

Turkmenistan's penitentiary facilities

Report prepared by the Turkmenistan's Independent Lawyers Association and
the Turkmen Initiative for Human Rights

February 2010

Report authors

Turkmenistan's Independent Lawyers Association

The organization stems from a group of progressive attorneys, who in 1998, despite the pressure exerted by the authorities, fulfilled their professional duty in a faithful manner and in compliance with the country's laws. In 2003 due to the threats to personal safety several lawyers from the group were forced to leave the country. Nevertheless, the group named "Galkan" continued its operations.

On 17 January 2007 an independent non-governmental organization *Turkmenistan's Independent Lawyers Association (TILA)* was officially registered in the city of Utrecht, the Netherlands.

The organization's primary focus is monitoring basic rights and freedoms of Turkmenistan's citizens and rendering pro bono counseling services to representatives of ethnic minorities, low-income residents and civil society activists. Furthermore, the association is engaged in preparing the materials, drawing up individual letters of complaint and forwarding them to the UN Human Rights Committee. In addition, the lawyers conduct monitoring of Turkmenistan's penitentiary facilities. The materials prepared in the course of monitoring are submitted to the UN Human Rights Committee, the OSCE and human rights organizations.

The organization functions under the support of the "Open Society Institute" and "The National Endowment for Democracy". TILA also works in cooperation with Human Rights Watch, Amnesty International, "Memorial" Human Rights Center, TIHR, the Kazakhstan Bureau for Human Rights and many other human rights organizations.

Turkmen Initiative for Human Rights

The *Helsinki Group of Turkmenistan* was founded in July 2002 in Ashgabat, Turkmenistan. The group was forced to operate underground but nevertheless its members were systematically persecuted and repressed by the Turkmen authorities, and finally were forced to go into exile.

The *Turkmen Initiative for Human Rights (TIHR)*, the successor organization, was established as an independent public organization and registered in November 2004 in Vienna, Austria.

The organization's primary focus is monitoring national minority rights, freedom of association, child labour and the education system in Turkmenistan. TIHR also disseminates alternative information from Turkmenistan-based sources and virtually acts as an independent non-governmental information agency.

Since 2004, the monitoring activities have been conducted with the support of the Open Society Institute. TIHR also enjoys the support of the National Endowment for Democracy and the Norwegian Helsinki Committee. Information obtained in the course of monitoring is reported to various departments of the United Nations, the European Union, the Organization for Security and Cooperation in Europe, many international human rights organizations and mass media. All materials are available on the website "Chronicles of Turkmenistan" (<http://www.chrono-tm.org>).

Based on the aforementioned materials, the following TIHR reports have been prepared: “On Freedom of Associations in Turkmenistan”¹, “Education in Turkmenistan”², “National Minorities in Turkmenistan: Education, Culture and Social Sphere”³, “On the State of the Freedom of Mass Media, the Right to Freedom of Speech and Free Access to Information in Turkmenistan”⁴, “Turkmen education: reform and regress”⁵, “Turkmenistan. Human rights in the era of the great Renaissance”⁶.

In cooperation with the International League for Human Rights, alternative reports were written for the UN Committee on the Elimination of Racial Discrimination⁷ and the UN Committee on the Rights of the Child.⁸ In conjunction with World Organization Against Torture and International Federation for Human Rights, two reports were published on the procedure of the UN Universal Periodic Review.⁹

TIHR actively cooperates with Human Rights Watch, Amnesty International, the International League for Human Rights, “Memorial” Human Rights Center, Forum 18, the World Organization Against Torture, the International Federation for Human Rights, the Center for Journalism in Extreme Situations, Front Line and other international human rights organizations.

Contacts:

Phone: +43-1-944 1327

E-mail: Turkmen_initiative@gmail.com

Website: <http://www.chrono-tm.org>

¹ <http://www.chrono-tm.org/en/?id=987>

² <http://www.chrono-tm.org/en/?id=994>

³ <http://www.chrono-tm.org/en/?id=1244>

⁴ <http://www.chrono-tm.org/en/?id=1242>

⁵ <http://www.chrono-tm.org/en/?id=1010>

⁶ <http://www.chrono-tm.org/en/?id=1011>

⁷ <http://www.chrono-tm.org/en/?id=989>

⁸ <http://www.chrono-tm.org/en/?id=988>

⁹ <http://www.chrono-tm.org/en/?id=1243>

Content

Introduction	5
The Map of Turkmenistan featuring the location of penitentiary facilities	6
Detention facilities and prison population. Statistics	7
Penitentiary facilities under survey	8
Additional information	15
Conclusions	15
Recommendations	16
The LIST of Turkmenistan's penitentiary facilities	18

Introduction

Turkmenistan is a state in Central Asia and a former republic of the USSR which proclaimed its independence on 27 October 1991. It occupies the territory of 488,1 thousand square meters. The capital of the country is Ashgabat. From 1985 until 21 December 2006 Saparmurat Niyazov (Turkmenbashi) ruled unchallenged, first as the First Secretary of State of the Turkmen Communist Party of the Turkmen Soviet Socialist Republic and then as the first president of the independent Turkmenistan. The power system created by S. Niyazov exemplifies a classical totalitarian state. Opposition parties, movements or independent mass media were non-existent. After S. Niyazov's death, Presidential elections were held. Gurbanguly Berdimukhammedov was elected as new President in February 2007. The begun period of board of the new president in the country is named by "The era of the great Renaissance".

