii-izmenenii-i-dopolnenii-v-zakon-turkmenistana-o-migratsii->

¹⁶⁵ The Iron Doors of Dictatorship: Systematic Violations of the Right to Freedom of Movement in Turkmenistan. Prove They are Alive! Campaign <https://provetheyarealive.org/the-iron-doors-of-dictatorship-systematic-violations-of-the-right-to-freedom-of-movement-in-turkmenistan/>

ranking positions with access to state secrets, as well as physicians and service personnel of the country's leaders. However, the first mention of blacklists dates back to the mid-1990s.

The authorities have always denied the existence of blacklists, but extensive evidence suggests otherwise.¹⁶⁶ It was impossible to have one's name removed from a blacklist. After 2015-2016, discussing the existence of blacklists became irrelevant due to the sharp increase in the number of citizens whose departure from Turkmenistan was prohibited. Previously, the exit ban applied to "enemies of the state" and individuals with access to state secrets and personal secrets of Turkmen leaders. Recently, however, the authorities have been extending exit bans to a broader range of citizens. Despite this, pressure on civic activists and their families still remains a priority for repressive actions of the Turkmen authorities. As a result, a group of international human rights organizations was compelled to send an "open letter"¹⁶⁷ to the leadership of Turkmenistan, demanding an end to the practice of exit bans.

Today, Turkmen citizens enrolled in foreign universities are among the largest categories subject to unpredictable exit bans.¹⁶⁸ There are numerous reports in independent media on the significant barriers to leaving the country,¹⁶⁹ including arbitrary exit bans imposed on students to prevent them from pursuing education abroad.¹⁷⁰ In some cases, entire groups¹⁷¹ are denied permission to depart, with anywhere from 3 to 7 people to even as many as 50 at once being prevented from boarding a flight.¹⁷² It is impossible to determine the exact number of such cases. As a rule, employees of the Migration Service either refuse to provide any reasons for the exit ban or offer completely absurd and illegal justifications.¹⁷³

¹⁶⁶ The Iron Doors of Dictatorship: Systematic Violations of the Right to Freedom of Movement in Turkmenistan. Prove They are Alive! Campaign. <https://provetheyarealive.org/the-iron-doors-of-dictatorship-systematic-violations-of-the-right-to-freedom-of-movement-in-turkmenistan/>

¹⁶⁷ Open letter to the President of Turkmenistan regarding systematic violations of the rights of Turkmen citizens to freedom of movement. Chronicles of Turkmenistan. <https://www.hronikatm.com/2024/09/open-letter-to-the-president-of-turkmenistan-regarding-systematic-violations-of-the-rights-of-turkmen-citizens-to-freedom-of-movement/>

¹⁶⁸ Turkmenistan Bars Students from Leaving Country Ahead Of Census. By RFE/RL's Turkmen Service <https://www.rferl.org/a/turkmenistan-students-banned-leaving-population-decline-/32127844.html>

¹⁶⁹ How to Travel from Turkmenistan to Türkiye for Studies: A List of Required Documents [Как уехать в Турцию на учебу из Туркменистана? Список требуемых документов]. Turkmen.news. <https://turkmen.news/kak-uekhat-v-turciyu-na-uchebu-iz-turkmenistana-spisok-trebuemyh-dokumentov/>

¹⁷⁰ Students Enrolled in Foreign Universities Barred from Flights to Exit Turkmenistan [В Туркменистане продолжают снимать с рейсов студентов зарубежных вузов]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/32122290.html>

¹⁷¹ Turkmenistan Bans Exit for Citizens Enrolled in Russian Universities [Туркменистан не выпускает своих граждан, зачисленных в российские вузы]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/32091673.html>

¹⁷² Authorities' Increasingly Frantic Attempts to Prevent the Outflow of Population from Turkmenistan [Неистовство властей в попытке остановить отток населения из Туркменистана растёт]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/30387610.html>

¹⁷³ "Should Have Enrolled in Turkmen Universities!" Authorities Making it More Difficult to Study Abroad [«Надо было поступать в туркменские вузы!» Власти усложняют обучение за рубежом]. Turkmen.News <https://turkmen.news/nado-bylo-postupat-v-turkmenskie-vuzy-vlasti-uslozhnyayut-obuchenie-za-rubezhom/>

Another, and perhaps even larger, group that the authorities severely restrict from leaving the country consists of migrant workers¹⁷⁴ intending to travel for employment, primarily in Türkiye¹⁷⁵ and Russia. In September 2022, the Turkmen authorities took an unprecedented step to restrict migration from the country¹⁷⁶ by requesting the Turkish authorities¹⁷⁷ to introduce a visa regime for citizens of Turkmenistan.¹⁷⁸ Turkmenistan's official position concerning this request was expressed by Vepa Hajihev, Deputy Minister of Foreign Affairs of Turkmenistan, at the 137th session of the UN Human Rights Committee in Geneva. He stated that the purpose of introducing visas to Türkiye for Turkmen citizens was to ensure safety: "... this enhanced their [Turkmen citizens'] safety."¹⁷⁹

During one in numerous waves of attacks on women's rights¹⁸⁰ that occurred from 2018 to 2023,¹⁸¹ the Turkmen authorities imposed severe restrictions on women under 40, preventing them from leaving the country.¹⁸² According to media reports, the Turkmen authorities seriously considered banning women from leaving the country altogether and confiscating their travel passports,¹⁸³ justifying the decision with "concerns over safety" and "prevention of trafficking in persons." It was only after a wave of protests from international human rights organizations and statements from UN agencies that the authorities reconsidered. Thus, experts of the UN Committee on the Elimination of Discrimination against Women expressed concern over "restrictions on women's freedom to travel alone and to drive a car" and urged the

¹⁷⁴ Citizens Wishing to Leave Turkmenistan Detained at the Airport [Граждан, желающих покинуть Туркменистан, задерживают в аэропорту]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/grazhdan-zhelayuschih-pokinut-turkmenistan-zaderzhivayut-v-aeroporte/32930751.html>

¹⁷⁵ Migration to Türkiye: Those Departing Forced to Stay, Those Already There Forced to Return [Миграция в Турцию: вылетающих разворачивают, осевших возвращают обратно]. Turkmen.News. <https://turkmen.news/migraciya-v-turciyu-vyletayushih-ravzorachivayut-osevshih-vozvrashayut-obratno/>

¹⁷⁶ Ministry of Foreign Affairs of Turkmenistan. STATEMENT for the mass media. <https://www.mfa.gov.tm/en/news/3299>

¹⁷⁷ The Ministry of Foreign Affairs of Turkmenistan. Press release. <https://www.mfa.gov.tm/index.php/ru/news/3299>

¹⁷⁸ Turkmenistan Asks Türkiye to Introduce Entry Visas for Turkmen Citizens [Туркменистан попросил Турцию ввести визовый режим для своих граждан]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/32019213.html>

¹⁷⁹ "It's for Their Own Safety." Deputy Foreign Minister on Benefits of Introducing Entry Visas to Türkiye [Замглавы МИД заявил о пользе ввода виз в Турцию]. Turkmen.news. <https://turkmen.news/dlya-ih-zhe-bezopasnosti-zamglavy-mid-zayavil-o-polze-vvoda-viz-v-turciyu/>

¹⁸⁰ Turkmenistan Continues Tightening Control over Women's Private Lives [Туркменистан продолжает ужесточать контроль над личной жизнью женщин]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/31825870.html>

¹⁸¹ Turkmenistan: Gradual Violation of Women's Rights. IWPR/CABAR. <https://cabar.asia/en/turkmenistan-gradual-violation-of-women-s-rights>

¹⁸² Intermediaries at Ashgabat Airport Offer Assistance to Women Seeking to Leave the Country [В ашхабадском аэропорту появились посредники, предлагающие женщинам содействие в выезде из страны]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/32240825.html>

¹⁸³ Source: The Government of Turkmenistan Is Considering Banning Women from Leaving the Country [Источник: правительство Туркменистана обсуждает вопрос запрета для женщин на выезд из страны]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/31835950.html>

authorities to repeal them.¹⁸⁴ By mid-2023, the Turkmen authorities had significantly reduced pressure on women's rights, but reports of unjustified travel bans faced by women continue to emerge.

Naturally, this entire situation fosters corruption. Reports have surfaced of Migration Service employees being arrested for engaging in corrupt practices, such as moving applicants up the waiting lists for passport applications,¹⁸⁵ expediting the processing and issuance of passports, removing "inconvenient" information from the document database, and providing other similar "services."¹⁸⁶ As is often the case, the issues surrounding passports and travel bans have been exploited by various fraudsters offering "to solve the problem."¹⁸⁷

A distinct and significant group of Turkmen citizens deprived of their rights consists of members of the Turkmen diaspora in Türkiye. Turkmen citizens who, at various times and for different reasons, left their home country for Türkiye are now facing the issue of being unable to replace or renew their passports that have expired while in Türkiye. The Turkmen embassy categorically refuses to replace passports to Turkmen citizens living in Türkiye, telling them instead to go back and have passports issued "at their place of residence." This sparked an outcry within the diaspora, fueled by well-founded fears that returning to Turkmenistan might result in the authorities preventing them from leaving for Türkiye again, a situation that has occurred many times before. Today, exit bans in Turkmenistan have become both widespread and selectively enforced. Human Rights Watch, in collaboration with Turkmen organizations and activists in exile, conducted extensive research on the current situation¹⁸⁸ and presented their findings in a report titled *"It's Like I Live in a Cage,"* which is a direct quote from one of the Turkmen citizens affected by this arbitrary practice of their country's authorities.

Faced with the impossibility of obtaining a new passport to replace an expired one and fearing a potential travel ban if they returned to Turkmenistan, the Turkmen diaspora in Türkiye has formed several activist groups which, driven by frustration with the actions of the Turkmen authorities, have publicly expressed their grievances, particularly on platforms like YouTube. Moreover, they have organized themselves into formal groups and even registered non-governmental organizations in Türkiye to advocate for the rights of the Turkmen diaspora—students, migrant workers, business owners in Türkiye, members of mixed

¹⁸⁴ UN Women's Rights Committee Publishes Findings on Tajikistan and Turkmenistan [Комитет по правам женщин представил свои рекомендации Таджикистану и Туркменистану]. UN News. <https://news.un.org/ru/story/2024/02/1449617>

¹⁸⁵ Three Migration Service Officers Arrested in Turkmenabad [В Туркменабаде задержаны трое сотрудников миграционной службы]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/v-turkmenabate-zaderzhany-troe-sotrudnikov-migratsionnoy-sluzhby/32979901.html>

¹⁸⁶ Following Azatlyk's report, an investigation was launched at the Migration Service offices in western Turkmenistan. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/posle-soobscheniya-azatlyka-v-migratsionnyh-sluzhbah-na-zapade-turkmenistana-nachalos-rassledovanie-/32709950.html>

¹⁸⁷ Turkmen Citizens Seeking to Leave the Country Fall Victim to Fraudsters [Туркменистанцы, желающие выехать из страны, становятся жертвами мошенников]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/turkmenistantsy-zhelayuschie-vyehat-iz-strany-stanovyatsya-zhertvami-moshennikov/32881284.html>

¹⁸⁸ "It's Like I Live in a Cage." Severe Hardship for Turkmen Arbitrarily Denied Passport Renewal Abroad. Human Rights Watch. 2024 <https://www.hrw.org/report/2024/11/11/its-i-live-cage/turkmen-authorities-denial-passports-turkmen-citizens-turkiye>

Turkmen-Turkish families, and others who face the dual challenge of being denied their rights in Türkiye due to expired passports and the fear of losing the ability to leave Turkmenistan if they return to renew their documents.

This issue has several dimensions, but the core aspect is that the Turkmen authorities are deeply fearful of the activation of civic consciousness and the manifestation of a civic position in defense of their rights by this group of Turkmen citizens—both those in Türkiye and their relatives in Turkmenistan. In an effort to severely limit emigration to Türkiye, the Turkmen authorities pressured the Turkish government into reintroducing visas for Turkmen citizens,¹⁸⁹ a measure that Türkiye had initially abolished in the early 1990s.

"This shuts down all entrances and exits. However, this general measure serves several purposes, including reducing labor migration and cutting off those who have already settled in Türkiye. With the introduction of a visa regime, it is unlikely that any [of the migrants in Türkiye] will return to Turkmenistan. The authorities do not want them back; from their perspective, this group is disloyal," says a Turkmen expert.¹⁹⁰

During the preparation of this document, its authors, along with volunteers and civic activists, repeatedly verified the current situation regarding leaving the country and found numerous confirmations of the information published in the media. In some cases, the situation was found to be even more tragic, with instances uncovered that had not been reported in the media, particularly concerning the relatives of victims of mass repression.

The above indicates that in Turkmenistan, the authorities have established a state system for strict control of migration, specifically aimed at the total restriction of citizens' ability to travel abroad. This system consistently and massively violates one of the fundamental human rights—the right to freedom of movement.

The case of the Ruzimatov/Kakabaeva family

Among the numerous cases where citizens faced a ban on leaving Turkmenistan, the case of the Ruzimatov/Kakabaeva family stands out. The authorities have refused to allow Rashid Ruzimatov (husband) and Irina Kakabaeva (wife) to travel abroad for more than 20 years and have also imposed a travel ban on the couple's son, Rakhim Ruzimatov, since 2014. The family has been systematically and legally attempting to have the exit ban lifted for over 10 years (since 2014).

None of the family members have ever received any official notifications or explanations from the Turkmen authorities regarding the reasons for their repeated denial of permission to leave the country. When family members attempted to leave, they were simply denied exit without any explanation. The couple's son,

¹⁸⁹ Ministry of Foreign Affairs of Turkmenistan. STATEMENT for the mass media. <https://www.mfa.gov.tm/en/news/3299>

¹⁹⁰ Türkiye Cancels Visa-free Entry for Citizens of Turkmenistan [Турция отменила безвизовый въезд для граждан Туркменистана]. RFE/RL's Turkmen Service/Azatlyk. <https://rus.azathabar.com/a/32032995.html>

Rakhim Ruzimatov, who had lived outside Turkmenistan before 2014, came to visit his parents and was subsequently banned from leaving the country as well.

The family suspects—although they were never officially informed—that the repression against them is linked to the persecution of their relative by the authorities of both Turkmenistan and Russia. However, this relative—their son-in-law, Murad Garabayev—was acquitted by a Russian court based on the merits of his case and now resides with his family in Russia. Moreover, the *European Court of Human Rights found his persecution unlawful*.¹⁹¹

Starting in 2014, the family began appealing the travel ban in Turkmenistan's courts at all instances, from the district court to the Supreme Court.

Both the courts and the defendant, the Migration Service of Turkmenistan, refused to disclose which state agency had imposed the exit ban. Only after appealing to the Ombudsman of Turkmenistan was the family *informally* advised that the ban had been imposed by the National Security Committee of Turkmenistan (later renamed the Ministry of National Security¹⁹²). However, the Ombudsman refused to take any action in the case and did not even include it in his annual report. It is worth noting that the National Security Committee of Turkmenistan was the direct successor to the regional division of the USSR KGB. Following Turkmenistan's independence in 1991, it gained a reputation as one of the most brutal repressive agencies in the former USSR, responsible for carrying out mass repressions in Turkmenistan.

Proceeding from this information, the Ruzimatov/Kakabaeva family, through their authorized representatives, submitted their case to the UN Human Rights Committee in 2018.

The UN Human Rights Committee informed the family's representatives that following the initial communication in 2019 and a request for the Turkmen authorities to provide their observations, no response was received from them. The Committee subsequently issued two reminders to the State Party, on 2 July 2020, and 5 November 2020. The authorities did not respond to these reminders either.

On 8 March 2021, the family's authorized representatives received a reply from the Human Rights Committee regarding their inquiry about the status of the Ruzimatov/Kakabaeva case: "In response to your request dated February 10, 2021, please be advised that, to date, the Human Rights Committee has not received the State Party's observations on the aforementioned communication, despite reminders sent on 2 July 2020 and 5 November 2020.

Therefore, the communication is ready for consideration and will be considered by the Committee at the earliest opportunity."

