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CURRENT KEY HUMAN RIGHTS CONCERNS IN TURKMENISTAN

**Briefing paper for EU-Turkmenistan Human Rights
Dialogue, April 2017**

This briefing paper provides an overview of the current situation in key areas of human rights protection in Turkmenistan. It has been prepared by Turkmen Initiative for Human Rights (TIHR) and International Partnership for Human Rights (IPHR) as a contribution to the EU-Turkmenistan Human Rights Dialogue, which is scheduled to take place in Ashgabat in late April 2017. The briefing paper is based on information obtained by TIHR through its monitoring of developments in Turkmenistan with the help of an in-country network of activists, as well as analyzes of national legal instruments and other relevant information. It was finalized on 23 March 2017.

Turkmen Initiative for Human Rights (TIHR) is the successor organisation of the Helsinki Group of Turkmenistan and was registered as an independent association in Vienna in November 2004. Through a network of local experts and activists inside Turkmenistan, TIHR monitors and reports on the human rights situation in this country. It also disseminates independent news, comments and analysis from and about Turkmenistan.

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National human rights institutions and protection

The new version of Turkmenistan's Constitution that was adopted in September 2016¹ sets out that a Human Rights Ombudsman will be appointed, and the **Law on the Ombudsman**² adopted in November 2016 regulates the mandate and powers of this office.

According to the Law on the Ombudsman, which entered into force on 1 January 2017, this office holder is **elected by the parliament among three candidates** proposed by the president for a term of five years. The **mandate of the ombudsman is set out quite broadly** and includes: carrying out visits to inspect various public institutions, including detention facilities; compiling and analysing information about the work of public bodies; receiving and considering complaints submitted by individual residents; investigating allegations of human rights violations; and contributing to efforts to raise awareness of human rights and to strengthen human rights related legislation. The law says that the ombudsman's office will be funded from the state budget and that the ombudsman will exercise his or her powers independently, without being accountable to any other body and enjoying immunity from prosecution. However, in spite of recommendations to this end by international experts³, the law **does not elaborate on how the institutional independence of the new office will be safeguarded** and the fact that the ombudsman will be selected among candidates proposed by the president will in practice mean that **this official will be dependent on the president**.

On 20 March 2017, Turkmenistan's parliament **elected the first ombudsman** among three candidates proposed by the president: member of parliament Yazdursun Gurbannazarov.⁴

The adoption of the Law on the Ombudsman is one of the tasks set out in the **National Human Rights Action Plan for 2016-2020**, which was adopted in January 2016. While the authorities have **taken steps to implement a number of points of this plan that concern legislative reforms** (e.g. by also adopting new legislation on issues relating to employment, social protection, and the rights of children, there has been **little progress on action points that concern more concrete measures of human rights improvement**. Among the action points that the authorities have yet to deliver on are: initiating invitations for UN special representatives to visit the country; ensuring unobstructed access to various sources of information, including to the internet; and putting in place a system of independent, effective and regular monitoring of places of detention without prior notice, carrying out monitoring of detention facilities, including juvenile facilities and publishing the results of the conducted investigations.

During the UN Human Rights Committee's review of Turkmenistan on 8-9 March 2017, the Turkmenistani government delegation stated that invitations to special rapporteurs would be extended, as set out in the National Human Rights Action Plan, but that the process of deciding whom to invite was still under way.⁵ As

¹ The new version of the constitution (in Russian) is available at: <http://infoabad.com/zakonodatelstvo-turkmenistana/konstitucija-turkmenistana-novaja-redakcija.html>

² Law on the Ombudsman from 23 November 2016. The text of the law (in Russian) is available at: <http://www.parahat.info/law/parahat-info-law-01xh>

³ ODIHR Comments on the Draft Constitution of Turkmenistan, July 2016, <http://www.osce.org/odihr/262476?download=true>

⁴ <http://www.chrono-tm.org/2017/03/parlament-turkmenii-izbral-pervogo-v-istorii-stranyi-ombudsmena/>

⁵ See press release by the Human Rights Committee from 9 March 2017, at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21338&LangID=E>

already noted, the mandate of the new ombudsman's office includes visiting detention facilities, and according to the relevant law, these visits will be carried out in an "unimpeded manner" and "without prior notice". However, as also mentioned, this office will not be an independent institution. Access to information, including on the internet remains seriously restricted (see more in the section on freedom of expression below).