Despite the reforms proclaimed by the present-day authorities, Turkmenistan remains one of the most closed countries in the world. The country is most isolated for the outside world with regard to accessing the country and obtaining unbiased information from Turkmenistan. However, under these conditions, there are highly "confidential" topics. One of them is the penitentiary facilities.

It is extremely difficult and risky to obtain any information let alone any statistical data in this field. Turkmenistan's Independent Lawyers Association monitored selected penitentiary facilities in the country, the results of which give a general overview of the situation, and prepared the present report in conjunction with the Turkmen Initiative for Human Rights.

The high crime rate in the country is deeply-rooted in the prevailing social conditions. The Turkmen authorities do not acknowledge the high unemployment rate and consequently, no measures are being undertaken to lower it. The number of students, who on an annual basis can be admitted to higher and secondary educational establishments, account for less than one tenth of the secondary school graduates, i.e. annually the number of unemployed young people increases by 70 to 80 thousand. Campaigns against drug trafficking and abuse are ad hoc and lack a systematic comprehensive approach. Hence, the conditions are not in place for lowering the crime rates.

Under these circumstances, the state of the penitentiary facilities and the system of punishment as a whole is perceived as a burning issue.

While carrying out the monitoring, special attention was paid to the compliance of prison administrations with the guidelines set forth in international legislation such as: "the UN Standard Minimum Rules for the treatment of prisoners (1955 and 1977)"¹⁰, "The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)"¹¹, "The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990)"¹² and others. We were also guided by "The International Covenant on Civil and

¹⁰ <http://www.hri.ru/docs/?content=doc&id=52>

¹¹ <http://www.un.org/russian/document/convents/detent.htm>

¹² http://www.un.org/russian/document/convents/juveniles_liberty.html

Political Rights”¹³ and “The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”¹⁴.

The Map of Turkmenistan featuring the location of penitentiary facilities



- ★ - Correctional colonies
- - SIZOs (Pre-trial detention facilities)

¹³ <http://www.hri.ru/docs/?content=doc&id=224>

¹⁴ <http://www.hri.ru/docs/?content=doc&id=221>

Detention facilities and prison population. Statistics

There are 22 penitentiary facilities in Turkmenistan, which are comprised of 12 colonies (with various types of custodial regimes), 6 – SIZOs (pre-trial detention facilities), 2 - occupational therapy rehabilitation centers, 1 – in-patient hospital facility for convicts in custody and 1 penal battalion designed for military conscripts serving sentences.¹⁵

The list of all facilities with their whereabouts and estimated capacity is attached to the report.

In addition, there are temporary holding facilities in each police department, a total of 53. These facilities are under the jurisdiction of the Ministry of the Interior. One pre-trial detention facility and one IVS temporary holding facility are supervised by the National Security Ministry (NSM).

The total imprisonment capacity in the existing colonies and prisons (excluding BLHK – penal battalion for convicted military personnel) is 8100 inmates. Prior to the amnesty act announced on December 2009¹⁶, the inmate population in prisons and colonies in Turkmenistan totaled 26720 persons, i.e. 3.3 times more than the penitentiary facilities can accommodate.

Assuming that Turkmenistan's population is as reportedly estimated at about 5 million people, the imprisonment rate - the number of inmate population in a selected country per 100.000 inhabitants - in Turkmenistan equals 534.

. To compare, in Kazakhstan this figure is 348, in Kyrgyzstan - 285, in European countries – 80-90 persons.¹⁷ As is evident, Turkmenistan's imprisonment rate is considerably higher compared to the neighboring countries and several times higher than in countries in Western Europe.

The aforementioned number of convicts (26720) does not include those kept in pre-trial detention facilities, IVS temporary holding facilities, occupational therapy rehabilitation centers and the penal battalion. It should be mentioned that the contingent of pre-trial detention facilities is predominantly made up of individuals who have already received a court verdict but who have not yet been transferred to colonies.

Therefore, despite the fact that following the aforementioned act of pardon held in December 2009, 3934 persons were released, the imprisonment rate could not change considerably, since in the six pre-trial detention facilities, designed for the total of 1120 persons, virtually 3 to 4 times more inmates are being accommodated.

The attending staff members of the penitentiary institutions comprise 5000 employees. As a rule, military conscripts are employed as prison guards.

The equivalent of \$8 USD a month is spent by the government on each inmate.

¹⁵ Hereinafter data from Turkmenistan's Independent Lawyers Association is referred to. If information from other sources is quoted, there are footnotes referring to the relevant source document.

¹⁶ From the newspaper "Neitralny Turkmenistan" №310-314 of 3.12.2009

¹⁷ <http://www.gazeta.kz/art.asp?aid=92897>

Penitentiary facilities under survey

Specialty-designated facility BLK-4

Minimum security penal colony. The prison facility is located in the suburbs of the village of Akdash, 15 kilometers from the city of Turkmenbashi (formerly, the city of Krasnovodsk).