¹⁹¹ European Court of Human Rights. Chamber judgment in the case of Garabayev v. Russia [https://hudoc.echr.coe.int/eng-press#\[%22itemid%22:\[%22003-2027556-2141648%22\]\]](https://hudoc.echr.coe.int/eng-press#[%22itemid%22:[%22003-2027556-2141648%22]])

¹⁹² Decree of the President of Turkmenistan on the transformation of the National Security Committee of Turkmenistan into the Ministry of National Security of Turkmenistan of 10 September 2002. The Database of Legislation of Turkmenistan, OSCE Centre in Ashgabat. <http://www.turkmenlegaldatabase.info/documents.download/id/37011.html>

On 14 December 2022, the Committee ruled in favor of the applicants, requiring Turkmenistan to lift the travel ban imposed on the Ruzimatov/Kakabaeva family and provide them with adequate compensation.¹⁹³

However, the Turkmen authorities, represented by the Permanent Representative of Turkmenistan to the UN Office in Geneva, submitted a letter to the UN Human Rights Committee on 16 January 2023, in which they attempted to challenge the Committee's decision, in violation of their own international obligations. Reiterating the rulings of Turkmenistan's domestic courts, the letter stated that the family's complaint against the Migration Service of Turkmenistan was unlawful, as the Migration Service was merely carrying out decisions made by other Turkmen authorities. It further claimed that the dismissal of the family's complaint to the Migration Service was "justified." Similar to the domestic courts at all instances, the Permanent Representative, in their letter to the UN Human Rights Committee, refused to identify the agency responsible for imposing the exit ban on the Ruzimatov/Kakabaeva family.

In other words, *the Turkmen authorities refused to comply with the decisions of the UN Human Rights Committee.*

The case of the Ruzimatov/Kakabaeva family is one of the most vivid illustrations of how the Turkmen authorities use the ban on leaving the country as:

- a repressive measure, as well as a method of retaliation and punishment;
- an example of the abhorrent practice of collective and solidary punishment;
- sabotage and imitation of access to justice; and
- **ignoring or failing to comply with the country's international obligations.**

The role of international actors in case of the Ruzimatov/Kakabaeva family¹⁹⁴

- In 2017, Richard Payne-Holmes, Second Secretary at the U.S. Embassy in Turkmenistan, visited the Ruzimatov/Kakabaeva family at their Ashgabat apartment. He listened to their story, reviewed all their documents, but declined to take any action in their defense. By that time, the family had exhausted all domestic legal remedies and was preparing to bring the case before the UN Human Rights Committee.
- In March 2019, participants in the EU-Turkmenistan Human Rights Dialogue from the EU side received detailed information from an international human rights campaign that focused on the

¹⁹³ International Covenant on Civil and Political Rights. Human Rights Committee. Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 3285/2019

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhstmoulu%2F14z6o8I4G3YTJPqLRy5T5FamqwmGL6Kh0cqA3qR20FYo%2B51vZ4%2Fj04HPZsHC2M1ohGJPcnV6dIG7FJ0v03S29CZ8ibdxc1NGhzjikFtkINiPuMYigppRrqS9O%3D%3D>

¹⁹⁴ Testimonies by members the Ruzimatov/Kakabaeva family, their relatives, and Turkmen human rights defenders.

widespread violations of freedom of movement and specifically highlighted the Ruzimatov/Kakabaeva case.

- In 2019, Elena Panova, the UN Resident Coordinator in Turkmenistan, personally received all the documents related to the judicial history of the family's appeals against the travel ban, as well as the notification of the UN Human Rights Committee's decision in favor of the Ruzimatov/Kakabaeva family. However, Ms. Panova, in her capacity as Ambassador/Representative of the UN Secretary-General in Turkmenistan, refused to take any action, advising the family to contact UN bodies outside of Turkmenistan.
- In October 2019, Gregory Simkiss and Janice Helwig of the U.S. Department of State were provided with full details regarding the fate of the Ruzimatov/Kakabaeva family, including information about the UN Human Rights Committee having admitted their case and initiated communication with the Government of Turkmenistan.
- The U.S. Department of State has refused to mention the case of the Ruzimatov/Kakabaeva family in its reports on the human rights situation in Turkmenistan, despite the U.S. Embassy being aware of the case, having access to the history of court proceedings, and knowing about the decision of the UN Human Rights Committee.
- Similarly, the OSCE office in Ashgabat has also refused to take any action to protect the rights of this family, limiting itself to merely documenting the fact that the office has been contacted about the case.

We, the authors of this document, believe that the position of international and foreign actors regarding the Ruzimatov/Kakabaeva family, as well as the broader situation involving violations of the right to freedom of movement, represents a striking and egregious example of *neocolonial practices*, where blatant and widespread human rights abuses are met with a "conspiracy of silence" by the bureaucracies of Western embassies and international institutions based in Turkmenistan, driven by the hope of securing "political and geopolitical dividends" from the Turkmen authorities.

We call on the EBRD and other EU institutions to abstain from engaging in such *neocolonial practices*, because a lack of response to these widespread human rights violations effectively encourages the Government of Turkmenistan to persist in such actions and reinforces its reliance on these measures as a repressive tool to exert pressure on society.

Furthermore, the freedom of entrepreneurship and the development of a market economy—priorities the EBRD emphasizes in its operations in Turkmenistan—are intrinsically linked to the freedom of movement and the ability to travel abroad. Without resolving this issue and establishing clear legislative regulations prohibiting practices of intimidation, punishment, and retaliation, genuine progress in fostering the freedom of entrepreneurship cannot be achieved.

Throughout Soviet and post-Soviet history, the issue of freedom to leave one's country has always been highly sensitive and often tragic, as the authorities of the USSR, and later those of post-Soviet states, frequently used the denial of this right as a tool of repression or a means of cynical political bargaining. The Jackson-Vanik amendment serves as a compelling example of the United States' understanding of this issue and its recognition of the moral responsibility of the U.S. administration at the time to uphold the unconditional right to freedom of movement.¹⁹⁵ The Jackson-Vanik amendment now addresses and defines the issue of freedom of movement and travel bans far more broadly than its original focus on countering anti-Semitism and restrictions on Jewish emigration in the USSR during the 1970s and 1980s. Today, its provisions remain applicable to Turkmenistan. However, each year, its enforcement is suspended by the U.S. Administration, despite the numerous violations of the right to freedom of movement perpetrated by the Government of Turkmenistan and repeated appeals from human rights defenders.

We believe that any development of cooperation with the authorities of Turkmenistan should be grounded in clear, verifiable criteria for their adherence to fundamental human rights. Undoubtedly, such rights include the right to freedom of movement, which is currently being flagrantly violated in Turkmenistan. As practice shows, the methods of "quiet diplomacy" in dealings with the Turkmen authorities are ineffective, and the appeasement of the Turkmen government by Western countries has, in fact, encouraged the arbitrariness of this dictatorial regime. Neocolonialism?

¹⁹⁵ The Jackson–Vanik amendment to the Trade Act of 1974 https://en.wikipedia.org/wiki/Jackson–Vanik_amendment

COVID-19 Pandemic in Turkmenistan: Politics on the Verge of Crime

The COVID-19 pandemic, which posed a severe challenge to the entire world, was turned into a true nightmare for Turkmen society by the will and whim of the country's authorities. During the COVID-19 pandemic and continuing to this day, top state officials and the entire bureaucratic apparatus of Turkmenistan have vehemently denied the occurrence of any COVID-19 cases in the country. The entire state propaganda machinery and repressive apparatus of Turkmenistan were mobilized to conceal multiple waves and strains of COVID-19 in the country, numerous deaths and severe consequences of the disease, the lack of an adequate response to the threats, as well as economic challenges and the loss of reputation as a responsible and conscientious international partner.

The COVID-19 saga in Turkmenistan serves as a stark, canonical example of how a cult of personality and authoritarian rule can shift state priorities from addressing objective and evident needs to pursuing speculative and self-serving agendas dictated by an unaccountable leader. The authorities of Turkmenistan, including its top officials, base their decisions not on the interests of society or the state, nor are they guided by the law or their constitutional obligations. Instead, they act from a false sense of their own infallibility and/or relentlessly impose this belief in their infallibility on the entire society and the world at large.

Chronicles of Denial

The authorities' first acknowledgment of the global existence of COVID-19 and its potential threat to Turkmenistan was made on 23 January 2020, in the form of an oddly worded statement from the State Sanitary and Epidemiological Service of the Ministry of Health and Medical Industry, titled "Sanitary and Epidemiological Surveillance Measures Are Being Strengthened in Turkmenistan."¹⁹⁶ The statement outlined measures aimed at disease prevention and public health education, as well as efforts to strengthen sanitary and epidemiological control at the country's borders.

On 30 January 2020, President Berdimuhamedov chaired a working meeting on the prevention of infectious diseases, attended by the Deputy Chairmen of the Cabinet of Ministers, hyakims (heads) of the velayats and the capital, heads of military and law enforcement agencies, relevant ministries and departments, as well as members of the Emergency Commission for Combating the Spread of Diseases.¹⁹⁷ At this meeting, President Berdimuhamedov voiced a thesis that would subsequently shape the related domestic and foreign policy and underly the aggressive denial by officials at all levels and across all competencies of the fact that COVID-19 had entered Turkmenistan.

¹⁹⁶ Sanitary and Epidemiological Surveillance Measures Are Being Strengthened in Turkmenistan [В Туркменистане усиливаются меры санитарно-эпидемиологического надзора]. State Sanitary and Epidemiological Service of the Ministry of Health and Medical Industry. 23.01.2020. Turkmenistan State News Agency (TDH)-Turkmenistan Today. <https://tdh.gov.tm/ru/post/21220/v-turkmenistane-usilivayutsya-mery-sanitarno-epidemiologicheskogo-nadzora>

¹⁹⁷ The Emergency Commission for Combating the Spread of Diseases was established by decree of the President of Turkmenistan on 13 February 2012, based on the pre-existing Anti-Epidemic Emergency Commission of Turkmenistan.

"The Turkmen leader emphasized that due to the purposeful work in the country, we had a reliable barrier to dangerous infectious diseases and had taken effective measures to prevent them."¹⁹⁸

On 31 January 2020, the World Health Organization (WHO) declared an international emergency due to the spread of a new type of coronavirus beyond China. Also on 31 January, a statement from the Ministry of Foreign Affairs of Turkmenistan was released, reiterating Berdimuhamedov's thesis on "taking all measures," this time for the information of the international community.

- Turkmenistan intensifies preventive measures to combat coronavirus
- During the working meeting held on the 30th of January 2020, the President of Turkmenistan Gurbanguly Berdimuhamedov gave valuable instructions on the issues of prevention of the diseases and enhancement of the medical services provided to the population.
- Taking into account the potential threats from the spread of new types of infectious diseases, all necessary preventive measures are being taken in Turkmenistan to prevent possible diseases due to coronavirus.
- ...as well as to avoid the entry of any dangerous infections into the country, appropriate measures were taken under the leadership of the President of Turkmenistan.¹⁹⁹

Local observers offer two important but highly subjective arguments to explain the position of the authorities.

Gurbanguly Berdimuhamedov holds a PhD in Social Hygiene and Healthcare Organization,²⁰⁰ and, having served as Minister of Health for a long time since 1997, he implemented a systemic reform of the entire healthcare sector,²⁰¹ and was also the author of the Saglyk State Program.

One of local observers, who knows the domestic political 'environment' of the Turkmen government first-hand, said categorically that "all motives for the denial [of the coronavirus presence] were related exclusively to the ego of the president." Before coming to the position of the head of state, Berdimukhamedov was the health minister and supervised the state programme Saglyk (Health) designed to reform the whole healthcare system, which turned out to be unprepared for such hardships.

"The prevailing personality cult does not mean a mistake on his part or mistakes in the system that was built by him." *Thus, this problem transformed from a healthcare problem into a*

¹⁹⁸ President of Turkmenistan holds a working meeting on the prevention of infectious diseases. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 30.01.2020. <https://tdh.gov.tm/en/post/21317/president-of-turkmenistan-holds-a-working-meeting-on-the-prevention-of-infectious-diseases>

¹⁹⁹ Turkmenistan intensifies preventive measures to combat coronavirus. Ministry of Foreign Affairs of Turkmenistan. 31 January 2020. <https://www.mfa.gov.tm/en/news/1848>

²⁰⁰ Wikipedia. https://ru.wikipedia.org/wiki/Бердымухамедов,_Гурбангулы_Мяликгулыевич

²⁰¹ The Insider., 3 April 2020., <https://theins.ru/politika/211074>

political problem. The authorities force themselves into a corner. The individual political denial of the pandemic in the country has led to the paralysis of the will among medical officials, and to the paralysis of the whole healthcare system – **how to fight what doesn't exist in the country, what is banned 'from above' in the country.**²⁰²

It was precisely this factor—the dictator's pride and fear of "losing face"—that became the leading and determining influence on all subsequent actions taken by the Turkmen authorities in their response to and handling of the COVID-19 pandemic.

From the beginning of February 2020, independent foreign sources began reporting that a quarantine zone had been established in the eastern region of Turkmenistan. All incoming aircraft were being redirected there, with passengers placed in quarantine.²⁰³ After 31 January, Turkmenistan closed its border with Uzbekistan,²⁰⁴ and by 26 February, it had also closed its borders with Afghanistan and Iran.²⁰⁵ Air traffic with all countries was suspended, and by the end of March 2020, movement between the regions of Turkmenistan, including international transit, was halted.²⁰⁶ Panic began to spread in society due to the authorities' inaction and the lack of any information about the COVID-19 situation in Turkmenistan.²⁰⁷

On 25 February, at a specialized meeting, Berdimuhamedov stated that:

"...highlighted that due to large-scale work, timely measures and precise coordination of involved services, not a single case of dangerous contamination of dangerous coronavirus or suspect of virus have been registered in Turkmenistan."²⁰⁸

The authorities' refusal to acknowledge the presence of COVID-19 in the country was manifested not only in public denial but also in the ban on wearing protective masks in public spaces, with fines imposed on individuals for doing so "to avoid spreading panic".

²⁰² Coronavirus in Turkmenistan: Politics on the Verge of Crime. Central Asian Bureau for Analytical Reporting (CABAR.asia)/Institute for War and Peace Reporting. 11.12.2020. <https://cabar.asia/en/coronavirus-in-turkmenistan-politics-on-the-verge-of-crime>

²⁰³ Lebap Velayat declared a quarantine zone [Лебапский велаят объявлен карантинной зоной], Turkmen News. February 1, 2020 <https://turkmen.news/news/lebap-obyavlen-karantinnoj-zonoj/>

²⁰⁴ Turkmenistan closes border with Uzbekistan [Туркменистан закрыл границу с Узбекистаном], Turkmen News. January 31, 2020 <https://turkmen.news/news/turkmenistan-zakryl-granitsu-s-uzbekistanom/>

²⁰⁵ The leadership of Turkmenistan officially acknowledge the coronavirus for the first time, asserting the absence of the disease in the country, and close the borders [Руководство Туркменистана впервые официально заявило о коронавирусе, об отсутствии заболевания в стране и закрыло границы]. RFE/RL's Turkmen service, Radio Azatlyk. 26 February 2020 <https://rus.azathabar.com/a/30455618.html>

²⁰⁶ Turkmenistan shuts down cargo traffic due to coronavirus. Reuters. April 1, 2020. <https://www.reuters.com/article/health-coronavirus-turkmenistan-cargo/turkmenistan-shuts-down-cargo-traffic-due-to-coronavirus-idUSL8N2BP2ST/>

²⁰⁷ Turkmenistan: authorities' actions while restricting public information about coronavirus cause panic in the population [Туркменистан: действия властей на фоне ограничения информации о коронавирусе порождают панику среди населения]. RFE/RL's Turkmen service, Radio Azatlyk. 26 February 2020 <https://rus.azathabar.com/a/30418166.html>

²⁰⁸ The President of Turkmenistan holds session for prevention of viruses in Turkmenistan. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 25.02.2020. <https://tdh.gov.tm/en/post/21620/the-president-of-turkmenistan-holds-session-for-prevention-of-viruses-in-turkmenistan>

“— Do you not trust the measures the government is taking against the virus? We and our leadership don't wear masks; why are you wearing one?— the policeman asked, adding that those wearing masks were spreading panic.”²⁰⁹

Moreover, throughout the spring and until the end of June, numerous mass events were held in Turkmenistan, with forced participation of army conscripts, school and university students, and government employees. Such mass events included the celebration of World Health Day (7 April),²¹⁰ the Turkmen Racing Horse Festival (the last Sunday of April),²¹¹ the Victory Day Military Parade (9 May)²¹², the Turkmen Carpet Day (the last Sunday of May),²¹³ World Bicycle Day (3 June),²¹⁴ the Constitution and National Flag Day of Turkmenistan (18 May),²¹⁵ Ashgabat City Day (25 May),²¹⁶ as well as Subbotnik days for planting trees,²¹⁷ and other events that involved crowding, the concentration of people in indoor spaces or on transport, and close contact between people.