One factor that impedes the realization of human rights guarantees in the country is the **lack of a specific mechanism for reviewing the compliance of laws and, in particular, various decrees, regulations and orders adopted by authorities with the constitution and international human rights treaties** to which Turkmenistan is a party. Turkmenistan's new Constitution states that the parliament determines the conformity of legal acts of public authorities with the constitution (article 81.9). However, as pointed out by experts from the OSCE Office for Democratic Institutions and Human Rights who reviewed the draft constitution, it is not clear whether this also applies to decrees, regulations and orders issued by the president or the cabinet of ministers. In addition, the OSCE experts pointed out that this provision may encroach on the principle of separation of powers and stressed that reviews of the compliance with the constitution, as a general rule, should take place outside the legislative and executive branches of power. Accordingly, they **recommended establishing a separate constitutional review body** that would be independent from these two branches of power "in order to secure a uniform interpretation of the Constitution and primary legislation and a consistent approach to implementing international human rights treaties and other instruments."⁶

Recommendations

The authorities of Turkmenistan should be requested to:

- Ensure that the new Human Rights Ombudsman's office can carry out its mandate in an effective and independent way.
- Implement all the action points in the National Human Rights Action Plan, in accordance with the timeline set out in the plan, and publicly report on the measures taken to this end.
- Establish a separate constitutional review body that is independent of the legislative and executive branches for reviewing and ensuring the compliance of different-level legal acts adopted by national authorities with the constitution and international human rights treaties ratified by Turkmenistan.

Freedom of expression and the media

Turkmenistan's new Constitution protects the right to freedom of expression, and the 2012 Media Law prohibits censorship and provides that the state will guarantee media independence and pluralism. The National Human Rights Action Plan for 2016-2020 sets out that everyone will be granted unobstructed access to the internet. However, in practice, **the free speech climate remains extremely prohibitive** in Turkmenistan.

⁶ See Comments on the draft constitution by the OSCE Office for Democratic Institutions and Human Rights, chapter 3.2, at: <http://www.osce.org/odihr/262476?download=true>

In the global Press Freedom Index published by Reporters Without Borders, Turkmenistan was ranked 178th among 180 countries in 2016, with only North Korea and Eritrea behind.⁷

As previously, there is no independent media in the country, and all national **media outlets are tightly controlled by the authorities** and used as platforms for government propaganda, including propaganda promoting the growing personality cult of the current president. The **dissemination of information that reflects negatively on the situation in the country is subdued** in state-controlled media. At the same time, **access to foreign sources of information is seriously limited**. The import of foreign newspapers is restricted and the authorities have repeatedly implemented arbitrary campaigns to dismantle private satellite dishes that are used to access foreign TV and radio channels, arguing that they spoil the outer appearance of apartment buildings. In a recent example documented by TIHR, in mid-March 2017, workers sent out by local authorities tore down satellite dishes installed on residence buildings in the 11th micro district of the capital.⁸

The **government's approach to using media as a tool for propaganda purposes** was illustrated by a statement made by the president when outlining the priorities for the year ahead in a speech delivered in January 2017. He then called for ensuring that national TV broadcasts "spotlight positive changes" and "popularize the achievements of the country".⁹ Earlier, in August 2016, the president called for intensified cooperation with foreign media for the purpose of "actively and efficiently" promoting attention to "our impressive achievements" through these channels.¹⁰ The government has also stated that it provides assistance to foreign journalists accredited in Turkmenistan "to ensure objective coverage" of developments. According to official information, 25 journalists are currently accredited in Turkmenistan, but many of them are not based in the country but in cities such as Moscow, Almaty, Tashkent and Istanbul.¹¹

The **use of the internet has increased** in Turkmenistan in the last few years, largely as a result of the growing use of mobile internet. While the Turkmenistani authorities have recently reported about supposed improvements in ensuring access to the internet, access remains restricted. Internet **speed is slow** and **prices high** compared to global standards.¹² Moreover, **websites that publish independent information** about developments in Turkmenistan, such as the sites of media and NGOs that cover the situation in the country **continue to be blocked**. **Access to social media sites**, such as Facebook, Twitter and YouTube **and online communications apps** such as WhatsApp and WeChat **has also been restricted**, and proxy sites used to circumvent censorship and access otherwise unavailable sites are regularly blocked.