This facility accommodates former law-enforcement officers from the Ministry of the Interior, including the fire fighting service, the Adalat Ministry (the Ministry of Justice), Public Prosecutor's office, courts, the National Security Ministry. Over the past 2 years the former heads of district, municipal and regional administrations as well as some former military officers have been undergoing a process of prisoner rehabilitation and correctional training in this correctional facility.

The colony is relatively new – the construction works started in 1996. Back then one main building was constructed – a barrack for inmates. BLK-4 inmates were also involved in constructing other buildings inside the correctional institution. In 2006 this penitentiary facility with a capacity of 500 inmates was fully commissioned. This colony houses convicted persons serving sentences with minimum security, maximum security and special security regimes, though pursuant to the Turkmen legislation joint accommodation of prisoners with varying security conditions is not permitted.

The colony houses 1732 inmates, which is over three times the number of people they are designed to accommodate. Out of this, 535 persons have been sentenced to minimum security regime, 847 detainees – to maximum security and 350 convicts - to special security conditions.

Along with the main building which has cells for 4 to 6 persons, there are also separate houses with occupancy of 2-4 persons (for former high-ranking officers). Thus, “bosses” enjoy the privileges even here. However, this does not imply that all former bosses are serving their terms separately from the junior soldiers. A bribe paid to the prison head is essential. Those who have paid bribes are provided with more comfortable prison conditions.

However, the overall prison conditions do not meet any commonly-accepted standards. The rights of the inmates are grossly violated. Due to mass overcrowding, inmates diagnosed with TB and skin diseases are kept together with healthy detainees. As a result, many inmates get infected by those already infected. The prison administration fails to stop diseases being spread to healthy inmates due to the shortage of medical staff and unavailability of medication. The only thing implemented by the prison administration was to lift restrictions on receiving medical supplies from family members.

One of the wide-scale violations of convicts' rights and freedoms is the use of violence and abuse by the colony staff and other individuals with the consent and often following the instructions of the colony's administration. For instance, former police officer and senior lieutenant from the city of Turkmenbashi, Tirkesh Aymuradov, was repeatedly exposed to physical abuse both by the colony's administration and fellow inmates. Aymuradov was put in the colony not for committing a crime but because he is a family member of the former attorney for the defense of the Balkan Public Defenders' Office Kulieva. In her turn, she was sentenced to a term in prison on trumpeted-up criminal charges brought against her since she fulfilled her job functions in a diligent and honest manner, defending her clients, despite the pressure and intimidation exerted by the authorities. Unable to tolerate the abuses, T. Aymuradov contacted the attorney for defense through his relatives. During the appointment with the complainant the

attorney witnessed the abusive treatment inflicted upon his client: almost all his teeth were knocked out, he had a large number of scratch marks and bruises on his body and face as well as cigarette burns. The colony's executives explained this by the fact that allegedly tooth crowns are not allowed in the colony whereas other bodily injuries were attributed to the stubborn and obstinate personality of the detainee, who reportedly provoked arguments with his fellow inmates which resulted in bodily injuries. After the attorney officially addressed the Public Prosecutor, who supervises the implementation of the laws in the colony, the abusive treatment against the convict stopped. It remains to be seen for how long.

A high death rate is reported in the colony. Over the past two years 13 people died: 7 convicts died as a result of fire and 6 inmates died of tuberculosis.

One of the most important criteria for ensuring adequate prison conditions is providing inmates with personal hygiene facilities. This helps people in detention facilities to stay healthy and also ensure human dignity. However, the provision of hygiene products is below the basic requirements. Not all inmates are able to purchase hygiene items or depend on relatives to supplement adequate supplies. The colony administration as well as other penitentiary institutions has no available financial resources to provide convicts with personal hygiene products as the funding is available only for the estimated number of detainees, i.e. 500 inmates.

The same situation applies to nutrition. The majority of convicts are poorly fed and suffer from malnutrition, since not every inmate has family members who have available cash to supplement food supplies to relatives in custody. Convicts lose weight largely due to the lack of nutrition. According to one of the former inmates of this facility (former deputy prosecutor of the Lebap velayat T. Dzhanbaeva), during the time he spent in the specially-designated facility he lost 21 kilos due to scarce food rations. He thinks that his release from imprisonment saved him from starving to death.

The colony accommodates not only the former law enforcement officers entitled to special security regimes but also individuals who are required to be held under special control. Often, the colony accommodates so-called "untrustworthy political suspects". Back then, the journalist N. Gerasimov was kept in custody in this colony¹⁸.

LBK-12 facility

Minimum security regime colony. The facility is located in the Lebap velayat (formerly, Chardjou region), in the desert, 6 kilometers from the town of Seidi (formerly, the village of Komsomolsky).

This penitentiary institution (popularly referred to as Shagal) is the largest in Turkmenistan in size and prison population. It is designed to accommodate as many as 2100 inmates. Currently, it houses 5700 detainees. Over 500 internal armed forces personnel, military conscripts and 270 staff members serve as colony security guards. Dormitories with iron bunk beds are located in the colony. The barracks, located 100 meters from each other have a housing capacity of 100 convicts.