Meanwhile, since the beginning of March 2020, independent foreign and émigré media began reporting on the first unofficial COVID-19 diagnoses—not in border cities and regions, but in the capital.²¹⁸ The report by Turkmen.News titled *Survival of the fittest. All about coronavirus in Turkmenistan, though officially the*

²⁰⁹ Police fine Ashgabat resident for wearing a mask [Полиция оштрафовала жительницу Ашхабада, которая была в маске]. Chronicles of Turkmenistan. 24 February 2020 <https://www.hronikatm.com/2020/02/no-panic/>

²¹⁰ Turkmenistan to host cycle of sport events on the World Health Day. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 07.04.2020. <https://tdh.gov.tm/en/post/22015/turkmenistan-to-host-cycle-of-sport-events-on-the-world-health-day>

²¹¹ President Gurbanguly Berdimuhamedov participates in the events on occasion of National Turkmen Horse Holiday. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 26.04.2020. <https://tdh.gov.tm/en/post/22277/president-gurbanguly-berdimuhamedov-participates-in-the-events-on-occasion-of-national-turkmen-horse-holiday>

²¹² Events of occasion of the 75th anniversary of the Great Victory are held with participation of the Head of the State. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 09.05.2020. <https://tdh.gov.tm/en/post/22513/events-of-occasion-of-the-75th-anniversary-of-the-great-victory-are-held-with-participation-of-the-head-of-the-state>

²¹³ Honouring of masters awarded with title of Honoured carpet maker of Turkmenistan is held. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 31.05.2020. <https://tdh.gov.tm/en/post/22855/honouring-of-masters-awarded-with-title-of-honoured-carpet-maker-of-turkmenistan-is-held>

²¹⁴ President Gurbanguly Berdimuhamedov participates in public events on occasion of the World Bicycle Day. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 03.06.2020. <https://tdh.gov.tm/en/post/22913/president-gurbanguly-berdimuhamedov-participates-in-public-events-on-occasion-of-the-world-bicycle-day>

²¹⁵ Turkmen capital hosts celebration concert. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 18.05.2020. <https://tdh.gov.tm/en/post/22628/turkmen-capital-hosts-celebration-concert>

²¹⁶ Multi-purpose exhibition “White City of Ashgabat”: Achievements and perspectives. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 25.05.2020. <https://tdh.gov.tm/en/post/22757/multi-purpose-exhibition-“white-city-of-ashgabat”-achievements-and-perspectives>

²¹⁷ Having celebrated Carpet Day, Turkmenistan is celebrating Children's Day and prepares for Bicycle Day [Туркменистан отпраздновал день ковра, отмечает день защиты детей и готовится к празднику велосипеда]. RFE/RL's Turkmen service, Radio Azatlyk, 01.06.2020 <https://rus.azathabar.com/a/30645955.html>

²¹⁸ First cases of coronavirus may have been diagnosed in Turkmenistan [В Туркменистане возможно выявлены первые случаи коронавируса]. RFE/RL's Turkmen service, Radio Azatlyk. 3 March 2020 <https://rus.azathabar.com/a/30466263.html>

country has no COVID-19 infections. January 2020–May 2021²¹⁹ can give us an idea of the COVID-19 dynamics in Turkmenistan within the specified time frame, although only the authorities of Turkmenistan are in a position to assess the true or even approximate scale of the disaster.²²⁰

The government's response to the COVID-19 pandemic was significantly influenced by *another political and ideological factor*. In 2020, President Berdimuhamedov reached the "age of the Prophet Muhammad," turning 63 on 29 June.²²¹ Prior to this date, discussing the epidemic in Turkmenistan or the global pandemic was strictly forbidden. Acting upon instruction from their superiors, officials not only concealed the presence of the infection and forbade any discussions about it, but also actively restrained any preventive or protective measures that could have reduced infection rates, morbidity, hospital occupancy, and mortality.²²²

Until the celebration of President Berdimuhamedov's birthday, the country forcibly created the illusion of an "island of stability" in a world struggling with COVID-19. The authorities only mentioned "prevention and quarantine" but prohibited any reports on the situation in Turkmenistan.

The Turkmen authorities also began to put pressure on the diplomatic corps of foreign countries to prevent them from making any statements about the spread of COVID-19 in Turkmenistan.²²³ Even the information messages from the US Embassy aimed to ensure the safety of US citizens in Turkmenistan²²⁴ began to be obstructed by the Ministry of Foreign Affairs of Turkmenistan.²²⁵ It reached the point where, under pressure from the Turkmen authorities, the US Embassy was forced to delete some of the messages from its website.

During a special briefing for foreign diplomats, Minister of Foreign Affairs Rashid Meredov stated:

"If there was a single confirmed coronavirus case we would have immediately informed ... the World Healthcare Organization in line with our obligations," Foreign Minister Rashid Meredov told a briefing.

²¹⁹ Survival of the fittest. All about coronavirus in Turkmenistan, though officially the country has no COVID-19 infections. January 2020–May 2021. Turkmen.News. <https://turkmen.news/wp-content/uploads/2021/07/Coronavirus-in-Turkmenistan-Report.pdf>

²²⁰ Source: 25,000 deaths registered in Turkmenistan since the start of the pandemic [Источник: В Туркменистане с начала пандемии зарегистрировано 25000 смертей] (video). RFE/RL's Turkmen service, Radio Azatlyk. 15 October 2021. <https://rus.azathabar.com/a/31510033.html>

²²¹ The President of Turkmenistan holds traditional food donation ceremony on occasion of the 63rd birthday. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 29.06.2020. <https://tdh.gov.tm/en/post/23319/the-president-of-turkmenistan-holds-traditional-food-donation-ceremony-on-occasion-of-the-63rd-birthday>

²²² Coronavirus in Turkmenistan: Politics on the Verge of Crime. Central Asian Bureau for Analytical Reporting (CABAR.asia)/Institute for War and Peace Reporting. 11.12.2020. <https://cabar.asia/en/coronavirus-in-turkmenistan-politics-on-the-verge-of-crime>

²²³ Briefing in the Ministry of Foreign Affairs of Turkmenistan. 05 March 2020. <https://www.mfa.gov.tm/en/news/1891>

²²⁴ Health Alert – U.S. Embassy Ashgabat, Turkmenistan (February 17, 2020). Update on Coronavirus (COVID-19) Measures in Turkmenistan. <https://tm.usembassy.gov/health-alert-u-s-embassy-ashgabat-turkmenistan/>

²²⁵ Ministry of Foreign Affairs of Turkmenistan. Press release. 23 June 2020. <https://www.mfa.gov.tm/en/news/2104>

"We are not hiding anything," he added, speaking alongside United Nations officials.²²⁶

The pressure was so intense that even the *UN Resident Coordinator in Turkmenistan, Elena Panova*, stated in an interview with the Azerbaijani (?) Trend News Agency on 3 May 2020:

We acknowledge that, thanks to the prompt measures taken by the Government of Turkmenistan in the early stages to prevent the spread of COVID-19, there have been no reported cases of the virus in the country.²²⁷

A little later, Ms. Panova made an awkward diplomatic attempt to salvage her reputation by referring to COVID-19 in Turkmenistan as an "invisible threat," as if it were a "shameful disease" that should not be named and discussed in decent society.

In her welcoming speech Ms. Elena Panova, UN Resident Coordinator stressed:

"The great amount of joint work done within the implementation of the Plan serves as evidence of the high commitment of both the UN system and other partners to develop cooperation with Turkmenistan in the fight against the invisible common threat."²²⁸

However, even this remark was made in September, when the Turkmen authorities had slightly eased their control over diplomatic statements, which had been virtually impossible before President Berdimuhamedov's birthday.

Before the President's birthday celebration, the authorities had also obstructed the visit of the WHO mission to Turkmenistan. The mission's visit had been agreed upon as early as April 2020, but the authorities kept postponing its arrival, citing "logistical issues."

After the president's birthday celebration, a government meeting was held to review the results for the first six months of the year, but not a single word was mentioned about the COVID-19 epidemic in Turkmenistan. However, the president thanked the government and all authorities for their congratulations on his reaching the "age of the Prophet," and once again congratulated everyone on their success and good

²²⁶ 'We're not hiding anything,' says coronavirus-free Turkmenistan. Reuters. April 22, 2020. <https://www.reuters.com/article/us-health-coronavirus-turkmenistan/were-not-hiding-anything-says-coronavirus-free-turkmenistan-idUSKCN22424X/>

²²⁷ Elena Panova: The UN supports the Government of Turkmenistan's commitment to investing in the healthcare system [Елена Панова: ООН поддерживает приверженность правительства Туркменистана инвестировать в систему здравоохранения] (interview). Trend News Agency. 03.05.2020. <https://www.trend.az/casia/turkmenistan/3233600.html>

²²⁸ UN, Government discuss progress in implementation of preparedness and response plan of Turkmenistan to acute infectious disease. United Nations Turkmenistan. 04 September 2020. <https://turkmenistan.un.org/en/89564-un-government-discuss-progress-implementation-preparedness-and-response-plan-turkmenistan>

economic performance. He then granted the entire government a vacation from 7 July to 6 August 2020 and took a vacation himself.²²⁹

The very next day, a tough mask mandate was introduced in the country, with fines imposed for not wearing protective masks, the use of which was now strictly required. Other quarantine measures were implemented: all open-air markets, shopping malls, and stores were closed, except for grocery stores and those selling essential goods, and temperature checks were introduced at the entrances and exits of residential settlements, particularly in the capital, Ashgabat. A Turkmen Airlines business jet was dispatched to bring the WHO mission, as the "logistical issues" that had previously prevented their arrival for two and a half months suddenly disappeared (see more on the WHO mission below).

To justify the introduction of a mask mandate and other quarantine measures, the Turkmen authorities invented and disseminated an absurdly unscientific theory about the transmission of the COVID-19 virus over long distances through dust, including dust blown from the bottom of the Aral Sea. This theory, issued as a press release from the Ministry of Foreign Affairs of Turkmenistan, contains surprising contradictions within its own proposed explanations, indicating that it was prepared by scientifically illiterate bureaucrats driven solely by political and ideological motivations:

"...Today, the issues of pandemic are subject to professional researches, scientific studies and developments. The scientists of many countries are involved in this work and based on deep scientific analysis they already today attain significant results, having important practical implementation in the process of counteracting against the pandemic.

One of such occasions became the address of 239 scientists from 32 countries of the world with an open letter to the Director-General of the World Health Organization, published on July 4 of current year, which contains information on the results of scientific researches confirming the chances of the new type coronavirus spreading through tiny aerosol droplets retaining in the air for a long time.

Based on the researches of the medical scientific community of Turkmenistan, the Turkmen side supports the above mentioned scientific results.

In this regard, it is pertinent to note that the multiyear researches of the Turkmen doctors, ecologists, specialists in the field of hydrometeorology and other areas of science prove that the substances posing danger for the human health, including the viruses, can be transmitted through air flow in the sensitive ecological environment of Central Asia.

²²⁹ Outcomes of development of Turkmenistan in the first half of the year are discussed at extended session of the Government. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 03.07.2020. <https://tdh.gov.tm/en/post/23403/outcomes-of-development-of-turkmenistan-in-the-first-half-of-the-year-are-discussed-at-extended-session-of-the-government>

At the same time, air masses forming in the zone of ecological disaster evolved from the drying of the Aral Sea pose an explicit danger and have a severe negative impact on the nature, climate, and human health of those residing in the Aral Sea area and far beyond it.

The dust and salt storms transmitting severely harmful substances from the ground of the dried Aral Sea extend for thousands of kilometers and pose a real danger for the human health.²³⁰

There is no need to comment further on how absurd, ignorant, and manipulative this concept is; however, it is deplorable and criminal that this theory served as the basis for continued denial of COVID-19 in Turkmenistan, while providing a false justification for the harsh mask mandate. It is noteworthy that the phrases "*Aral dust*" and "*Aral salt*" (referring to dust and salt from the dried-up Aral Sea) have become a public meme, symbolizing everything toxic in the state and society, including the government, and contributing to a further decline of the government's reputation and authority among the general public.

The Turkmen authorities are adept at manipulating public opinion, both within the country and internationally. On 13 March 2020, Turkmenistan's Minister of Health, Nurmukhammad Amannepesov, recommended using harmala (Latin: *Peganum harmala*) for fumigating premises to combat infections, citing its mention in the multi-volume work by President Berdimuhamedov, *Medicinal Plants of Turkmenistan*. The president supported the minister's advice:

"Throughout the years, our ancestors have formed up national methods of prevention of bad habits and prevention of various infectious diseases, the Head of the State highlighted, having stated with delight that at present time, burning and fuming of houses with this sacred plant is continued."²³¹

From that moment on, harmala became the primary treatment in the fight against COVID-19. It was burned in all rooms, filling them with acrid smoke, and used to make soap and antiseptics, despite the lack of any scientifically proven effectiveness. Moreover, the harmala plant is banned from cultivation and importation in many countries due to its content of potent alkaloids.²³²

This eccentricity of President Berdimuhamedov, who was aware of the true value and effectiveness of burning grass, was nothing more than "*diverting attention to an irrelevant issue or stimulus*"—a manipulative tactic. As a result, his eccentric behavior in the fight against COVID-19 became a topic of global conversation, distracting from the true state of affairs.

²³⁰ Ministry of Foreign Affairs of Turkmenistan. Press release. 07 July 2020. <https://www.mfa.gov.tm/en/news/2132>

²³¹ Priorities of the state development discussed at the session of the Cabinet of Ministers. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 13.03.2020. <https://tdh.gov.tm/en/post/21793/priorities-of-the-state-development-discussed-at-the-session-of-the-cabinet-of-ministers>

²³² The Ministry of Health of Turkmenistan once again recommends using harmala to treat ARVI. In Russia, it is classified as a narcotic herb [Минздрав Туркменистана снова советует бороться с ОРВИ гармалой. В России ее посчитали наркодержащей травой]. Chronicles of Turkmenistan. 12 August 2022. <https://www.hronikatm.com/2022/08/substance-use/>

The authorities had employed the same attention-diverting tactic before, in connection with the tragedy caused by explosions at a munitions depot in Abadan, a suburb of Ashgabat, on 7 July 2011. Initially, the authorities denied any casualties²³³ but were eventually forced to acknowledge 15 deaths²³⁴ a few days after the disaster when confronted with evidence. However, independent sources reported that the actual death toll was nearly 100 times higher.²³⁵

To divert attention from the Abadan disaster, President of Turkmenistan Berdimuhamedov said at an expanded government meeting:

"We are prepared for dialogue with groups calling themselves 'opposition.' Any representatives who wish to participate in the upcoming presidential elections are welcome to travel to Turkmenistan safely. I guarantee that they, along with the citizens of our country, will be provided with equal conditions and opportunities to participate in the elections."²³⁶

Naturally, the totalitarian Turkmen government never intended to hold elections involving "alternative" candidates from the "opposition abroad." This was nothing more than deflection, a manipulative PR tactic used to redirect attention away from a challenging issue—an approach the Turkmen authorities often employ in critical situations or to "raise the stakes" in public diplomatic debates.

WHO's Mission: White Lies?

The Turkmen authorities have entirely paralyzed and subordinated the operations of all international and interstate organizations within Turkmenistan. This also partially extends to the activities of Western embassies in Turkmenistan. Despite blatant human rights violations, the manipulation and falsification of national legislation and international law, and irrational economic decisions, international representatives in Turkmenistan have entirely refrained from making any public statements in response to the actions of the Turkmen authorities, instead opting for "quiet diplomacy." However, their "quiet diplomacy" yields no tangible results.

Furthermore, all missions of international and interstate organizations have adopted positions of conformity and compromise with the authorities of Turkmenistan. The above-mentioned statements made by Elena Panova, the UN Resident Coordinator in Turkmenistan, regarding the absence of COVID-19 in the country, serve as evidence of this. While "diplomatic disclaimers" were issued, stating that this opinion was based on data provided by the official Turkmen side, the extraordinary situation created by the COVID-19

²³³ Pyrotechnics warehouses caught fire near Ashgabat [Недалеко от Ашхабада произошло возгорание складов пиротехники]. Turkmenistan.ru. 07.07.11. <http://www.turkmenistan.ru/ru/articles/36189.html>

²³⁴ Two soldiers and 13 civilians killed as a result of an emergency in Abadan [В результате ЧП в Абадане погибли двое военнослужащих и 13 гражданских лиц]. Turkmenistan.ru. 10.07.11. <http://www.turkmenistan.ru/ru/articles/36207.html>

²³⁵ Human rights activists: 1,382 killed in the Abadan explosion [Правозащитники: при взрыве в Абадане погибли 1382 человека]. BBC Russian Service. 14 July 2011. https://www.bbc.com/russian/international/2011/07/110714_abadan_explosion_casualties

²³⁶ Turkmenistan is prepared for dialogue with groups calling themselves "opposition" [Туркменистан готов к диалогу с группами, называющими себя «оппозицией】]. Turkmenistan.ru. 09.07.11. <http://www.turkmenistan.ru/ru/articles/36204.html>

pandemic required a different response than a detached perspective from the window of a diplomatic limousine.