According to TIHR's information, **air passengers have been prohibited from bringing new mobile phones obtained for personal use into the country**, with argument that the import of such devices requires special

⁷ Reporters without Borders, "World Press Freedom Index 2016," <https://rsf.org/ranking>

⁸ TIHR news update, 20 March 2017, at <http://www.chrono-tm.org/2017/03/vlasti-ashhabada-prodolzhayut-demontirovat-sputnikovyie-antennyi/>

⁹ See <http://turkmenportal.com/blog/9612>

¹⁰ See <http://turkmenportal.com/blog/8547>

¹¹ Information provided by Turkmenistan's government at the UN Human Rights Committee's review of the situation in the country in March 2016.

¹² TIHR news update, 7 February 2017, <http://www.chrono-tm.org/2017/02/slozhnosti-s-oplatoy-interneta-v-turkmenistane/>

government permission.¹³ This also has negative implications for freedom of expression as most residents who use the internet do so through mobile phones.

The free speech situation has deteriorated further in the last few months. In October 2016, **the president called for measures to prevent the spread of “false” information on the internet** during the Asian Games, a major sports event that will take place in Ashgabat in September 2017.¹⁴ His call appeared to trigger reinforced measures by law enforcement and security agencies to prevent the dissemination of information critical of the government.

TIHR has received information about **individuals who have been summoned by security services for taking part in social media discussions** and warned to stop using these sites at the threat of arrests, travel bans, dismissal from their jobs and other repercussions.¹⁵ Individuals using so-called VPNs (virtual private networks) to circumvent internet censorship and access otherwise inaccessible sites have also been tracked down and intimidated. According to the RFE/RL, authorities have likewise **put pressure on residents not to listen to its Turkmen service**, including by holding “preventive” talks to this end and warning residents in houses with satellite dishes tuned into receive Radio *Azatlyk*.¹⁶

The Alternative Turkmenistan News (ATN) has reported about the case of Ashgabat-based pensioner Galina Vertyakova, who is believed to have been **targeted by criminal prosecution for posting negative comments about the policies of authorities on Odnoklassniki**. She was detained in October 2016 and subsequently sentenced to two years in prison on charges of allegedly extorting a house management representative. She was paroled and released in December 2016.¹⁷

The **internet access of independent journalists and civil society activists has also been arbitrarily restricted** and such individuals have been singled out for new retaliatory measures (see more in the section on individual cases).

Recommendations

The Turkmenistani authorities should be requested to:

- Enforce, in practice, the provisions of the Media Law that safeguard media pluralism and prohibit censorship.
- Put an end to the practice of forcibly dismantling satellite dishes and protect the right to unimpeded access to foreign sources of information.

¹³ TIHR, “Ввоз новых мобильных телефонов в Туркменистан без разрешения запрещен,” 5 September 2016, at <http://www.chrono-tm.org/2016/09/voz-novyih-mobilnyih-telefonov-v-turkmenistan-bez-razresheniya-zapreshhen/>

¹⁴ TIHR, “Президент Бердымухамедов потребовал бороться с недостоверной информацией об Азиаде в интернете”, 15 October 2016, <http://www.chrono-tm.org/2016/10/prezident-berdyimuhamedov-potreboval-borotsya-s-nedostovernoy-informatsiy-ob-aziade-v-internete/>

¹⁵ TIHR press release, 7 December 2016, at <http://en.chrono-tm.org/2016/12/only-good-news-from-turkmenistan-in-the-run-up-to-the-asian-games/>

¹⁶ Radio Azatlyk, “Туркменистан: Дано указание не слушать 'Азатлык'”, 9 December 2016, <http://rus.azathabar.com/a/28164011.html>

¹⁷ ATN articles from 18 December and 1 November 2016: <https://habartm.org/archives/6196>, <https://habartm.org/archives/5973>

- Take prompt measures to promote equal, universal and unobstructed internet access and refrain from arbitrarily blocking access to websites.
- Refrain from arbitrarily restricting the internet access of well-known independent journalists and activists, summoning and threatening social media users, as well as intimidating RFE/RL listeners and other individuals seeking to obtain, exchange or disseminate independent or alternative information about the situation in the country.

Civil society development, freedom of association and assembly

Turkmenistan's new Constitution safeguards the rights to freedom of association and assembly and provides that the state will ensure the "necessary conditions for the development of civil society". However, in spite of these and other legal guarantees, these rights are seriously restricted and **the civil society environment remains highly repressive**.