Despite the minimum security conditions, i.e. the most liberal custodial regime for the inmates, who committed minor offences and were criminally prosecuted for the first time, prison

¹⁸ <http://www.centrasia.ru/newsA.php?st=1106860260>

conditions are very tough. The colony is based in the lifeless desert with winter temperatures reaching– 20° C, and in the summer heat waves up to +50° C.

Due to the harsh climatic conditions, overcrowding, the fact that prisoners diagnosed with TB and skin diseases are kept together with healthy inmates, scarce supplies of food, medications and personal hygiene products, the institution reports the highest mortality rate of 5.2% among the country's penitentiary facilities.

Here, similar to other Turkmenistan's penitentiary facilities, physical abuse is used against inmates by the colony personnel and other individuals with the consent and often following the instructions of the colony's administration. Primarily, detainees who were placed in the colonies for the first time and are consequently not aware of the unofficial prison rules, are subjected to violence. Such convicts, as a rule, complain about the abusive behavior of their fellow inmates and the lack of action undertaken by the colony employees rather than the abusive treatment by the colony staff.

Murat Mergenov, a resident of the Kazandjinsky district, was placed in the colony in May 2008 to serve his imprisonment term of 3 years. Here he found out that there are several inmate groups arranged by the tribal principle and that he should become a member of one of them. Mergenov was reluctant to join any groups. However, he was repeatedly subjected to psychological pressure and physical abuse by other convicts. The head of the colony did not respond to his complaints and Mergenov was forced to tolerate humiliating treatment and torture.

Needless to say this is not the only case. There are Tekin, Emud and Tat¹⁹ tribe-based groups, the Tekin being the most numerous and the most influential. Largely its powerful status is linked to the fact that the head of the colony belongs to the Tekin tribe. Real fights with knives and knuckles occur between the groups, which result in a high death toll among the prison population. In 2008 over 30 inmates died in such fights.

Similar to other penitentiary institutions, bribes are rampant. Primarily bribes are paid by the inmates' relatives to the colony senior managers: the head of the colony, his deputies, followed by department heads, section heads and senior officers, heads of the units and other staff members. The amount of a bribe depends on the services rendered as well as the job title. For instance, a bribe paid to the head of the colony amounts to \$100 and above, deputies may be entitled to a bribe of \$50 and above, while only \$10 and above can be paid to other personnel. At the same time, the services rendered can vary – they may include handing over food supplies to a convict, obtaining a visitation permit or even providing a work place to an inmate. The majority of imprisoned convicts are willing to get any job. In the colony there is a shop which restores old electrical engines by replacing the motor wiring. Last year a chain-wire manufacturing facility was opened in the colony, the equipment for this had been transferred from the demolished colony BLK/5.²⁰

DZK/8 facility

Female colony located in the city of Dashoguz, built in 1967. Currently it is designed to accommodate 700 inmates. At the time of the writing, it held 2010 female prisoners, including 780 women sentenced to minimum security regime, 1020 - to maximum security, 135 – to special security regimes and 75 female inmates – to the penitentiary regime. In other words,

¹⁹ Tat is the unofficial name for the residents in Turkmenistan's eastern province

²⁰ TIHR "Turkmenistan toughens the fight against drug dealers" <http://www.chrono-tm.org/en/?id=1037>

unlike other penitentiary institutions the inmates sentenced to 4 custodial regime types are accommodated (minimum security, maximum security, special and penitentiary regimes).

In the Soviet times the colony was relatively small in size and comprised of one building with a capacity of 250 female prisoners, but the occupancy rate did not exceed 40%. Another distinguishing feature was that only 10% of the entire prison population was made up of indigenous Turkmen females. In the meantime, women of Turkmen ethnicity account for 92% of all convicts.

The overwhelming majority of women are placed here for committing drug-related offences. Those account for 80% of the inmates. According to TIHR, in 2007 the Interior Ministry departments initiated criminal cases for drug-related offences against 3161 individuals, whereas the offices of the National Security initiated cases against 388 persons²¹, with females making up the largest number. Theft and robbery are the second most common offences – 15%, followed by other offences - 5%. Nearly all women under trial explain their delinquent behavior and the offences they committed by their tough financial circumstances. They fail to find employment and have no other opportunity to earn a living except by selling drugs. This type of “business” is the most widespread among females. Drug dealers find unemployed women and the latter sell their merchandise for remuneration.

Bibigul Karadzhaeva, a native of the city of Turkmenbashi, was detained by officers from the Interior Ministry for selling a large drugs batch. Left alone with 4 minor children and without any means of existence, she had been looking for a job for several months. All her attempts to find employment did not bring about any results. Hired by a drug dealer, for over 12 months she sold drugs in small quantities, followed by large-scale drug trafficking and was subsequently detained. During the court trial, she repented of her wrongdoings and said that she had even tried to earn a living by engaging in prostitution and committed the crime driven by extreme poverty. The judge sentenced her to 18 years imprisonment. Yet, as the majority of women, convicted for drug trafficking, B. Karadzhaeva was pardoned and released from imprisonment after less than a year.