The visit of the WHO mission to Turkmenistan was delayed multiple times. This was due to both the upcoming birthday of President Berdimuhamedov, who had reached the "age of the Prophet," and the strict preliminary requirements imposed by the Turkmen authorities for the WHO to align with President Berdimuhamedov's statement that "COVID-19 has not been detected in Turkmenistan," a claim repeatedly made by him, Foreign Minister Rashid Meredov, and by lower-ranking bureaucrats.

When it was announced that the Turkmen side was ready to accept the WHO mission and was sending a national airline's business jet for it, Dr. Catherine Smallwood, Senior Emergency Officer at the WHO Regional Office for Europe and lead of the WHO COVID-19 mission to Turkmenistan, gave an interview in which she avoided directly answering the question about the situation with COVID-19 in Turkmenistan:

4/ Turkmenistan has not reported COVID-19 cases. The country has been keeping the virus at bay and the COVID-19 control approach of the Turkmen authorities is working well. As WHO expert, what is your opinion of the situation in the country?

Turkmenistan has established a national multi-sectoral COVID-19 task force; approving a COVID-19 Preparedness and Response Plan; and developing COVID-19 guidelines for prevention, diagnosis and treatment. Reorganization of facilities and staff at all levels of the health system is a critical step the government has been taking; this includes repurposing facilities and training healthcare workers. We are looking forward to learning more during our visit.

We are ready to support Turkmenistan to identify the most effective measures to stop COVID-19 spread and look forward to having our team on the ground to work hand-in-hand with national and local authorities to protect people from COVID-19 in the country.²³⁷

When asked about the content of the National COVID-19 Preparedness and Response Plan, which had been developed by the Government of Turkmenistan in collaboration with the UN Resident Coordinator in Turkmenistan and with WHO participation, Catherine Smallwood referred to the statement from the Turkmen authorities that COVID-19 had not entered the country:

Indeed, WHO took the lead in helping the country develop its COVID-19 Preparedness and Response Plan. It has been developed according to the WHO standards. The goal of the plan is to prevent the importation of the infection into the country and, if it happens, interrupt further transmission and mitigate the social and economic consequences of the outbreak.²³⁸

²³⁷ Interview with Dr Catherine Smallwood, Senior Emergency Officer, WHO Regional Office for Europe, and WHO COVID-19 mission lead to Turkmenistan. United Nations in Turkmenistan. 05 July 2020. <https://turkmenistan.un.org/en/52046-interview-dr-catherine-smallwood-senior-emergency-officer-who-regional-office-europe-and-who>

²³⁸ Ibid.

At that time, COVID-19 was rampant in Turkmenistan, claiming lives, while the authorities remained largely inactive and the international community showed tacit indifference.

The WHO mission stayed in Turkmenistan for about 10 days. At the end of its visit, it held a briefing with the participation of Turkmen authorities' representatives.

Catherine Smallwood:

Observations

To date, Turkmenistan has not reported any confirmed cases of COVID-19. Based on what the team was able to observe, the country fully recognizes the risk currently posed by the virus, and efforts to get ready to respond to COVID-19 transmission in the country are underway.²³⁹

Thus, the WHO mission only confirmed the official position of the Turkmen authorities that the COVID-19 virus had not been detected in Turkmenistan.

The Turkmen propaganda in the face of the Ministry of Foreign Affairs immediately took advantage of this statement, quoting the words of the head of the WHO mission, once again distorting the meaning of what was said:

"She stated that Turkmenistan remains the only country in the European region of WHO, where no cases of diseases evolved from the COVID-19 were registered."²⁴⁰

The Minister of Foreign Affairs of Turkmenistan Rashid Meredov also spoke at the briefing, emphasizing the role of dust from the dried-up Aral Sea, which demonstrated to everyone once again that Turkmenistan refused to deviate from its theory of what was happening, specifically that:

- No COVID-19 had been detected in Turkmenistan.
- Both the strict mask mandate and any existing hazards were caused by dust emissions from the dried-up Aral Sea.²⁴¹

The entire briefing resembled a competition in diplomatic casuistry, sophistry, and hypocrisy:

Catherine Smallwood:

We are aware and concerned about reports of increased cases of acute respiratory disease or pneumonia of unknown cause; therefore, we recommend that surveillance and testing systems

²³⁹ Press briefing with WHO/Europe experts on the preliminary outcomes of their COVID-19 mission to Turkmenistan. United Nations in Turkmenistan. 15 July 2020. <https://turkmenistan.un.org/en/53288-press-briefing-whoeurope-experts-preliminary-outcomes-their-covid-19-mission-turkmenistan>

²⁴⁰ Briefing on the results of the visit of the WHO Regional Office for Europe mission to Turkmenistan. Ministry of Foreign Affairs of Turkmenistan. 15 July 2020. <https://www.mfa.gov.tm/index.php/en/news/2143>

²⁴¹ Ibid.

are scaled up, and that samples are sent to WHO reference laboratories for confirmed testing, as most countries have been doing in early stages of their outbreaks.²⁴²

Interrupting this statement by the head of the WHO mission Catherine Smallwood, Gurbangul Ovyakulova who participated in the briefing on the Turkmen side as a representative of the State Sanitary and Epidemiological Service of the Ministry of Health, immediately responded by stating categorically that "there are no cases of acute respiratory disease or pneumonia of unknown cause in the country."²⁴³

Hiding behind diplomatic language once again, Catherine Smallwood made the following recommendations to Turkmenistan:

Catherine Smallwood:

"...WHO advises activating the critical public health measures in Turkmenistan, as if COVID-19 was circulating. This includes identifying persons with acute respiratory infections, isolating and testing them early, tracing their contacts and caring for the sick. These are the cornerstones of response to COVID-19.

WHO also expects, in line with all countries' rights and obligations under the International Health Regulations, that *any* unusual or unexpected public health events are reported to WHO, regardless of the origin or the source."²⁴⁴

Essentially, the WHO delegation invited the Turkmen authorities to continue pretending that COVID-19 did not exist in the country while responding as if the virus was already circulating.

The authorities continued, for a long while, to insist on the absence of COVID-19 in Turkmenistan and never once permitted doubting this allegation, while using the entire arsenal of propaganda, including a banal forgery. In a conversation with Dr. Hans Kluge, Director of the WHO Regional Office for Europe, in October 2021, more than a year after the WHO mission to Turkmenistan, President Berdimuhamedov stated, as reported by Turkmenistan State News Agency (TDH) - Turkmenistan Today:

The Russian-language version of the text says, "As stated by President Gurbanguly Berdimuhamedov, thanks to timely measures taken, the entry and spread of acute viral infection in our country was prevented."

²⁴² Press briefing with WHO/Europe experts on the preliminary outcomes of their COVID-19 mission to Turkmenistan. United Nations in Turkmenistan. 15 July 2020. <https://turkmenistan.un.org/en/53288-press-briefing-whoeurope-experts-preliminary-outcomes-their-covid-19-mission-turkmenistan>

²⁴³ WHO mission: Turkmenistan should act as if COVID-19 was circulating in the country [Миссия ВОЗ: Туркменистан должен действовать так, как если бы коронавирус существовал в стране]. RFE/RL's Turkmen service, Radio Azatlyk. 15 July 2020. <https://rus.azathabar.com/a/30728572.html>

²⁴⁴ Press briefing with WHO/Europe experts on the preliminary outcomes of their COVID-19 mission to Turkmenistan. United Nations in Turkmenistan. 15 July 2020. <https://turkmenistan.un.org/en/53288-press-briefing-whoeurope-experts-preliminary-outcomes-their-covid-19-mission-turkmenistan>

However, precisely this phrase about the absence of "acute viral infection" is entirely absent from the English version of the text about the same meeting, as reported by the same Turkmenistan State News Agency (TDH) - Turkmenistan Today.²⁴⁵ The Turkmen authorities, once again, resorted to lies and forgery in the hope that an English-speaking reader or researcher might not refer to the Russian²⁴⁶ or Turkmen-language version of the text, where this phrase is also present:

Hormatly Prezidentimiz Gurbanguly Berdimuhamedowyň belleýşi ýaly, öz wagtynda görلن çäreleriň netijesinde, ýiti ýokanç keseliň wiruslarynyň ýurdumyza aralaşmagyna we ýaýramagyna ýol berilmedi²⁴⁷.

This deletion of the phrase from the English version was intentional to prevent WHO from denying that the topic of the absence/presence of COVID-19 was discussed during the meeting in accordance with the "Turkmen context" and following the interpretation from the country's authorities. Similarly, Berdymukhamedov was afraid of being caught lying and avoided mentioning "the absence of acute viral infection in our country" during a public video meeting with the WHO Secretary-General in August 2020,²⁴⁸ rightfully assuming that his words would be perceived by experts as an admission of total incompetence both as a medical professional by training and as the head of state.

WHO later confirmed to Eurasianet that Kluge's statements made during the above-mentioned meeting were misquoted and untrue:

"The WHO has since confirmed to Eurasianet that state media misquoted Kluge when it claimed he had favorably compared Turkmenistan's COVID-19 prevention strategy to those of its global peers. The Turkmen propaganda machine also fudged when it claimed that 70 percent of its population had been vaccinated, since that figure only alluded to how many people had received at least one shot, not both. The boast is entirely spurious anyway, since it is based on the assertions of the chronically mendacious Turkmen government."²⁴⁹

This was not the first time for Hans Kluge to be deceived by President Berdymukhamedov. He wrote on his Facebook page on 7 August 2020:

²⁴⁵ The President of Turkmenistan Received the Director of the WHO Regional Office for Europe. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 08.10.2021. <https://tdh.gov.tm/en/post/29000/president-turkmenistan-received-director-who-regional-office-europe>

²⁴⁶ The President of Turkmenistan Received the Director of the WHO Regional Office for Europe [Президент Туркменистана принял директора Европейского регионального бюро ВОЗ]. Turkmenistan State News Agency (TDH) - Turkmenistan Today. 08.10.2021. <https://tdh.gov.tm/ru/post/28991/president-turkmenistana-prinal-direktora-evropejskogo-regionalnogo-byuro-voz>

²⁴⁷ Türkmenistanyň Prezidenti BSGG-niň Ýewropa sebit edarasynyň direktoryny kabul etdi. Türkmenistanyň Döwlet haberlar agentligi (TDH) - Türkmenistan Bu gün. 08.10.2021. <https://tdh.gov.tm/tk/post/28981/turkmenistanyň-prezidenti-bsgg-nin-yewropa-sebit-edarasynyn-direktoryny-kabul-etdi>

²⁴⁸ Video meeting of the President of Turkmenistan with the Director General of WHO. Ministry of Foreign Affairs of Turkmenistan. 08 August 2020. <https://www.mfa.gov.tm/en/news/2169>

²⁴⁹ Turkmenistan: Good for some. Akhal-Teke: A Turkmenistan Bulletin. Eurasianet, Oct 19, 2021. <https://eurasianet.org/turkmenistan-good-for-some>

Dr Tedros & me met the TM President on COVID19 situation in Turkmenistan. WHO expressed serious concern about in COVID19 negative pneumonia urged for a WHO team to sample independently COVID19 tests in-country & take to WHO reference labs. President agreed.²⁵⁰

However, during a video briefing in January 2021,²⁵¹ Kluge stated that Turkmenistan had not yet sent samples for analysis for COVID-19 to WHO laboratories abroad.

According to Kluge, during an online meeting with WHO Director-General Tedros Adhanom Ghebreyesus and Turkmen President Gurbanguly Berdimuhamedov, a decision was made to set up a team to perform joint sampling and then send the samples for quality assurance to WHO reference laboratories outside Turkmenistan.

"It is rather unfortunate that as of today, we have not seen any concrete follow-up so far, but I would like to assure you that we continue the open dialogue with the government of Turkmenistan," Hans Kluge said.²⁵²

The actions of the Turkmen authorities, and President Gurbanguly Berdimuhamedov in particular, no longer come as a surprise, as both he and his inner circle have long established a reputation for deceit used to cover up even the most severe incidents and crimes within Turkmenistan.²⁵³ However, serious questions arise regarding the response of WHO and other international actors toward Turkmenistan.

The Saglyk website, operated by the Progres Foundation²⁵⁴—a Turkmen organization in exile focused on health issues—published a strongly worded statement addressed to WHO, saying, in particular:

"We are deeply dismayed that WHO spent 10 days in the country and went along with the government's narrative that 'there are no confirmed cases of COVID-19.' We are alarmed that this misinformation by WHO empowers the government to do nothing and allows the human suffering and loss of life in Turkmenistan to continue unnoticed. During the visit WHO followed the protocol that was set in Turkmenistan during the Soviet era. WHO accepted the Ministry's showcasing without any questions and visited cherry-picked, scrubbed-shiny hospitals with ample beds, and happy doctors and patients."²⁵⁵

²⁵⁰ Facebook page of Hans Kluge Jr. 7 Aug. 2020 г. <https://www.facebook.com/share/p/18133FT6rW/>

²⁵¹ WHO/Europe virtual media briefing on COVID-19. Watch LIVE as Dr Hans Kluge and experts from WHO/Europe provide a situation update on COVID-19 in the European Region before answering questions from journalists. 07.01.2021 г.

<https://www.facebook.com/WHOEurope/videos/120310033198605/>

²⁵² WHO: Turkmenistan has not yet provided samples for COVID-19 confirmation testing [ВОЗ: Туркменистан до сих пор не отправил пробы для анализа на COVID-19]. Current Time TV. 8 January, 2021. <https://www.currenttime.tv/a/turkmenistan-coronavirus-who/31038802.html>

²⁵³ The Dictatorship of a COVID-Dissident: How Turkmen Authorities Conceal Information About the Coronavirus Epidemic (see the chapter titled History of Lies) [Диктатура COVID-диссидент: как в Туркмении скрывают информацию об эпидемии коронавируса. (см. главу История лжи)]. The Insider. 7 July 2020. <https://theins.ru/politika/230006>

²⁵⁴ Progres Foundation <https://progres.online/>

²⁵⁵ STATEMENT ON WHO. Saglyk/Progres Foundation. <https://saglyk.org/makalalar/covid-19/1796-statement-on-who.html>

A report from another organization, the International Accountability Project (IAP), explicitly accuses international actors of complicity in the tragedy that unfolded due to COVID-19 in Turkmenistan:

Since 1 January 2020, the International Accountability Project (IAP), through the [Early Warning System](#), has tracked 6 projects financed by the largest development banks in the world including the Asian Development Bank, the European Bank for Reconstruction and Development, and the World Bank with a total amount of \$40 million USD given to public and private sectors in Turkmenistan.

[...]

Yet, as the project of the World Bank to the public health sector in Turkmenistan at such a critical juncture during the COVID-19 pandemic, it did just the opposite. Complicit in the Government of Turkmenistan's misleading narrative and misinformation during the public health emergency, the project has enabled a vacuum of information that hindered the pandemic response, putting lives in danger.²⁵⁶

The above report mentioned the Coronavirus Pandemic Preparedness and Response Plan for Turkmenistan, which was developed with input from numerous consultants and foreign donors, including the so-called "development banks." The President of Turkmenistan approved this "Plan" on 15 May 2020.²⁵⁷

However, this plan was never published—neither by the Government of Turkmenistan, nor by the international organizations whose missions contributed to its preparation, nor by the donors who financed its development. All attempts to access the document have been unsuccessful.

There is an explanation for this, suggesting yet another reason why the Turkmen authorities have refused to acknowledge the presence of COVID-19 in Turkmenistan. Indirect evidence indicates that the "Plan" included measures to provide economic support for small businesses and the public, especially for vulnerable groups. However, *the Turkmen authorities have not implemented any support measures for the population or businesses*. The rental rates, tax regime, and other conditions remained at pre-pandemic levels, which, under the total quarantine and closure of all trade and service establishments, led to massive bankruptcies among small businesses.