The 2014 Law on Public Associations requires all associations to obtain mandatory state registration and grants authorities wide powers to monitor and oversee the activities and finances of associations without adequate safeguards against abuse. In practice, the **Turkmenistani authorities continue to promote government-supported and controlled organizations, so-called GONGOs**, including Soviet-area structures such as youth, women and veteran unions. According to information from Turkmenistan's government¹⁸, a total of 118 public associations are currently registered in the country, with eight of them having obtained registration since the entry into force of the 2014 law. The government also stated that some 40% of the registered organizations are sport associations. As before, **no NGOs addressing human rights or other politically sensitive issues are able to work openly** in the country.

The few Turkmenistani **human rights NGOs that are based in exile, including Austria-based TIHR have been subjected to pressure**. TIHR's site is blocked in the country and only accessible through proxy servers. Articles published on pro-government sites have sought to reject information published by TIHR, which has attracted wide attention, and have discredited TIHR Chair Farid Tuhbatullin and his family members and colleagues. Farid Tuhbatullin has repeatedly received threats against his person, forcing him to seek police protection at one point last year. TIHR has announced its readiness to engage in dialogue with the Turkmenistani authorities, but its offers have been ignored. (See also the section on individual cases for pressure on Farid Tuhbatullin and TIHR contributor Nataliya Shabunts).

Turkmenistan's first-ever Law on Assemblies, which entered into force in July 2015, requires those who wish to organize assemblies to inform local authorities in advance and to agree the venue for the assemblies with them. At the same time, the conduct of assemblies is prohibited in a number of places, including near government buildings, hospitals, schools and public transportation, as well as in "other places" deemed

¹⁸ See the government's communication to the UN Human Rights Committee, November 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fTKM%2fQ%2f2%2fAdd.1&Lang=en

unsuitable by local authorities. The law also states that assemblies, as a rule, should be held in venues that will be specifically designated for this purpose by local authorities and that conducting assemblies anywhere else will require separate agreement. Only one-person pickets can be held without informing local authorities in advance. No other spontaneous assemblies are foreseen.

We are concerned that **the lack of provision for the right to hold spontaneous protests** in the law **may be used as a pretext to break up peaceful protests of this kind and penalize the participants**. While **public assemblies are generally a rare occurrence** in the country because of the lack of awareness of citizens of their rights and the overhanging threat of reprisals, TIHR has occasionally received information about spontaneous protests on socio-economic issues affecting the everyday lives of citizens in recent years. Local authorities have typically responded to such protests by seeking to track down and warn the initiators, e.g. by conducting searches and questioning local residents, while also in some cases addressing the issues raised to prevent further protests.

In a troubling practice, the Turkmenistani authorities continue to **forcibly mass mobilize residents for events** such as public holiday parades, welcoming ceremonies when the president visits different parts of the country, and the opening of new facilities. Among those mobilized are employees of state institutions, members of public associations, university students, schoolchildren and other residents. In addition to **violating the right to freedom of assembly**, this practice results in that those forced to participate miss out on studies and work. It also **jeopardizes their health and well-being** since events and rehearsals are typically intense, lengthy and held in any weather. These are only a few recent examples of this practice:

- On 18 March 2017, people working at state institutions, university students, schoolchildren and pensioners were mobilized for planting trees and other tasks a national so-called *subbotnik*, a day of unpaid labour, which is a practice dating back to the Soviet era.¹⁹
- On 11 December 2016, students, schoolchildren and elderly people were mobilized to attend the unveiling of a number of new monuments in Ashgabat.²⁰
- On 20 November 2016, employees of state institutions, students and pensioners were mobilized for early morning festivities organized on the occasion of elections held to replace a number of outgoing parliamentary deputies in the Ahal and Mary regions.²¹
- Ahead of the president's opening of the new *Bereketli Zaman* residential district in the Ahal region on 12 October 2016, state employees, students and school children were forced to participate in full-day welcome ceremony repetitions, starting in the morning and ending only around 9 pm.²²

The **few local journalists** who contribute to foreign media, such as in particular the Prague-based Turkmen service of RFE/RL, **civil society activists and others who dare to openly criticize government policies** in

¹⁹ See TIHR report and video about this event at <http://www.chrono-tm.org/2017/03/v-turkmenistane-proshel-massovyiy-vsenednyiy-subbotnik-video/>

²⁰ See TIHR update from 13 December 2016, at <http://en.chrono-tm.org/2016/12/new-abstract-monuments-opened-in-ashgabat-photos/>