The colony accommodates many females who were repeatedly sentenced for drug-related offences and were then pardoned. Releasing women from imprisonment, the Turkmen authorities refer to the humanity demonstrated by the government. In reality, the annual release of hundreds of women is a forced measure. The colony is unable to accommodate such a large number of inmates who are sentenced on an annual basis. Often, the number of female inmates released from imprisonment according to the Presidential act of pardon, exceeds the colony capacity several times.²²

As regards the prison conditions, they differ little from the prison condition in male colonies, whereas conditions in the penitentiary facilities for women have their specific requirements. Since the colony holds three times the number of prisoners it is designed to accommodate, instead of the estimated capacity of 4 inmates, there are 12-14 female prisoners in each cell. Cells are equipped with only one bench-hole - open toilet and one wash basin. Female inmates are urged to stand in line to use the toilet and take turns sleeping in beds, in three shifts. Only

²¹ Turkmenistan hosts various international conferences and seminars. In this connection, brochures devoted to the respective topics are published with a small circulation. They post the data which have never been published in the official print media. The statistics we have quoted were taken from one such brochure. We cannot certify that the data are reliable.

²² TIHR “Analyzing the lists of pardoned” <http://www.chrono-tm.org/?id=371>

one day a week is envisaged for bathing and laundry, which is evidently not sufficient for women. Furthermore, there is a shortage of personal hygiene products since the government provides inadequate funding for these needs. It gets very hot in summer and extremely cold during the winter season. As a result, women suffer from various diseases including infectious. Cases of tuberculosis are frequently reported. The annual mortality rate is 15 persons on average.

Accommodating juvenile girls together with adult females is one of the gross violations of inmates' rights. In Turkmenistan there is a juvenile colony, but it is designed to accommodate only juvenile males²³. Currently, DZK-8 accommodates 215 juvenile girls, who have predominately committed illegal drug trafficking offences and thefts of personal property. To compare, in 1989 the colony accommodated only 7 girls.

Special mention should be made of the specific feature of female inhabitants in the colony – prison conditions for women with children. Medical care in the colony is conventional – there are 2 paramedics and no OBGYN doctors. No proper conditions are provided for pregnant women, though if an expectant mother is due to give birth, she is transported to the municipal maternity home, which provides maternity care for women in normal conditions. After childbirth, both mother and child are accommodated together in specially-equipped rooms until the child turns 12 months. In these 2 specially-designated cells the conditions and nutrition are better compared to other cells, even though they do not meet generally accepted standards.

There are only 5 rooms for meetings between prisoners and relatives (2 rooms are about 3 m², others are 2.5 m²). Since this room is not large enough for all visitors, families are accommodated in the kitchen, store rooms and in the small aisle near the toilet. Visitors sleep on the ground. Sometimes the officers responsible for the meetings place two families in one room.²⁴

The colony runs an in-house clothes factory (policemen and inmates uniforms). However, due to the shortage of accessories, the shop often stands idle. Female prisoners are predominantly involved in cleaning lamb wool.

Despite the specific character of the penitentiary facility, the use of physical abuse against the inmates by the colony administration and staff is typical in the colony. Cases of beating and rape of the inmates by the colony staff, the use of torture and psychological pressure are rampant. Such treatment of inmates results in frequent suicide attempts among the prison population. This reason was accountable for the death of 8 female convicts in the years of 2008-2009.

One of the former inmates, Svetlana Q, who spent 8 years in custody in the colony said that she and many other women were regularly subjected to physical abuse and psychological pressure without any grounds. She testified that almost all good-looking women were raped by the colony staff. Upon leaving the colony, she was forced to emigrate fearing that she may again fall into the hands of the Turkmen justice system and be placed in the colony.

The colony also accommodates female relatives of the former high-ranking officials. For instance, a spouse of the former speaker of Turkmen Parliament Ovazgeldi Ataeva and the spouse of the former Prime Minister Ella Gurbanmuradova as well as the former Turkmenistan's

²³ MRK/18 – colony for juvenile delinquents located in the town of Bairam-ali in the Mary velayat.

²⁴ TIHR “Monitoring of the situation in the women’s colony” <http://www.chrono-tm.org/en/?id=160>

Chief Public Prosecutor G. Atadzhanova. She is kept in custody in the facility, which accommodates inmates sentenced to lengthy imprisonment terms in the special regime colony.²⁵

Penitentiary facility MRK/16

Minimum security regime colony. Located in the town of Bairam-ali in the Mary velayat. Its occupancy is 800 persons but in fact it accommodates about 3700 inmates.

Due to overcrowding and when the weather permits, especially in hot spring and summer months, the majority of inmates prefer to spend their days making themselves comfortable on the ground around the barracks. Since the barracks are very tiny and they accommodate 3 to 4 times more people than envisaged by normal standards, it is almost impossible to stay in cells in the summer heat even for a healthy person.

There are 14 visiting rooms to accommodate inmates with family members. However, there is an acute shortage of such rooms. Often the visits are arranged in the corridors in the presence of security guards, staff and other visitors.

To guarantee a meeting in a separate room, family members are forced to give bribes to the staff of the penitentiary institution. The average bribe amounts to 80 manats (equivalent to \$30).