Some of the more enterprising small business owners attempted to establish online trading through social media platforms. However, in Turkmenistan, the authorities block access to the internet, particularly social media platforms and messaging apps, creating an insurmountable obstacle to establishing and using online commerce for most businesses in the trade and service sectors, and for their customers. Although online marketplaces began to emerge in Turkmenistan after 2022 with assistance from external donors, by

²⁵⁶ World Bank \$20M COVID-19 Response Project Complicit in Masking Public Health Emergency. International Accountability Project (IAP) <https://accountability.medium.com/world-bank-20m-covid-19-response-project-complicit-in-masking-public-health-emergency-60c2887f63>

²⁵⁷ The Head of the State approves COVID-19 Preventive Readiness Plan of Turkmenistan. Turkmenistan State News Agency (TDH) - Turkmenistan Today.15.05.2020. <https://tdh.gov.tm/en/post/22600/the-head-of-the-state-approves-covid-19-preventive-readiness-plan-of-turkmenistan>

then it was too late, as most small businesses had already gone bankrupt or suffered irreparable losses. The absence of economic support measures for the population and businesses led to a stark deterioration in the crime situation in Turkmenistan, with a rise in thefts, robberies, and fraud,²⁵⁸ further worsening the overall psychological climate in society. Due to unreasonable restrictive measures and stagnation of small businesses and private entrepreneurship,²⁵⁹ food supply to the public deteriorated significantly.²⁶⁰ Observers reported the onset of famine in certain areas, and even in the army.²⁶¹ Instead of addressing the underlying issues, the authorities focused on combating the visible symptoms of the crisis, primarily the massive queues for groceries,²⁶² as well as the noticeable increase in panhandlers and beggars in public spaces.

"Amid rising prices, shortages of essential goods, and widespread food scarcity, stampedes, quarrels, and fights frequently break out in queues. Meanwhile, the police and individuals in civilian clothing, presumably security personnel, are video recording the queues, including any conflicts that arise among the people.

According to Azatlyk's correspondent, when the gates of the Green Market were opened briefly at 6:00 a.m. and then closed again after the sale ended, people began kicking the gates and openly cursing the president.

"They shouted that the president wanted them and their children to starve to death. At this time, several police officers began twisting people's arms and attempted to apprehend and detain them. But the crowd rushed to them and freed the detainees," Azatlyk's correspondent reported on 13 April.²⁶³

²⁵⁸ Rates of theft, robbery, and fraud on the rise in Mary [В Мары участились случаи краж, грабежей и мошенничества]. RFE/RL's Turkmen service, Radio Azatlyk. 4 November 2021. <https://rus.azathabar.com/a/31544660.html>

²⁵⁹ COVID-19 and Turkmenistan: How have market traders survived the restrictions? [COVID-19 и Туркменистан: Как рыночные торговцы выживают после ограничений?]. TRFE/RL's Turkmen service, Radio Azatlyk. 4 September 2020. <https://rus.azathabar.com/a/30820472.html>

²⁶⁰ Bread is only available at night, stores sell rotten eggs, and flour is rationed but in short supply—surviving in an unannounced crisis [Хлеб по ночам, тухлые яйца, мука по обещанию. Жизнь в условиях негласного кризиса]. RFE/RL's Turkmen service, Radio Azatlyk. 2 November 2021. <https://rus.azathabar.com/a/31540962.html>

²⁶¹ Meager soldiers' rations and new ways for commanders to earn: The coronavirus has worsened conditions in the Turkmen army [Скудный солдатский паек и новые способы заработка для командиров. Коронавирус ухудшил условия в туркменской армии]. RFE/RL's Turkmen service, Radio Azatlyk. 10 March 2021. <https://rus.azathabar.com/a/31143087.html>

²⁶² "It undermines the President's image." The president's son criticizes the queues outside stores ["Портит имидж президента". Президентский сын против очередей у магазинов]. RFE/RL's Turkmen service, Radio Azatlyk. 14 April 2021. <https://rus.azathabar.com/a/31203131.html>

²⁶³ Ibid.

Through Radio Liberty, the citizens of Turkmenistan appealed to President Berdimuhamedov:²⁶⁴ "Dear Arkadag: part of the country needs compassion, while the rest needs mercy."

Human Rights Watch placed a special emphasis on food security in World Report 2021:

Food Insecurity

"Turkmenistan's government denies the existence of poverty in the country and failed to ensure an adequate standard of living and the right to food for economically vulnerable groups. Shortages of subsidized food, the rise of market prices, and a drastic reduction in the amount of remittances from abroad force people to stand in lines for hours hoping to purchase minimal amounts of staple foods. They often leave empty-handed. Food rationing did not ensure access to subsidized food. People experienced restrictions on purchases arbitrarily imposed at the state stores. There are no publicly available official data on the population's food needs."²⁶⁵

The Turkmen authorities' refusal to provide financial and material assistance to the population or implement lenient policies for businesses, particularly small enterprises, can only be explained by their decision to shift the full burden of the hardships caused by the COVID-19 pandemic onto the people. Moreover, the authorities understood that widespread corruption would absorb a significant portion of any potential benefits, preferences, and financial support intended for businesses and the population, especially given Turkmenistan's lack of effective anti-corruption mechanisms.

For this reason, along with the two other reasons mentioned above, the authorities refused to acknowledge the presence of COVID-19 in Turkmenistan, the spread of the epidemic, the resulting economic and social crises, the high number of excess deaths, and the immense harm to the health of those who managed to survive.²⁶⁶

For all these reasons, the authorities—gripped by hysteria, panic, and paranoia—desperately sought to prevent any leaks of information regarding COVID-19 and its consequences in Turkmenistan. In July 2020, the Analytical Center for Central Asia conducted a study and published an analysis of satellite images, which revealed a significant increase in the number of new graves in cemeteries in one of Turkmenistan's western regions.²⁶⁷

²⁶⁴ DEAR ARKADAG: part of the country needs compassion, while the rest needs mercy [ДОРОГОЙ АРКАДАГ: часть страны нуждается в гуманности, остальная – в милосердии]. RFE/RL's Turkmen service, Radio Azatlyk. 12 October 2021.

<https://rus.azathabar.com/a/31504929.html>

²⁶⁵ Human Rights Watch. World report 2021. Turkmenistan. <https://www.hrw.org/world-report/2021/country-chapters/turkmenistan>

²⁶⁶ Between life and death. A COVID-19 survivor shares his experience [Между жизнью и смертью. Переболевший COVID-19 рассказывает о своем опыте]. Turkmen.News. 31.08.2020. <https://turkmen.news/opinion/mezhdu-zhiznyu-i-smertyu-perebolevshij-covid-19-rasskazyvaet-o-svoem-opyte/>

²⁶⁷ In Turkmenistan, people die en masse due to COVID-19. ACCA. 25.07.2020. <https://acca.media/en/5400/in-turkmenistan-people-die-en-masse-due-to-covid-19/>

The Turkmen authorities responded immediately to the publication by instructing families to bury their deceased relatives in a way that would make the graves invisible to satellite imagery:

"Currently, the number of graves in cemeteries is 15 times higher than last year. Now people are required to bury the deceased in a way that keeps the graves flat, making them invisible to satellites. Placing tombstones or any other identification markers is prohibited. Attending funerals and memorial services is also prohibited," Azatlyk's correspondent in Lebap reported on 29 July.²⁶⁸

The government responded with extreme brutality to any leaks of information outside Turkmenistan regarding the spread of COVID-19, the number of deaths, and the state of healthcare, economy, and the social sphere. The authorities virtually blocked access to the internet altogether, and deployed special agents to monitor public spaces, such as outdoor markets and stores, to prevent anyone from taking photos of the true situation or sending them to independent media abroad.

The fate of Nurgeldi Halykov illustrates the danger that collecting and transmitting information to independent media abroad could pose. Nurgeldi Halykov found a photo on a local social network showing the WHO mission members relaxing in an Ashgabat hotel during their stay in Turkmenistan and forwarded the photo to Turkmen.news, an information website operating in exile in the Netherlands. Once the photo appeared on Turkmen.news, the security services of Turkmenistan launched a special investigation. They tracked down who took the photo of WHO employees relaxing by the pool, identified everyone who could have seen the photo on the social network, and determined who might have forwarded it to the editorial office of Turkmen.news. A criminal case was fabricated against Halykov, unrelated to the photo or Turkmen.news. As a result, he was sentenced to four years in prison and served his full sentence.²⁶⁹ The WHO bureaucracy, as they claimed, attempted to raise the issue of Halykov's fate with the Turkmen authorities, but their efforts were insufficient to secure his release. After serving his entire sentence, Halykov was released in June 2024. He applied for a travel passport, which was issued after a long delay, and for a work visa to be employed in hotel services in the UAE. However, as he was about to leave Turkmenistan, the authorities stopped him, conducted a lengthy interrogation, and prevented his departure.²⁷⁰

The general fear instilled by the authorities, the blocking of the internet, and the extensive surveillance of public spaces—all these factors taken together largely explain why the picture of COVID-19 in Turkmenistan that emerges in the media is so limited and fragmented. People have been—and continue to be—afraid to talk about it or to recall what happened during the three years of the epidemic amidst the policy of COVID-19 terror imposed by the authorities.

²⁶⁸ "Graves must be flat": A new burial requirement in Turkmenistan amid rising mortality [«Могилы должны быть плоскими». Новое требование к захоронениям в Туркменистане на фоне роста смертности]. RFE/RL's Turkmen service, Radio Azatlyk. 29 July 2020. <https://rus.azathabar.com/a/30754776.html>

²⁶⁹ Political prisoner Nurgeldi Halykov has been released [Политзаключенный Нургельды Халыков вышел на свободу]. Turkmen.News. 10.06.2024. <https://turkmen.news/politzaklyuchennyj-nurgeldi-halykov-vyshel-na-svobodu/>

²⁷⁰ Nurgeldi Halykov barred from leaving Turkmenistan [Нургельды Халыкову запретили выезд из Туркменистана]. Turkmen.news. 14.01.2025. <https://turkmen.news/nurgeldi-halykovu-zapretili-vyezd-iz-turkmenistana/?tztc=1>

Takeaways for the EBRD

By providing such a detailed account of the history of COVID-19 in Turkmenistan, we aim to shed light on what experts and bureaucrats at the EBRD—and more broadly within the structures of the European Union and the United States—have stubbornly refused to acknowledge for many years. Turkmenistan has constructed an abhorrent system that is incapable of independently reforming itself in good faith or transitioning away from its totalitarian style and methods of governance. Indeed, any advance promises and upfront concessions from external, primarily Western, players are perceived, portrayed, and exploited by propaganda only as a sign of approval of the authorities' policies by foreign actors.

The Turkmen government's handling of the COVID-19 pandemic demonstrates that its leadership cannot be considered a reliable partner capable of making and honoring agreements—neither with its own citizens within the framework of the law and social contract, nor with the international community.

This conclusion, drawn from an analysis of events related to COVID-19 and previous incidents, suggests that the actions of the Turkmen authorities in future emergencies—whether an epidemic or pandemic, an earthquake, social unrest, mass protests, or the impact of a drought and food shortages—are entirely unpredictable. The Turkmen authorities have repeatedly demonstrated irrational behavior in extreme situations. The narcissism and vanity of the country's senior officials, combined with the unquestioning obedience of those who serve them to ideological dogmas, create an insurmountable barrier to establishing an effective system for responding to risks and challenges.

In this regard, the Turkmen authorities have not only proven to be untrustworthy partners incapable of honoring agreements with international organizations and the global community but have also created conditions that pose a threat to their closest neighbors by concealing information about one of the deadliest COVID-19 epidemics in the world.

Based on the findings of their mission to Turkmenistan, WHO reached the following conclusions:

The actions taken in Turkmenistan will have impact for the people in the country, but also throughout Central Asia, Europe and the world.²⁷¹

Only by fostering internal change—through the development of a genuine civil society, the establishment of independent national experts and media, and with steadfast support from international development and transition institutions, influential global players, and the broader international community—can a transition from dictatorship to a system of fair and accountable governance become possible.

The EBRD, with its stated commitment to promoting integrity and high ethical standards, should apply these principles to its partners and recipients of all benefits from cooperation, imposing the same

²⁷¹ Press briefing with WHO/Europe experts on the preliminary outcomes of their COVID-19 mission to Turkmenistan. United Nations in Turkmenistan. 15 July 2020. <https://turkmenistan.un.org/en/53288-press-briefing-whoeurope-experts-preliminary-outcomes-their-covid-19-mission-turkmenistan>

obligations and requirements for strict compliance. Otherwise, all of the EBRD's activities in Turkmenistan will once again become a mockery of its Charter, the political and ethical principles on which the EBRD was founded, and a complete devaluation of the intentions and decisions it has announced in response to new risks and challenges. Only a principled stance, backed by verifiable outcomes in mutual commitments under the EBRD's Cooperation Agreement and its upcoming Strategy for Turkmenistan,²⁷² will safeguard the Bank's investments and reputation from failure and prevent the waste of taxpayers' money from EBRD's shareholder countries.

²⁷² The authors of the report still believe it is necessary to freeze the EBRD's operations in Turkmenistan until a genuine process of comprehensive transition from dictatorship to a system of fair and accountable governance is initiated.

Conclusion

The authors of this report do not claim to represent the views or interests of all of Turkmen society, which itself is divided—fragmented into groups, clans, tribes, and now, effectively, castes—and has undergone significant changes in recent years.

Disillusioned with local realities and faced with both a lack of prospects and the impossibility of effecting change through legal means, countless Turkmen citizens "vote with their feet" by leaving the country. They are the most active, creative, and mobile people across all age groups. It is enough to look at the social media of Turkmen communities in the United States, Europe, Turkey, Russia, China, and Kazakhstan to grasp the scale of emigration—or, more precisely, flight—of citizens from their country. The specific reasons for leaving—whether economic, social, or political—are largely irrelevant; the outcome is clear, as is the responsibility of the Turkmen authorities for causing it.

The remaining Turkmen population, apart from the elites, is steadily losing its competitive advantages and faces almost no prospects for a better life. Breaking through clan—or rather, the newly formed caste—barriers is nearly impossible, and the concept of a "social elevator" no longer exists in Turkmenistan. These conditions have created prerequisites for the radicalization of certain groups, who are merely waiting for a unifying idea or ideology.

Turkmen society has long exhausted all legitimate means of influencing the government, and thirty years of repression have taken their toll. Therefore, for a long time, an *illusory hope* persisted that external pressure from the West and international organizations—such as the UN, OSCE, and others—might stimulate or even compel the Turkmen authorities to undertake genuine reforms, transform the economy and public sphere, and move away from repression. But even these hopes are unlikely to be realized. Once again, the fate of the Turkmen people has been traded for gas. This zero-sum "gas or people" bargaining has been going on for more than three decades.

The authors of this report have experienced various forms of repression, including moral and physical pressure, defamation, professional bans, travel restrictions, and solidarity repression and punishment affecting relatives—some of whom endured the full horrors of Turkmenistan's prisons. While we are not targeting the regime or any specific individuals in power, we have united to ensure that the truth is heard.

Turcorum cogitans group

Recommendations

For the Government of Turkmenistan:

This document is not intended for the Government of Turkmenistan, given the Government's principled rejection of reforms and its focus on establishing a hereditary monarchy.

For the United Nations:

Conduct a review of Turkmenistan's unfulfilled obligations as a member of the United Nations and its bodies, such as the UN Human Rights Committee and the UN Special Rapporteurs, make the results publicly available, and initiate comprehensive, systematic engagement with the Turkmen government to ensure fulfilment of the country's obligations.

For the United States:

Apply the Jackson–Vanik Amendment to Turkmenistan in response to the catastrophic situation with the restrictions on the right to freely leave the country and with other human rights violations;

Initiate proceedings and enforce the Magnitsky Act against Gurbanguly Berdimuhamedov in light of his actions to usurp power and undermine the foundations of the state, and the null legitimacy of his current positions and the means by which he attained them;

Initiate proceedings and enforce the Magnitsky Act against the Chairman of the Parliament (Mejlis) of Turkmenistan for aiding Gurbanguly Berdimuhamedov in the usurpation of power, in blatant violation of Turkmenistan's legislative norms;

Initiate proceedings and enforce the Magnitsky Act against the Chairman of the Supreme Court of Turkmenistan for creating and perpetuating an entirely opaque and blatantly unfair justice system;

Initiate proceedings and enforce the Magnitsky Act against the heads of Turkmenistan's law enforcement agencies for systematic repression of civil society activists, orchestrating total internet censorship, and creating insurmountable obstacles to free exit from the country.

For the European Union:

- For the European Parliament:

Block the ratification of the EU-Turkmenistan trade and economic agreement until all of the following issues are effectively addressed:

- enforced disappearances in Turkmenistan's prisons, with public verification of the fate of every disappeared person;
- the right to freely leave the country;

- the right to unrestricted access to the internet;
- forced labor during the cotton harvest and compelled participation of government employees, students, and children in parades and demonstrations;
- persecution of civil society activists, bloggers, and independent journalists;
- the need to restore a strict separation of powers and dismantle the institution of the "Leader of the Turkmen People," which undermines the foundations of democracy and the separation of powers, and has null legitimacy.

Give particular attention to the issue of massive methane emissions from Turkmenistan's gas fields and its entire gas infrastructure. Develop and adopt legal provisions prohibiting EU countries and companies from purchasing Turkmen gas until all methane emission issues in Turkmenistan are resolved. In addition, prohibit any investments in the production and transportation of Turkmen gas by development banks (including the EBRD) that use EU taxpayers' money, as well as by commercial entities based in the EU and operating within its territory. Every purchase of gas directly encourages such emissions!

- For the European Commission:

Clearly and unambiguously identify the conditions that hinder the development of relations with Turkmenistan, and strictly adhere to the principle of refraining from cooperation with the Turkmen authorities and government until all required conditions have been met and independently verified by credible organizations, specifically:

Until the following issues are resolved:

- enforced disappearances in Turkmenistan's prisons, with public verification of the fate of every disappeared person;
- the right to freely leave the country;
- the right to unrestricted access to the internet;
- forced labor during the cotton harvest and compelled participation of government employees, students, and children in parades and demonstrations;
- persecution of civil society activists, bloggers, and independent journalists.

Develop and ratify, through the European Parliament, legal provisions that prohibit EU countries and companies from purchasing Turkmen gas until all methane emission issues in Turkmenistan are resolved, and ban any investments in Turkmenistan's oil and gas industry, including in the operations of foreign companies.

Broaden the involvement of independent analysts and environmental organizations in monitoring methane emissions to prevent corruption and manipulation by the Turkmen authorities.

For the EBRD:

Halt operations in Turkmenistan, as the EBRD's fifteen years of activity there have neither fulfilled nor complied with Article 1 of the Agreement Establishing the Bank throughout its engagement in the country.

Begin analyzing and monitoring the modernization of Turkmenistan's national legislation and enforcement practices, ensuring transparency and accountability, with a primary focus on the hydrocarbon industry.

Persuade the Turkmen government of the need to modernize the Law on Hydrocarbon Resources and the Law on Production Sharing Agreements, improving transparency across the entire hydrocarbon sector, including investments aimed at reducing methane emissions.

Insist on transparency and accountability in the operations of the funds managing revenues from hydrocarbon sales, as this sector is highly prone to corruption and serves as a key indicator of adherence to *good governance*.

Establish, specifically for Turkmenistan, clear and unambiguous criteria for assessing *progress* in light of the Agreement Establishing the EBRD in the areas of democracy, human rights, a fair and independent judiciary, fostering a genuine market economy, and good governance—as inseparable elements of development. Facilitate the assessment of *progress* with maximum transparency for the public and ensure full feedback from Turkmen society, as well as from international non-governmental and expert organizations.

Appendix 1



To: Jonathan Aves, EBRD Political Councillor

CC: EBRD President, EBRD CSO unit

17 October 2018

Dear Mr Aves,

In view of the ongoing EBRD country strategy review for Turkmenistan, we are calling on you to take a close look at the assessment of the situation in the country prepared by Turkmenistan activists (attached).

For many years EBRD has been hopeful that Turkmenistan would demonstrate 'commitment to the principles of multiparty democracy', which is a precondition for financing, which is spelled out in Article 1 of the Bank's statute. It is time to admit that progress has not happened. The assessment by Turkmen activists clearly indicates that processes like the constitutional reform that took place moved the country further away from the path to meet Article 1 requirements.

In the assessments done by the EBRD at the previous country strategy review in May 2014, the Bank said that the reforms in the country are 'slow' and that there were no reasons for the EBRD to increase investments within the calibrated approach applied to the country.

Information put together by the Turkmen activists suggests that the situation in the country has not become any better and that the bank should further limit its financing of the projects in the country, unless Turkmenistan acts on the issues brought up in the Civil Society review. Key human rights problems in Turkmenistan include: disappearances in Turkmenistan's prison system of political prisoners; a system of blacklisting individuals, preventing them from leaving the country; draconian media and NGO laws; inability by citizens to access independent media, the Internet, and international news; complete lack of access for international human rights monitors; absolute lack of environmental oversight by the government.

We understand that EBRD is reconsidering the idea of a 'calibrated approach'. It is important that EBRD's involvement in Turkmenistan be clearly linked to the country's effective performance in the area of transition to democracy. Without ensuring its comprehensive

assessment of human rights and economic indicators under the current strategy, the Bank runs the grave risk of mistaking superficial, narrow reforms specifically designed for external approval, for meaningful progress.

In the view of the Turkmenistan civil society representatives, the proper reaction to the situation in Turkmenistan would mean ceasing investments in the country for the next three years, while maintaining dialogue with state officials to promote reforms.

Sincerely yours,

Mark Fodor	CEE Bankwatch Network
Kate Watters	Crude Accountability
Sheryl Mendez	Freedom House
Brigitte Dufour	International Partnership for Human Rights
Svyatoslav Zabelin	coordinator of International Socio-Ecological Union
Olga Zakharova	coordinator of the Working Group on Solidarity with Turkmenistan, the Civic Solidarity Platform
Yuri Dzhibladze	member of the Coordinating Committee, Prove They Are Alive! campaign

On behalf of the following organisations endorsing this letter:

Bank Information Center
Both Ends
Business & Human Rights Resource Centre
Civil Rights Defenders
Global Witness
Human Rights Watch
International Accountability Project (IAP)
Reporters Without Borders
Urgewald

Appendix 2

To the Board of Directors of the European Bank for Reconstruction and Development

To experts and others involved in the development and adoption of the Bank's decisions

Subject: letter by Turkmen civil society activists on the current developments in Turkmenistan that should be taken into account during the upcoming discussion of the EBRD's new strategy for Turkmenistan

August 2018

Dear ladies and gentlemen,

Members of Turkmenistan's civil society have the honor of addressing you. Our aim is to draw the attention of EBRD officials to the current developments in Turkmenistan in the context of the EBRD's cooperation with Turkmenistan and in view of the upcoming discussion of the Bank's new strategy for Turkmenistan.

We write to you because the repressive policy of the Turkmen authorities makes it impossible for us to have a dialogue in person with you and to bring together all civil society activists who have worked on this document to meet with EBRD representatives. Therefore, we are using the unique opportunity provided by the EBRD Articles of Agreement and the Bank's practice of open communication with civil society. We rely in particular on Article 1 of the Agreement and make our case in this appeal in the light of its provisions.

This document consists of several chapters, each covering a particular area but jointly helping to shed light on the overall situation in the country, including both recent developments and ongoing processes.

One of the chapters discusses the recent "constitutional reform" in Turkmenistan, which is causing major concerns in Turkmen society because it has drastically changed the system of government, destroyed the constitutional separation of powers, and led to usurpation of power by President Berdymukhamedov.

Likewise, the recent "reforms" in the management of hydrocarbon resources have made the entire hydrocarbon sector even less transparent, while the dissolution of the Ministry of Environmental Protection has opened the way for predatory exploitation of the country's natural resources in defiance of both international and domestic law.

The chances of positive change in the country are minimal as long as enforced disappearances in Turkmen prisons continue unabated, with prisoners held incommunicado for many years and the authorities refusing to take meaningful steps towards a solution of the problem. The fear of joining those who have disappeared in Turkmen prisons has a chilling effect on both civil servants and broader society, discouraging any reform initiative. This is one of the reasons behind the absence of pluralism and competitive political process as essential mechanisms of state and society development.

The so-called “blacklists” of people arbitrarily banned from traveling outside of Turkmenistan serve as yet another mechanism of intimidation widely used by the Turkmen authorities. Any person can be blacklisted on suspicion of disloyalty to the regime or for being related to a member of the opposition or an independent civic activist. Practice reveals that being de-listed and freed from the travel ban is virtually impossible.

This document does not focus on human rights problems in Turkmenistan which are numerous, persist for many years, and have a systemic character. They are well covered by many reports of NGOs and inter-governmental organizations. In addition to enforced disappearances in prisons and arbitrary bans on travel outside of the country, they include widespread torture and cruel, inhuman and degrading treatment in places of detention; arbitrary detention; absence of independent judiciary and fair trial; suppression of freedom of expression and information, including absence of independent media, tough control of internet and online censorship, criminal prosecution of and physical attacks on individuals cooperating with foreign media, and an ongoing campaign of dismantling of private satellite TV antennas; absence of freedom of association, including denial of registration of independent NGOs, ban on the work of foreign NGOs in the country, persecution of and physical attacks on independent civic activists inside the country and in exile; persecution on religious grounds; absence of freedom of peaceful assembly; and forced labor on cotton fields, to name just a few.

These and other human rights problems in Turkmenistan have been in the focus of international attention, including in the UN and the OSCE, for over two decades, including, most recently, in the framework of the Universal Periodic Review (UPR) in the UN Human Rights Council and by several UN treaty bodies. However, there has been no tangible progress in addressing these fundamental problems, and Turkmenistan continues to have one of the most oppressive governments in the world.

Ladies and gentlemen,

These and other problems prompted us to spend more than six months exploring their causes and potential consequences. As a result of lengthy discussions and debates, we decided to present to you this opinion shared by an active part of Turkmenistan’s civil society.

We respectfully invite you, in preparing the Bank’s new strategy for Turkmenistan, to take into account the information and our recommendations provided in this document.

More than 30 people worked to research the underlying facts, contributed to the discussion, and drafted and edited this document. For obvious security reasons, we cannot publicly disclose our names. However, we rely on the testimony of our international colleagues who can confirm that this document was prepared in Turkmenistan by representatives of Turkmen civil society. By endorsing this document, our international colleagues express solidarity with our position and share our concerns over the problems affecting Turkmenistan today.

Sincerely,

Signed by 32 civil society activists in Turkmenistan whose names are withheld for security reasons

Endorsed by international civil society organizations, recipients of the Goldman Environmental Prize and leading experts in the environment, human rights and civil society:

Members of the Civic Solidarity Platform:

1. ARTICLE 19 (United Kingdom)
2. Association UMDPL (Ukraine)
3. Centre de la Protection Internationale (France)
4. Center for Civil Liberties (Ukraine)
5. Center for Participation and Development (Georgia)
6. Centre for the Development of Democracy and Human Rights (Russia)
7. Citizens' Watch (Russia)
8. Crude Accountability (USA)
9. Freedom Files Foundation (Poland)
10. Helsinki Association (Armenia)
11. Helsinki Citizens' Assembly – Vanadzor (Armenia)
12. Helsinki Committee of Armenia (Armenia)
13. Helsinki Foundation for Human Rights (Poland)
14. Human Rights Centre "Memorial" (Russia)
15. Human Rights Center of Azerbaijan (Azerbaijan)
16. Human Rights Club (Azerbaijan)
17. humanrights.ch (Switzerland)
18. Human Rights Information Center (Ukraine)
19. Human Rights Matter e.V. (Germany)
20. Human Rights Monitoring Institute (Lithuania)
21. Human Rights Movement "Bir Duino" (Kyrgyzstan)

22. IDP Women Association "Consent" (Georgia)
23. Institute for Reporters' Freedom and Safety (Azerbaijan)
24. International Partnership for Human Rights (Belgium)
25. Italian Coalition for Civil Liberties and Rights (CILD) (Italy)
26. Kazakhstan International Bureau for Human Rights and the Rule of Law (Kazakhstan)
27. Kharkiv Regional Foundation "Public Alternative" (Ukraine)
28. Legal Transformation Center (Belarus)
29. Norwegian Helsinki Committee (Norway)
30. PO "CrimeaSOS" (Ukraine)
31. Promo LEX Association (Moldova)
32. Public Association "Dignity" (Kazakhstan)
33. Public Foundation "Golos Svobody" (Kyrgyzstan)
34. SOLIDARUS (Germany)
35. Public Verdict Foundation (Russia)
36. The Netherlands Helsinki Committee (the Netherlands)
37. The Swedish NGO Network (Sweden)
38. The Barys Zvozskau Belarusian Human Rights House (Lithuania/Belarus)
39. "Viasna" Human Rights Centre (Belarus)
40. Women of the Don (Russia)

Recipients of the Goldman Environmental Prize:

41. Sviatoslav Zabelin, Socio-Ecological Union, recipient of the Goldman Prize-1993
42. Ricardo Navarro, Salvadoran Center for Appropriate Technology, recipient of the Goldman Prize-1995
43. Cath Wallace, New Zealand environmentalist, recipient of the Goldman Prize-1991
44. Giorgos Catsadorakis, Pelican Specialist Group (Old World) /WI - IUCN SSC, recipient of the Goldman Prize-2001

45. Ramesh Agrawal, and Jan Chetana, Satyam Kunj, Naya Ganj, India, recipient of the Goldman Prize-2014
46. Yuyun Ismawati, BaliFokus/Nexus3 Foundation, Indonesia, recipient of the Goldman Prize-2009
47. Vera Mischenko, Russia, recipient of the Goldman Prize-2000
48. Alexander Nikitin, Bellona, recipient of the Goldman Prize-1997
49. Dmitry Lisitsyn, Sakhalin Environment Watch, Russia, recipient of the Goldman Prize-2011
50. Ignace Schops, President, EUROPARC Federation, Belgium, recipient of the Goldman Prize-2008
51. Howard Wood, Community of Arran Seabed Trust (COAST), Scotland, recipient of the Goldman Prize-2015
52. Leng Ouch, Cambodia Human Rights Task Forces (CHRTF), Cambodia, recipient of the Goldman Prize-2016
53. Anna Giordano, WWF Italy, recipient of the Goldman Prize-1998
54. Evgeniya Chirikova, Russia, recipient of the Goldman Prize-2012
55. Jean Wiener, Fondation pour la Protection de la Biodiversité Marine (FoProBiM) – Haiti, recipient of the Goldman Prize-2015
56. Bruno van Peteghem, Association toxicologie chimie, France, recipient of the Goldman Prize-2001
57. Christine Jean, France, recipient of the Goldman Prize-1992
58. Prafulla Samantara, India, recipient of the Goldman Prize-2017
59. Nat Quansah, Madagascar, recipient of the Goldman Prize-2000
60. Leng Ouch, Cambodia, recipient of the Goldman Prize-2000

Leading Environmental and Human Rights Experts:

61. Eugene Simonov, Rivers without Borders, China
62. Vitaly Ponomarev, Director of the Central Asian Program, Human Rights Center “Memorial,” Russia
63. Askhat Kayumov, Chairman of the Board, Ecological Center “Dront,” Russia
64. Elena Stepanova, NGO “Physicians for the Environment,” Dubasari, Moldova-Transnistria
65. Tatyana Artemova, journal “Posev,” St. Petersburg, Russia

66. Svetlana Gannushkina, Chairperson, Committee for Assistance to Refugees and Migrants,” Russia
67. Elena Kreuzberg, CEO, Holarctic Bridges Pvt, Canada
68. Igor Khajamberdiev, Club “Ecologist,” Kyrgyzstan
69. Vladimir Belogolovov, Buryat Regional Association on Baikal, Russia
70. Ilya Trombitsky, Eco-TIRAS Intl. Assn. of [Dniester] River Keepers, Moldova

International Civil Society Organizations:

71. CEE Bankwatch Network
72. Freedom House
73. International Partnership for Human Rights, Belgium
74. International Socio-Ecological Union
75. Bank Information Center
76. Both Ends
77. Business & Human Rights Resource Centre
78. Civil Rights Defenders
79. Global Witness
80. Human Rights Watch
81. International Accountability Project (IAP)
82. Reporters Without Borders
83. Urgewald

CURRENT DEVELOPMENTS IN TURKMENISTAN THAT SHOULD BE TAKEN INTO ACCOUNT
IN THE UPCOMING DISCUSSION OF EBRD's NEW STRATEGY FOR TURKMENISTAN

Position paper by Turkmen civil society activists

July 2018

Chapter 1: Constitutional Reform

This chapter presents a brief overview of the transformation of Turkmenistan's constitutional law, which occurred between 2016 and 2017 and has led to significant institutional changes. We wish to draw the EBRD's attention to the fact that the resulting changes are inconsistent with the letter and spirit of Article 1 of the Agreement Establishing the European Bank for Reconstruction and Development.

The first version of the Constitution of Turkmenistan was adopted in 1992. It was later modified in 1995, 1999, 2003, 2006, 2008, 2016, and 2017.