The nutrition in the colony is scarce and therefore relatives try to pass over more food products to inmates during visits or via food packages. They bring and send the following food products: vegetable oil, bread, fruit and vegetables, kaurma (small piece of deep-fried meat in melted fat. When fat solidifies, it prevents air accessing the meat, i.e. the meat is preserved and can be stored for a long time).

According to the inmates “the prison conditions are tough but you can adapt to them especially if you have available cash. If you have plenty of money, you can also order girls as well as alcohol and drugs”.²⁶

Libraries, sports grounds and other recreation facilities are not available. Instead of the library the Rukhnama corner was set up which has sufficient copies of the same-name book, authored by S. Niyazov. According to former prisoners, previously many inmates borrowed the Rukhnama to demonstrate their model behavior and loyalty to the administration in the hope to be included in the pardon lists. In the meantime, the book does not enjoy any popularity.

Penitentiary facility BLD/4

Pre-trial detention facility (SIZO) under the jurisdiction of the Interior Ministry. Located in the city of Turkmenbashi. Estimated capacity of 200 inmates. Currently it accommodates 800 persons on remand or already convicted, who have not yet been transferred to colonies.

Juvenile inmates are accommodated together with the adult prison population. The staff of the pre-trial detention facility explains this by overcrowding.

Special operation squadrons break into cells and beat inmates with rubber truncheons and handcuffs on a regular basis. The so-called “prevention” measures can be treated as mass

²⁵ TIHR “Wives of convicted officials are also charged” <http://www.chrono-tm.org/en/?id=342>

²⁶ TIHR “Colony in Bairamali” <http://www.chrono-tm.org/en/?id=1208>

violations of the rights and freedoms of detainees placed in pre-trial detention facilities. Such squadrons are based in the city of Ashgabat (Special Task Force under the Correctional Affairs Directorate under the Interior Ministry)²⁷, and occasionally they pay visits to various penitentiary facilities, freighting inmates.

To illustrate, one of the incidents occurred in May 2009. The prevention campaign lasted for three days from 22 till 25 May. During this time, bodily injuries of varying severity were inflicted on 28 persons, 37 persons were moved to special isolation wards without any grounds and one detainee, E. Deryakuliev charged with disorderly conduct, died. His body was handed over to his family members five days after his death and natural death was indicated as the cause.

IVS temporary holding facilities

The most vulnerable are those who are placed in temporary holding facilities (IVS) under the jurisdiction of police departments.

Pursuant to the criminal code, the police officers have the right to detain a person for 72 hours without bringing charges against a detainee. During this time the detainee is fully isolated and has no access to an attorney. Police staff members – especially authorized officers of the criminal investigation office, who are responsible for the prompt crime detection, use this time to coerce confessions from the suspect, sometimes to a crime the detainee did not commit. Confessions are extracted with the use of physical abuse.

During the first three months of 2009 alone there were reports that seven detainees died in the temporary holding facility as a result of abusive and violent treatment by police officers. In the aforementioned cases, the police officers, who were blamed for the deaths, were convicted in trials.

It appears that the death toll among the detainees during interrogations was much higher, but apparently not all cases are reported.

Based on the results of the survey conducted among suspects placed in the temporary holding facility, every second person was exposed to varying types of abusive treatment and torture. Only a few detainees in the presence of an attorney for the defense complain about the police officers who exerted physical abuse and psychological pressure on them. Some share this only with their attorneys, but officially refuse to submit complains, many out of fear of the police.

In April 2009 the parents of a detainee (L) contacted an attorney with a request to render legal counseling to their son, who had been arrested by police officers and subjected to beatings and assault in the IVS temporary holding facility for two days. The parents found out about this from their neighbor – a staff member of the IVS temporary holding facility, who kindly asked them to withhold the source of information. During the visit, the detainee had marks from severe beatings, and he also confessed that for over 2 days he had been beaten by one of the officers from the criminal investigation department in an attempt to coerce a confessionary statement to a crime he had not committed. However, L. refused to submit an official application and a motion, since prior to the appointment with the attorney, he was threatened by the police officers. Thanks to the involvement of the attorney for the defense, the detainee was released but was placed in a hospital for a lengthy stay to treat kidney problems.

²⁷ <http://www.agentura.ru/dossier/turkmen/specnaz/>

Additional information

During the country's time as an independent state, the authorities of Turkmenistan did not grant access to the International Committee of the Red Cross (ICRC) to penitentiary facilities despite the pledges of the Turkmen authorities and repeated requests from ICRC. For instance, in January 2009 the authorities of Turkmenistan adopted the recommendation, reflected in the UN Universal Periodic Review, clause 6. "to allow regular access of ICRC to prisons and detention facilities".²⁸ However, over the past year the situation has remained unchanged.

No practice is in place where public commissions pay visits to penitentiary institutions with a view to monitoring the penal jurisdiction system.

So far, Turkmenistan has not yet adopted its Penitentiary Code, which according to the official sources, it is still being drafted: "In the framework of law-making activities the interdepartmental commission is finalizing the draft Penitentiary Code, developed jointly with international experts in line with international standards, pertaining to penitentiary facilities".²⁹

Up to the present day, the administration of justice is guided by the Penitentiary Code which dates back to the Soviet time, numerous confidential job instructions of the Interior Ministry and the National Security Ministry, and verbal instructions of the Turkmen President, which are applied vis-à-vis selected individuals.

Pursuant to the existing laws, the custodial regime does not deprive one of the right to maintain contact with the outside world— visits and correspondence with relatives. Pursuant to Turkmenistan's laws an inmate placed in custody in penitentiary facility under a minimum security regime is entitled to 4 visits per year -2 short-term with family members and 2 long-term visits for duration of up to 3 days.

Conclusions

Overcrowding of penitentiary facilities in Turkmenistan is the outcome, on the one hand, of the high crime rate in the country caused by such social phenomena as drug abuse, unemployment among the general population and young people, and on the other hand, an extremely stringent Criminal Code and highly punitive methods applied by law-enforcement agencies.

Turkmenistan's prisons and colonies house over three times the number of inmates they are designed to accommodate. This implies that the inmates are not only deprived of freedom, but also of adequate nutrition, rest and personal hygiene. In fact, penitentiary facilities have been turned into places, where people are not able to preserve their human dignity.

Furthermore, imprisoned individuals do not get access to proper nutrition, recreation, bathing and toilet facilities. Overcrowding of penitentiary facilities results in the fast spread of virulent diseases, from light forms of flu to aggravated forms of tuberculosis. The deficit of libraries and sports grounds, which prevents inmates from having normal recreational conditions, is detrimental to the physiological and physical conditions of inmates placed in custody.

²⁸ http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/TM/A_HRC_10_79_Turkmenistan_R.pdf

²⁹ Shirin Akhmedova, the director of the Turkmen National Institute for Democracy and Human Rights under the President of Turkmenistan "Restructuring the national system of human rights is an important priority in cooperation with the UN". <http://www.turkmenistan.gov.tm/?idr=2&id=091022a>

The government provides insufficient funding to secure normal prison conditions. Inmates depend on their family members to supplement them with the majority of basic necessities, ranging from food supplies, clothes to bed linen and personal hygiene products.³⁰

Due to the shortage of premises, the prison administrations even if they are willing to, are unable to guarantee the number of family visits an inmate is entitled to, let alone to offer visiting arrangements under acceptable conditions.

Denied access of public commissions to prison facilities has resulted in corruption and a complete disregard of the law in behavior towards inmates. Without paying a bribe via family members, prisoners cannot get access to things envisaged by the law, for instance work or parcels from relatives. At the same time, by paying a bribe to a security guard or staff member, an inmate can obtain items which according to the rules are forbidden in penitentiary facilities - for instance, cell phones, alcoholic beverages, drugs and many other things. In order to keep inmates in order and ensure constant fear among prisoners the administrations of prisons and colonies use such methods of punishment as placing the inmates in isolation wards or summoning security and special law enforcement squadrons, who without any grounds arrange mass beatings of convicts as a “prevention” measure.

Even a short-term stay of several months in the Turkmen penitentiary institutions, where often the prisoners sentenced for minor offences are accommodated together with recidivists, contribute to repeated offences committed by the inmates sentenced for imprisonment for the first time, who may end up in prisons and colonies. As demonstrated by other countries, “keeping behind bars individuals, convicted of minor offences only contributes to a rise in the number recurrent offences: 43% of former inmates commit repeated offences whereas the number of repeat offenders among those who were sentenced for alternative types of punishment, totals only 8%”.³¹

The present-day Turkmen penal system of punishment does not contribute to lowering the crime rate but on the contrary, leads to its increasing number. Therefore, a number of urgent measures should be promptly undertaken to remedy the situation.

Recommendations

Recommendations to the authorities of Turkmenistan

1. Ensure the prompt adoption of Turkmenistan’s Penitentiary Code in line with international standards;
2. Review Turkmenistan’s criminal code to ensure milder sentences. In particular, reduce imprisonment terms and introduce alternative methods of punishment such as home arrest, replacing the term of imprisonment with fines.
3. Provide open access to publications pertaining to prison conditions, rights and obligations of inmates;

³⁰ TIHR “Prisoners are funded at the expense of their families” <http://www.chrono-tm.org/en/?id=565>

³¹ <http://news.mail.ru/politics/3222142/>

4. Set up non-governmental commissions comprised of NGOs representatives (even from quasi NGOs), members of Parliament, local authorities and journalists to provide an oversight function of the penitentiary facilities and administration of justice;
5. Allow unhampered access of ICRC to Turkmenistan's prisons and colonies;
6. Collaborate with international organizations specializing in penitentiary institutions and convicts' rights;
7. Taking into account the increasingly growing number of convicts, revamp the existing or build brand-new penitentiary facilities in compliance with international standards;
8. Provide funding to the penitentiary facilities based on the actual number of inmates rather than the estimated capacity;
9. Transfer all prisons and colonies under the jurisdiction of the Adalat Ministry (Ministry of Justice).