The two most recent modifications are particularly noteworthy in the context of the EBRD's current relations with Turkmenistan, as the 2016 version of the Constitution is in effect today,²⁷³ and the amendments introduced by the Constitutional Law of Turkmenistan in 2017 *have effectively transformed the country's political system.*²⁷⁴

In early 2016, when a draft of the new Constitution was presented for public discussion, a number of initiatives promptly emerged to analyze the published draft. Turkmenistan's civil society activists, with support from the international Prove They Are Alive Campaign,²⁷⁵ focused their analysis on the aspects of human rights and democracy.²⁷⁶ In turn, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) conducted a comprehensive, virtually academic, review of the draft Constitution of Turkmenistan.²⁷⁷

The OSCE/ODIHR 61 page, 190-paragraph document presents extensive comments, analysis and specific recommendations. The introduction states,

6. <...> given the magnitude of the task that the review of the full text of a Constitution implies, the Comments focus on some, but not all, potential key areas of concern in terms of

²⁷³ The Constitution of Turkmenistan, as amended by the Constitutional Law of Turkmenistan of 9 October 2017, No. 617-V
http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=8124

²⁷⁴ The Constitutional Law of Turkmenistan on the Halk Maslakhaty of Turkmenistan of 9 October 2017
http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=15170

²⁷⁵ International Campaign to Protect Those in Turkmen Prisons <http://provetheyarealive.org/>

²⁷⁶ The document is attached separately and quoted below.

²⁷⁷ Comments on the draft Constitution of Turkmenistan. Warsaw, 21 July 2016/ Comments-Nr.: CONST-TKM/288/2016/ Office for Democratic Institutions and Human Rights www.legislationonline.org

compliance with international human rights and rule of law standards and OSCE human dimension commitments. Thus limited, the Comments do not constitute a full and 7

comprehensive review of the Draft Constitution nor of the entire legal and institutional framework pertaining to the protection and promotion of human rights in Turkmenistan.

7. The Comments raise key issues and provide indications of areas of concern. In the interest of conciseness, they focus more on areas that require amendments or improvements rather than on the positive aspects of the Draft Constitution. The ensuing recommendations are based on international standards relating to human rights and fundamental freedoms, as well as relevant OSCE commitments. The Comments also highlight, as appropriate, good practices from other OSCE participating States in this field. Moreover, in accordance with the 2004 OSCE Action Plan for the Promotion of Gender Equality and commitments to mainstream a gender perspective into OSCE activities, the Comments analyze the potentially different impact of the Draft Constitution on women and men.

Although this comprehensive OSCE/ODIHR review, at the very least, merited attention and perhaps some sort of response, even merely formal, from Turkmenistan's authorities, none ensued, and on September 14, 2016, a meeting of the Council of Elders voted "unanimously" for the new version of the country's Constitution, which was then immediately signed into law by President Berdymukhamedov.²⁷⁸ Yet, according to legislation, the Council of Elders did not have the power to perform this act.

It is also noteworthy that during President Berdymukhamedov's visit to Germany in August 2016, Chancellor Angela Merkel, in a final joint press conference with Berdymukhamedov, called for more dedicated work on the country's draft Constitution to ensure its compliance with international norms and noted that the two leaders had agreed to involve Venice Commission of the Council of Europe experts in working on the draft.²⁷⁹

We invite EBRD experts and officials who determine its policy and will update the EBRD country strategy for Turkmenistan to consider the OSCE/ODIHR Comments on the Draft Constitution of Turkmenistan.

While the OSCE/ODIHR comments focus on the draft version of the Constitution, they apply equally to the adopted Constitution of Turkmenistan, since none of the key recommendations from the OSCE/ODIHR review were accepted or implemented in the final text of the enacted Constitution.

In other words, none of the shortcomings indicated in the OSCE/ODIHR review, such as problems with ensuring the separation of powers, adopting a gender-sensitive approach, and supporting the role of the judiciary, have been addressed by the Turkmen authorities. This constitutional setback contradicts the letter and spirit of Article 1 of the EBRD's Articles of Agreement.

²⁷⁸ In Ashgabat, a Meeting of the Council of Elders of Turkmenistan was Held, <http://www.turkmenistan.ru/ru/articles/41980.html>

²⁷⁹ The Venice Commission of the Council of Europe <http://www.venice.coe.int/webforms/events/>

Based on their knowledge of local *practices of applying and enforcing laws*, civil society activists living in Turkmenistan offered in 2016 a series of comments on the draft Constitution (see the Public Commentary in the Annex). According to the authors of the Public Commentary, a number of the Constitution's provisions (see below) could open the door to selective enforcement and are rife with flaws and legal lacunas enabling the authorities to continue to usurp power and abuse their position.²⁸⁰

The Public Commentary examines certain provisions of two key sections of the draft Constitution's new version published on March 3, 2016 for public feedback, namely, Section I (Fundamentals of the Constitutional System of Turkmenistan) and Section II (Human and Civil Rights, Freedoms and Duties in Turkmenistan). Strictly speaking, this Public Commentary does not constitute a legal analysis (which is comprehensively provided in the OSCE/ODIHR document) but aims to assess whether these sections of the draft Constitution are consistent with Turkmenistan's international obligations arising from its membership in the UN and OSCE and its ratification of a number of international human rights conventions, as well as the universally recognized standards of international law. In addition to this, the Commentary offers an opinion on whether and to what extent the draft Constitution meets the standards of ensuring full and direct implementation of Turkmen citizens' rights and freedoms.

This document contains a few quotes from the Public Commentary, and its full text is provided separately in the Annex.

The greatest problem with the draft Constitution is that many articles in its two key sections are worded in a way that is open to selective, dual, or multiple interpretations of the underlying legal norms. So, by design, the draft is formulated to allow for avoiding direct and unambiguous application of its key provisions. In certain cases, its articles are deliberately worded so as to make their provisions generally unenforceable.⁸

Another distinctive feature of this draft Constitution is the vagueness, incompleteness, and fuzziness of certain provisions, opening up numerous possibilities to circumvent and make them non-binding on the country's senior officials, particularly the president.

The above inconsistencies are well illustrated by Article 8 of the draft Constitution. While ostensibly designed to reaffirm the rule of law, it fails to state explicitly that compliance with the law is mandatory for all government bodies and officials, and all people are equal before the court and the law. Instead, the article contains a totally vague and amorphous phrase: "**the State and all of its bodies and officials shall be bound by law and constitutional order.**" Considering the system of governance established in Turkmenistan over the 25 post-Soviet years and the country's practices in applying its laws, we argue that the purpose of this wording, as well as some others, is to free the president, as the sole and ultimate decision-maker in the state, from the requirement to comply with the law – or more broadly, to act within the legal boundaries.

²⁸⁰ Priority of international law, prohibition of censorship, equality before the court and the law.

In Turkmenistan's context, conflicting constitutional provisions, e.g. “*the President of Turkmenistan is the guarantor of the Constitution*” and “*Turkmenistan shall be a... state in which the government shall take the form of a presidential republic,*” have a special function of granting the president an exclusive role of “*custodian of the Constitution*” which undermines the meaning and content of a republican system of government. Likewise, the absence of an explicit provision for equality before the court and the law effectively makes the office of the president (in practice, the incumbent president personally) immune to the law. Indeed, the absence of explicitly stated equality before the law opens the way to social and political phenomena such as *a personality cult* and selective justice.

Further on, the same Article 8 contains the following provision: “**“the Constitution of Turkmenistan shall be the Basic Law of the state. Rules and regulations laid down in it shall have direct effect. Laws and other legal acts which contradict the Constitution shall have no legal effect.”**” It would seem that the draft follows a universally accepted legal principle by stating that the Constitution has direct effect. This, however, is nothing more than an imitation designed to mislead the international community and a case of double-talk giving the authorities a free hand in adopting anti-democratic laws and pursuing repressive practices.

Indeed, the phrase that the Constitution has direct effect is exactly the reason why a multitude of conflicting provisions and vaguely or loosely worded articles have made their way to the draft. We would argue that the authorities did it deliberately to enable selective, dual, or multiple interpretations of inconsistencies in the constitutional text and make it possible to adopt laws and regulations that violate and undermine democracy and human rights (see analysis of Article 39 below). However, challenging the constitutionality of such laws and practices with reference to the Constitution's direct effect would be impossible as the constitutional provisions have deliberately been made inconsistent and not exhaustive, and the Constitution does not establish a Constitutional Court where complaints could be taken.

Example: The new Constitution does not impose an explicit ban on censorship. Instead, Article 15 states: **“The State shall encourage scientific and artistic creativity and dissemination of its positive results.”** The emphasis on “dissemination of positive results” can effectively legitimize censorship in the absence of an explicit prohibition of censorship in the Constitution. Practice confirms this expectation, as in 2008, the Turkmen government set up a State Commission attached to the Cabinet of Ministers and empowered to assess the artistic value of literary work, theatrical performance and film scripts, and grant permission for their publication or production. The commission has been quite active, serving as the government-established censor of literature, theater, and cinematography.²⁸¹ Importantly, previous versions of the Constitution did not prohibit censorship as well.

²⁸¹ При туркменском правительстве образована комиссия по оценке литературных произведений <http://www.turkmenistan.ru/ru/node/24838>; Turkmenistan sets up commission to assess literary works <http://www.turkmenistan.ru/en/node/7511>.

The absence of an explicit constitutional prohibition of censorship has led to many other acute problems. For example, in the last few years, Turkmenistan adopted legislation to regulate information in the mass media,²⁸² the internet,²⁸³ environmental security,²⁸⁴ cinematography,²⁸⁵ television,²⁸⁶ and a number of other areas; these laws impose elements of censorship either explicitly or covertly, and/or directly refer to the existence of censorship in Turkmen law and practice, including the mentioned State Commission for Assessment of Literary Work²⁸⁷ and unspecified “*moral principles of the people*” mentioned in virtually all Turkmen laws and providing ample opportunities for censorship and selective interpretation.

The absence of an unambiguous and specific prohibition of censorship in the Constitution enables the authorities to circumvent its direct effect, adopt anti-democratic laws, and engage in repressive practices.

Article 9 states, “***Turkmenistan shall recognize the priority of universally accepted norms of international law.***” However, this Article does not provide details on how specifically the priority of international law shall be observed, thus enabling the authorities to interpret this principle as an abstract concept without implementing it in practice.

Example: Article 39 refers to the right to *freedom of movement* which implements in domestic law *the first paragraph of Article 13 of the Universal Declaration of Human Rights* concerning everyone’s right to freedom of movement and residence within the borders of the state. However, *the second paragraph of Article 13 of the Universal Declaration of Human Rights* concerning the right to leave one’s country and return to it has deliberately been left out of the Constitution. The Turkmen Constitution therefore does not guarantee this right (the freedom of everyone to leave one’s country and return to it), thus maintaining the practice of denying this right as an effective instrument of repression used by the authorities since Turkmenistan’s independence. The authorities have consistently enforced arbitrary bans on leaving Turkmenistan, not warranted by any legal or judicial act, as punishment for “*disloyalty*” or for being related to a person deemed “*disloyal*” to the regime. By human rights defenders’ estimates, some 20,000 people are currently subjected to this arbitrary and unlawful punishment.

²⁸² The Law of Turkmenistan on Mass Media of 26 March 2016 http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=7261

²⁸³ The Law of Turkmenistan on Legal Regulation of the Internet and Internet Service Provision in Turkmenistan of 25 November 2017 http://minjust.gov.tm/en/mmerkezi/doc_view.php?doc_id=15049

²⁸⁴ The Law of Turkmenistan on Environmental Security of 3 June 2017 http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=15161

²⁸⁵ The Law of Turkmenistan on Cinematography of 18 June 2016 http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=15126

²⁸⁶ The Law of Turkmenistan on Television and Radio Broadcasting of 5 January 2018 http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=15180

²⁸⁷ При туркменском правительстве образована комиссия по оценке литературных произведений <http://www.turkmenistan.ru/ru/node/24838>; Turkmenistan sets up commission to assess literary works <http://www.turkmenistan.ru/en/node/7511>.

Chapter 2: The Constitutional Law on the Halk Maslahaty

Perhaps the strongest blow to the principles of democracy, in particular the separation of powers, was inflicted by the Constitutional Law on Halk Maslahaty²⁸⁸ passed on September 19, 2017.²⁸⁹ A superstructure over all other government branches and bodies, Halk Maslahaty already existed during Saparmurat Niyazov's presidency. Once President Berdymukhamedov took office and launched yet another revision of the country's Constitution, he effectively stripped Halk Maslahaty of its power and deleted it from the 2008 Constitution, ostensibly in an effort "to bring domestic legislation into consistency with the universally accepted standards of democracy and separation of powers."

However, after 10 years of his presidency, Gurbanguly Berdymukhamedov decided to restore this institution of governance. This was officially done in 2017 by adopting a Constitutional law on the Halk Maslahaty but effectively introduced in the text of the Constitution adopted the year before. While the 2016 Constitution is already very pro-presidential, the 2017 Constitutional Law on the Halk Maslahaty grants the president absolute power.

Its preamble states:

Comprehensively mindful of the Turkmen people's experience in state building accumulated over many centuries of its history; proceeding from the noble traditions of our ancestors such as the holding of national assemblies at which trusted representatives of communities made decisions on the most significant political, economic, and military issues; adhering to generally recognized democratic principles; and seeking to ensure broad public participation in making of the most important socio-political decisions, this Constitutional Law on the Halk Maslahaty of Turkmenistan, the supreme representative body of people's power, is adopted.

Article 1. The Halk Maslahaty of Turkmenistan

The Halk Maslahaty of Turkmenistan is the highest representative body acting in accordance with the Constitution of Turkmenistan and this Constitutional Law and representing the interests of the people of Turkmenistan.

Article 2 of the law defines the composition of this "body of people's power":

Article 2. Composition of the Halk Maslahaty of Turkmenistan

1. Members of the Halk Maslahaty of Turkmenistan include:

1) President of Turkmenistan;

²⁸⁸ Halk Maslahaty literally means People's Council.

²⁸⁹ The Constitutional Law of Turkmenistan on the Halk Maslahaty of Turkmenistan of 9 October 2017
http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=15170

- 2) Chair of the Mejlis of Turkmenistan;
- 3) Chair of the Supreme Court of Turkmenistan;
- 4) Secretary of the State Security Council of Turkmenistan;
- 5) Members of the Mejlis of Turkmenistan;
- 6) Members of the Cabinet of Ministers of Turkmenistan;
- 7) Authorized Representative for Human Rights in Turkmenistan --Ombudsman;
- 8) Prosecutor General of Turkmenistan;
- 9) Khyakims of velayats, etraps, and cities;
- 10) Chairs of the halk maslahatys of velayats, etraps, and cities;
- 11) Archins of cities and villages – administrative centers of etraps;
- 12) Leaders of political parties, trade unions, and other public associations;
- 13) Representatives of the public elected by secret ballot at meetings of halk maslahatys of velayats and the city of Ashgabat; the number of such representatives is determined in proportion to the population of the respective territorial administrative entity.

2. The Chair of the Halk Maslahaty of Turkmenistan can invite to attend a Hulk Maslahaty meeting other persons who have made a significant contribution to the protection and strengthening of the State, consolidation of the people and defense of human rights and freedoms, persons who have merits in promoting the development of economy, science, culture, and the social sphere, and in humanitarian, charitable, and other types of activities; representatives of the media and religious organizations, and representatives of international organizations and foreign states, including heads of diplomatic missions.

The list of those whom the Chair of the Halk Maslahaty can “invite” to attend its meetings deserves a special mention. Thus, “inviting” representatives of the media would constitute a violation of multiple provisions of the Law on Mass Media, while “inviting” representatives of religious organizations would contravene not only the Law on Religious Organizations but also Article 18 of the 2016 Constitution.²⁹⁰

Article 10 defines the powers of this body and the internal “separation of competences” within this superstructure reigning over the “conventional” branches of government:

Article 10. Competences of the Halk Maslahaty of Turkmenistan

²⁹⁰ Article 18 of the Constitution. <...> Religious organizations shall be separate from the State; their interference in the State's affairs and performance of the State's functions shall be prohibited.

The Halk Maslahaty of Turkmenistan shall:

- 1) examine and approve proposals concerning the adoption of the Constitution and constitutional laws of Turkmenistan, and any amendment thereof;
- 2) examine and approve the key directions in the State's domestic and foreign policy and programs for the country's economic, social and cultural development;
- 3) consider annual State of the Nation Addresses by the President of Turkmenistan;
- 4) examine peace and security matters;
- 5) exercise other powers as established by applicable laws of Turkmenistan.