Recommendations to international organizations

1. Ensure that the representatives of the International Committee of the Red Cross (ICRC) are permitted to access and carry out inspections in Turkmenistan's penitentiary facilities pursuant to their scope of authority;
2. Ensure that in the country's reports submitted to UN committees, the authorities of Turkmenistan provide not only excerpts from the laws adopted in the country, but also report the actual state of affairs and statistical data pertaining to the subject of the report. This would enable to get unbiased information, including the situation in Turkmenistan's penitentiary system;
3. Propose a joint project to the authorities of Turkmenistan designed to work out penitentiary rules similar to the European penitentiary rules;
4. On a regular basis hold training seminars on the rules for the treatment of prisoners for staff members of penitentiary facilities. Get them familiarized with the UN Standard Minimum Rules for the treatment of prisoners;
5. Subject to the approval of Turkmenistan's government, allocate technical and counseling resources (grant) for the restructuring of penitentiary facilities, primarily the colony for juvenile offenders (MRK/18) and the female colony (DZK/8).

**The LIST of
Turkmenistan's penitentiary facilities.**
Complied by the Turkmenistan's Independent Lawyers Association

Colonies:

1. BLK/4 – Special designated colony, which has 3 varying custodial regime types – minimum security, maximum security and special security regimes. This facility accommodates former law-enforcement officers. Located in the Balkan velayat, near the village of Akdash. Estimated capacity – 500 inmates;
2. BLT/5 – Penitentiary regime colony. Located in the Akhal velayat, in Ovan-depe. Estimated capacity – 400 inmates. Previously, the colony with the same number was located in the Balkan velayat. On 25 June 2008 it was demolished³². Part of the inmates' contingent was transferred to Ovan-depe and in the present time one of the colonies located there has a temporary number of BLT/5.
3. AHK/3 – Maximum security regime colony. Also based in Ovan-depe. Estimated capacity – 450 inmates;
4. AHK/6 – Minimum security regime colony. Located in the city of Tedjen in the Akhal velayat. Estimated capacity – 300 inmates;
5. MRK/16 – Minimum security regime colony. Located in the city of Bairam-ali in the Mary velayat. Estimated capacity – 800 inmates;
6. LBK/9 – Minimum security regime colony. Located in the city of Turkmenabat in the Lebap velayat. Estimated capacity – 450 inmates;
7. LBK/10 – Minimum security regime colony. Located in the city of Seidi in the Lebap velayat. Estimated capacity – 450 inmates;
8. LBK/11 – Special security regime colony. Located in the city of Seidi in the Lebap velayat. Estimated capacity - 700 inmates;
9. LBK/12 – Minimum security regime colony. Located in the Lebap velayat, formerly, the village of Komsomolsky, 6 kilometers from the town of Seidi. Estimated capacity - 2100 persons;
10. DZK/8 – Female colony located in the city of Dashoguz. Estimated capacity - 700 inmates. The only female colony in the country, therefore it accomodates convicts with varying custodial regime types.
11. MRK/18 – Colony for juvenile offenders. Located in the city of Bairam-ali in the Mary velayat. Estimated capacity – 800 inmates. In the Soviet period the colony was designed to accommodate 500 inmates.

³² “Demolition of the prison. Problem solved or created??” <http://www.chrono-tm.org/?id=515>

12. BLHK – Penal battalion designed for military conscripts serving sentences. Located in the village of Yanadjja, in the Balkan velayat;
13. MRK/17 – Penal colony settlement. Located in the city of Mary. Designed to accommodate 200 inmates;
14. MRB/15 – In-patient hospital facility which can render medical services for convicts in custody when needed. Located in the city of Mary. Estimated capacity – 250 inmates.

Medical correctional facilities

Two occupational therapy rehabilitation centers, relics of the Soviet penal system, are operating in the country. They are designed to accommodate those who were forcedly prescribed to undergo compulsory alcohol and substance abuse rehabilitation pursuant to the court's verdict. In fact occupational therapy rehabilitation centers serve as penitentiary facilities where the main method of treatment is the forced patient's labour. One facility is based near the city of Tedjen in the Akhal velayat whereas the second is located in the village of Karabogaz in the Balkan velayat. No statistical data on the estimated capacity of these penitentiary facilities is available, but it is known that according to official information³³, following the court ruling 4010 individuals were entitled to compulsory rehabilitation and medical treatment program.

Pre-trial detention facilities:

1. BLD/4 operates under the jurisdiction of the Ministry of the Interior. Located in Balkan velayat. Estimated capacity – 200 inmates;
2. AHD/2 operates under the jurisdiction of the National Security Ministry. Located in the city of Ashgabat, on the territory of the NSM. Estimated capacity – 200 inmates;
3. DZD/7 operates under the jurisdiction of the Ministry of the Interior. Located in the city of Dashoguz. Estimated capacity – 200 inmates;
4. AHD/3 operates under the jurisdiction of the Ministry of the Interior. Located in the city of Tedjen. Estimated capacity – 200 inmates;
5. MRD/16 operates under the jurisdiction of the Ministry of the Interior. Located in the city of Mary. Estimated capacity – 200 inmates;
6. LBD/9 operates under the jurisdiction of the Ministry of the Interior. Located in the city of Turkmenabat. Estimated capacity – 120 inmates.

³³ Turkmenistan hosts various international conferences and seminars. In this connection, brochures devoted to the respective topics are published with a small circulation. They post the data which have never been published in the official print media. The statistics we have quoted were taken from one such brochure. We cannot certify that the data are reliable.