Article 11. Competences of the Chair of the Halk Maslahaty of Turkmenistan

The Chair of the Halk Maslahaty shall:

- 1) govern the activities of the Halk Maslahaty;
- 2) preside over Halk Maslahaty meetings;
- 3) ensure supervision over the execution of Halk Maslahaty decisions;
- 4) facilitate Halk Maslahaty's interaction with state bodies and public associations;
- 5) sign Halk Maslahaty resolutions;
- 6) form the Halk Maslahaty Secretariat, supervise its work, appoint, and dismiss its staff;
- 7) address other matters referred to his consideration by Halk Maslahaty decisions.

Article 12. Directives by the Chair of the Halk Maslahaty of Turkmenistan

1. The Chair of the Halk Maslahaty can instruct Halk Maslahaty members and government authorities to study issues of particular importance to the State and prepare drafts of relevant resolutions.
2. The Chair of the Halk Maslahaty shall issue directives.

If one disregards the merely ritualistic and meaningless mention of terms such as "international law" and "democracy," this legislation reflects a total usurpation of power by the president, who can use the new institution to exercise direct command over all branches of government, including legislative, judicial, and executive (the latter is under his command twice, since the President is also the Chairman of the Government), local self-government, and local consultative bodies. Among others, directly subordinate to the president are the leaders of all (!) political parties, trade unions, and nongovernmental organizations, as well as "representatives of the public."

This effectively gives the president unlimited and absolute power not only over all branches of government, eliminating every trace of their independence, but also over all mechanisms governing the country's political and public life. Endless possibilities of manipulating these mechanisms undermine pluralism and independent political process, while the involvement of religious leaders contravenes the principle of separating religion from the State. Subordinate to the president are senior members of the judiciary (via the Chairman of the Supreme Court), the Prosecutor General, and even the Ombudsman; therefore there are no reasons to expect human rights and basic democratic norms to be respected rather than reduced to a mere formality.

Both the new 2016 version of the Constitution and the 2017 Law on the Halk Maslahaty have reduced the country's democratic development to a primitive, archaic level, destroying all progress in this area.

We specifically draw the EBRD's attention to the fact that the Law on the Halk Maslahaty undermines the fundamental democratic principle of the separation of powers, which is a major setback contrary to **the letter and spirit of Article 1 of the EBRD's Articles of Agreement.**

Please see an unofficial English translation of the Constitutional Law on the Halk Maslahaty annexed to this text. We therefore urge the EBRD to take this law into account and to make its critical analysis an integral part of the EBRD's new country strategy for Turkmenistan. In our opinion, the existence of such legislation is inconsistent with Article 1 of the EBRD's Articles of Agreement and warrants suspending the country's access to the Bank's resources based on Article 8 of Chapter 3 of the Agreement.²⁹¹

Conclusions

We are strongly convinced that the 2016 Constitution of Turkmenistan is a striking example of a serious **setback in the country's democratic development.** In this context, there is no question of the Turkmen authorities' lack of genuine commitment to the underlying principles of cooperation with, and membership in the EBRD.

Furthermore, by concentrating all power in the president's hands and subordinating all other branches, including the judiciary, and all political and civic actors, the mass media, and local self-government, to the president personally, the 2017 Constitutional Law on the Halk Maslahaty rules out any prospect of the country's democratic development.

Chapter 3: Management of Hydrocarbon Resources

It is a well-known fact that hydrocarbon resources have unprecedented importance for Turkmenistan's economy. Moreover, since the country's independence, the Turkmen government's policy has been shaped by current trends in global hydrocarbon prices and relations with transit and import countries, 14

²⁹¹ 3. In cases where a member might be implementing policies which are inconsistent with Article 1 of this Agreement, or in exceptional circumstances, the Board of Directors shall consider whether access by a member to Bank resources should be suspended or otherwise modified and may make recommendations accordingly to the Board of Governors.

as well as by Turkmen leaders' enormous ambitions, which have often outweighed or overshadowed other considerations such as political and economic expediency and even national security.

In 2011, a group of Turkmen activists, jointly with Crude Accountability, researched Turkmenistan's policy framework for management and operation of the hydrocarbon industry. Their findings informed "The Private Pocket of the President (Berdymukhamedov): Oil, Gas and the Law,"²⁹² a report presenting a critical analysis of Turkmenistan's legislation and offering conclusions and recommendations for current and potential players in the country's hydrocarbon market.

One of the key findings of this research was that most of the country's hydrocarbon revenues never reached the State's budget of Turkmenistan, but, instead, accumulated as assets of the State Agency for Management and Use of Hydrocarbon Resources under the President of Turkmenistan and were controlled by President Berdymukhamedov personally.

The Agency, this "hydrocarbon monster," was vested with exceptional and unprecedented powers to regulate the entire industry, from holding tenders for exploration of deposits to granting access to development, transportation, and sale of oil and gas.

The Agency was also in charge of environmental monitoring and audits of hydrocarbon extraction and transportation operations, effectively replacing the Ministry of Nature Protection and its structures.

As a result, all financial flows in the hydrocarbon industry, as well as control over the extraction and sale of hydrocarbons and environmental oversight, were concentrated in the Agency.

NAPECO²⁹³

In early 2016, a presidential decree launched the Turkmen National Oil and Gas Company (NAPECO). The decree empowered a number of key players to share participation as founders of the new company. Namely: The State Agency for Management and Use of Hydrocarbon Resources under the President of Turkmenistan (90 percent of the authorized capital), Turkmengaz State Concern (2 percent), Turkmennebit State Concern (2 percent), and Turkmenbashi Complex of Oil Refineries (5 percent).

This was the first step towards privatization of Turkmenistan's oil and gas industry, including effective usurpation of power over the use of mineral resources, production and sale of hydrocarbons, and oil and gas processing.

²⁹² "The Private Pocket of the President (Berdymukhamedov): Oil, Gas and Law" <http://crudeaccountability.org/wp-content/uploads/2012/04/20111016-PrivatePocketPresidentBerdymukhamedov.pdf> (English)

²⁹³ Turkmenistan sets up NAPECO to coordinate upstream development <http://www.eurasianbusinessbriefing.com/turkmenistan-sets-napeco-coordinate-upstream-development/> (English) Президент Туркменистана провел реорганизацию в топливно-энергетическом комплексе <http://www.turkmenistan.ru/ru/articles/41405.html> (Russian)

A closed joint-stock company with a highly non-transparent main shareholder—the Agency for Management and Use of Hydrocarbons—NAPECO was, at its establishment, yet another “hydrocarbon monster” empowered to change owners at its discretion and free from any accountability to society and government, including the parliament.

As of the time of writing this chapter (May 2018), no public information is available about NAPECO’s operation.

Complicating matters even further, another “reorganization” of the oil and gas industry was launched in July 2016. First, Turkmenistan’s Ministry of Oil and Gas was dissolved “upon the President’s instruction” and its main functions were transferred to “the Cabinet’s department subordinate to the Vice Premier in charge of the oil and gas complex.”²⁹⁴

Secondly, according to President Berdymukhamedov, “to further improve management of the oil and gas complex, the State Agency for Management and Use of Hydrocarbon Resources under the President of Turkmenistan shall be abolished,” its functions “shall be assigned to the state-owned companies Turkmengaz and Turkmenneft, and its financial resources transferred to the Central Bank of Turkmenistan to ensure continued financing of ongoing projects.”²⁹⁵

Amendments to the Law on Hydrocarbon Resources²⁹⁶ transferred some of the former Agency’s responsibilities to two State Concerns: Turkmengaz and Turkmenneft, whose legal status and competences were detailed in the amended version of the Law on Hydrocarbon Resources of 4 November 2017.²⁹⁷

Despite getting rid of its “superstructure,” i.e. the State Agency for Hydrocarbon Management, the system has not become more transparent. Even a brief review of the latest 2017 version of the Law on Hydrocarbon Resources reveals that Turkmenneft and Turkmengaz have been granted broader autonomy, but their accountability remains as low as that of the former Agency, since both Concerns are subordinate to the Cabinet’s department “in charge of the oil and gas industry.”

A perfect example of legislative absurdity and legal nihilism is Article 51 of the Law, “Sources of Revenue and Taxation of the Concern,” in particular the following provision: “Part of the revenues in foreign currency, specified in part 1 (3) of this Article, remaining after the deductions specified in the first paragraph of this part, shall be distributed in accordance with other regulatory legal acts of **Turkmenistan**”²⁹⁸ (sic!).

²⁹⁴ В Туркменистане будет реорганизована система управления нефтегазовой отраслью <http://www.turkmenistan.ru/ru/articles/41851.html>

²⁹⁵ Ibid.

²⁹⁶ Law of Turkmenistan on Amendments to the Law of Turkmenistan on Hydrocarbon Resources
<http://www.turkmenbusiness.org/content/zakon-turkmenistana-o-vnesenii-izmenenii-i-dopolneniya-v-zakon-turkmenistana-«ob-uglevodorod>

²⁹⁷ Law of Turkmenistan on Hydrocarbon Resources, version of 4 November 2017
http://www.minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=6070

²⁹⁸ Ibid., Article 51

While a more detailed analysis of this law could be undertaken in the future, some of its aspects deserve particular attention right now:

Article 7. Main Functions and Competences of the Concern

1. In terms of managing and using hydrocarbon resources, the Concern shall perform the following main functions:

*... indicates, *inter alia*, functions such as:*

4) issue and register licenses;

10) suspend, renew, extend and revoke licenses in accordance with this Law;

Further on, part 3 of this Article reads:

3. To perform its assigned functions, the Concern is empowered:

... in particular,

4) to carry out petroleum operations or commission them to a Contractor.

Effectively, this means that the Concern can issue licenses for its own petroleum operations in what constitutes a legally endorsed, blatant conflict of interest. This legislative nonsense has nothing to do with facilitating a competitive market economy but instead creates artificial preferences for the domestic Concerns.

In addition to this, the law often refers to unspecified “other legislation” without indicating the legal provisions in question and thus creating opportunities for selective application.

Moreover, the Law on Hydrocarbon Resources indicates “**the foreign currency reserve of Turkmenistan**” as a recipient of deductions from the Concern’s revenues; mentioned for the first time ever, this structure is not part of the country financial or any other systems, has no legal provisions regulating its operation, and its founding and supervising bodies are unknown.

Article 51. Sources of Revenue and Taxation of the Concern

2. Part of revenues in national currency, as specified in Part 1, pp. 1, 2 and 5, of this Article, shall be transferred to the State Budget of Turkmenistan, and part of revenues in foreign currency shall be transferred to the foreign currency reserve of Turkmenistan.

Chapter 4: Environmental Competence Relevant to Hydrocarbon Production

Formerly, the Law on Hydrocarbon Resources made the now abolished State Agency responsible for environmental supervision, inspection and audit. The logic of recent events suggested that the functions of environmental supervision would be transferred to the Ministry of Nature Protection. However, on the day the Presidential Decree on the Establishment of a Closed Joint-Stock Company “Turkmen National Oil and

Gas Company" (NAPECO) was published, the Ministry of Nature Protection was abolished and its functions transferred to the State Committee for Environmental Protection and Land Resources under the Cabinet of Ministers.²⁹⁹

This drastic downward change in status from an independent government ministry to a committee subordinate to the Cabinet's Secretariat severely undermined the overall impact of environmental policy. Following the dissolution of the Agency for Hydrocarbons and the Ministry of Nature Protection, environmental supervision over hydrocarbon extraction and transportation was delegated to Turkmenneft and Turkmengaz. Today, any environmental monitoring in areas where hydrocarbons are extracted and transported is subject to permission and prior "invitation" from the Concern.

Article 30. State Supervision over Petroleum Operations

<...>

2. Prior to conducting any audits or inspections within their competence to exercise state control and supervision under Turkmen law, Ministries and other government bodies must obtain a written agreement from the Concern to such audits and inspections.
3. In the course of audits and inspections mentioned in Part 2 of this Article, Ministries and other government bodies shall not interfere with the relations between the Contracting Parties.

Conclusions

Changes in the "hydrocarbon" law and in the system of hydrocarbon management in Turkmenistan have left the entire sphere even less transparent, from the licensing mechanism to loopholes for circumventing tenders to murky distribution of sales revenues and absence of any possibility for independent oversight over the receipt and allocation of "hydrocarbon money."

The law on hydrocarbons contains several provisions which hinder competitive market participation and offer possibilities for selective application.

The dissolution of the Ministry of Nature Protection and transfer of all environmental supervision to a committee subordinate to the Cabinet, alongside the delegation of control over hydrocarbon operations to the so-called "Concerns" have created yet another conflict of interest, reduced effective supervision to zero both in law and in practice, and undermined the entire state system of environmental management.

In the context of the reorganization affecting the entire oil and gas industry, the future of NAPECO remains unclear. Its main shareholder, the State Agency for the Management and Use of Hydrocarbon Resources, has been dissolved, while other shareholders' competences have been drastically changed as part of the overall redistribution of power over the industry and dissolution of the Ministry of Oil and Gas.

²⁹⁹ В Туркменистане проведена реорганизация сельского хозяйства и охраны окружающей среды <http://www.turkmenistan.ru/ru/articles/41406.html>

CONCLUSIONS AND RECOMMENDATIONS ON EBRD STRATEGY FOR TURKMENISTAN

Some six months ago, when we first considered this letter to the EBRD, our team was divided over the Bank's presence in Turkmenistan. Some of us supported the Bank's current presence and active operation in the country, specifically focusing on the development of small and medium-sized businesses with funding for government programs and state enterprises remaining blocked, while some others preferred to see the Bank discontinue its operations in the country altogether.

The former group argued that the Bank's presence was a chance for small and medium-sized businesses (SMEs) to evolve, grow, and hopefully come to play a substantial role in the country's political and economic life and advocate both for their business needs and for more fundamental norms such as equality before the court and the law, freedom of movement of labor and capital, and free information access and dissemination.

According to the other group's perspective, Turkmenistan was de-facto and de-jure a totalitarian state reigning over all aspects of public and political life and using corrupt mechanisms as well as state participation to take virtually all business in the country under control. Consequently, this group of civil society activists believed that it would be better for the Bank to leave Turkmenistan altogether and use European taxpayer money for better ends than strengthening a corrupt, totalitarian state. The Bank's complete withdrawal from Turkmenistan would send a clear message that the Turkmen government's political and economic agendas are incompatible with the Bank's goals and objectives.

In the course of subsequent discussions, the former group has grown significantly smaller, but we still need to respect and consider its opinion. So after more than six months of research and discussion, we have reached a consensus as to what steps we could recommend to the Bank.

Therefore,

- we call upon the EBRD Board of Directors to discontinue all of the Bank's projects and credit lines in Turkmenistan;
- we call for a three-year moratorium on the Bank's operations in Turkmenistan, with publicly stated reasons, namely that the Turkmen government's policies and laws, in particular, the Constitution and the Law on the Halk Maslahaty but also a number of other laws, are inconsistent with Article 1 of the EBRD Agreement, and with relevant recommendations to the EBRD Board of Directors in accordance with Article 8, Chapter III, of the Agreement;
- at the same time, we respectfully urge the EBRD to explore measures to encourage the Turkmen authorities to return to the path of democratic transformation.
- we call for monitoring of any changes occurring in Turkmenistan based not only on data coming from Turkmenistan's official sources and the Bank's representative office in the country but also on reports from nongovernmental organizations and civil society activists and experts living in Turkmenistan or exiled;

- we call for a particularly strong monitoring focus on the following aspects of political, economic, social and public life:
 - monitoring Turkmenistan’s domestic legislation, in particular any progress in bringing it into alignment with generally accepted standards and Turkmenistan’s obligations as a UN and OSCE member, in particular, of the Constitution and the Law on Halk Maslahaty;
 - monitoring the situation of vulnerable groups, in particular the fate of those who have disappeared in Turkmen prisons, victims of arbitrary detention, and their families;
 - monitoring the plight of citizens arbitrarily denied their right to travel outside of Turkmenistan;
 - monitoring information access and dissemination;
 - monitoring the right to free and unhindered access to the internet and how it works in practice;
 - monitoring progress in ensuring transparency of the country’s hydrocarbon sector, including the process of drafting and adoption of a new law regulating this area, and in particular,
 - monitoring the adoption of mechanisms to ensure transparency of hydrocarbon revenues and accountability for spending the proceeds from hydrocarbon sales;
 - monitoring major investment projects run by the state and by private, including foreign, companies for compliance with domestic environmental and anti-corruption legislation, for availability of environmental impact assessment reporting, and for compliance with the standards established by international environmental conventions;
 - monitoring progress in the spheres of banking and insurance services; and
 - monitoring the status and regulation of SMEs.