²¹ TIHR new from 22 November 2016, at <http://en.chrono-tm.org/2016/11/pertaining-to-the-elections-of-the-mejlis-parliament-members/>

²² See TIHR report and photos from this event at <http://en.chrono-tm.org/2016/10/red-carpet-welcome-arranged-for-the-president-in-the-opening-of-a-new-village-photos/>

Turkmenistan **remain highly vulnerable to intimidation and harassment**. As already noted above, the free speech situation has recently deteriorated further and critical voices have been subjected to growing pressure against the background of the worsening economic situation in the country, the February 2017 presidential elections and the upcoming Asian Games. Recent individual cases of concern are described in the section on individual cases below.

Recommendations

The Turkmenistani authorities should be requested to:

- Bring the provisions of the Law on Public Associations into full compliance with international human rights standards, in particular by abolishing the requirement for compulsory registration of associations.
- Ensure that independent NGOs that so wish may obtain legal status in a fair and transparent process and carry out their activities without undue interference by authorities.
- Commit to respecting the right to peaceful assembly in practice and refrain from any measures to unduly restrict this right, including by preventing citizens from holding spontaneous peaceful protests.
- Put an end to the practice of forcibly mobilizing residents for participation in mass parades and similar events that pose a threat to their health and well-being.
- Stop persecuting independent journalists, civil society activists and other critical voices, including those who live in exile and their family members who live in Turkmenistan.

Freedom of movement

The Soviet-era *propiska* system remains in force in Turkmenistan and continues to be enforced in ways that limit freedom of movement and other fundamental rights of residents.

Although the Law on Migration (article 43) states that the enjoyment of rights and freedoms protected by law is not dependent on residence registration (article 43), **the application of residence registration requirements results in that access to employment, housing and social and health care services is de facto linked to the possession of such registration**. According to the Migration Law (article 42), residents of the country are required to possess permanent registration at their place of permanent residence, as well as temporary registration at any place where they stay for 45 days or more. At the same time, it is very difficult to obtain such registration, especially in the capital and other large cities. In practice, it is impossible for those moving to Ashgabat to obtain permanent registration there and temporary registration requires having an employer who is able to provide documentation proving that there is no one from the capital who possesses the skills needed to carry out the work the person has been hired to do. As a result, many residents from other parts of the country who come to the capital for work are not able to obtain registration, which places them in a **vulnerable position**. TIHR has received information about **police raids, detentions and the deportation of hundreds of people** from Ashgabat and Turkmenbashi due to the lack of residence registration in these cities

in the past year.²³ A decree signed by the president in February 2016 introduced new obstacles to working in Ashgabat for residents who are not registered in the capital.²⁴ According to TIHR's information, people who may have lived in the capital for decades, or who even have been born there but who have not been able to obtain local residence registration are not considered eligible for alternative housing when the houses where they live are demolished. (See also the section on evictions).

Among others, the UN Committee on Economic, Social and Cultural Rights has been concerned that the existing residence registration system (*propiska*) creates obstacles in accessing employment and a number of social services for those who live in another place than where they are registered.

The **existing system of residence registration has been repeatedly criticized by international human rights bodies**. For example, the UN Human Rights Committee has expressed regret that it may interfere with the enjoyment of the right to freedom of movement²⁵, and the UN Committee on Economic, Social and Cultural Rights has voiced concerns that it creates obstacles in accessing employment and social services for those who live in another place than where they are permanently registered.²⁶

The Turkmenistani authorities also continue to **arbitrarily blacklist and restrict the right to exit/entry of individuals** who are considered "disloyal" to the regime, including, among others, former government officials who have fallen out of favour, civil society activists, journalists and religious leaders, as well as their family members. Thousands of people are believed to feature on unofficial blacklists. According to the Migration Law (article 30), the right to leave the country may be temporarily restricted for citizens in a number of cases, including if court proceedings are under way against them or they are subject to police oversight, if they have had access to classified information, if there are concerns that they may become victims of trafficking in human beings or slavery abroad, or if their leaving the country is considered to be "contrary to national security interests".

Some individuals have been **subjected to travel bans for years**. For example, in June 2016, Aydjemal Redjelova, daughter of the exiled dissident Prikul Tanrykuliev, was finally allowed to leave the country together with her two young daughters after being prevented from travelling abroad for 13 years.²⁷

Recommendations

The Turkmenistani government should be requested to:

²³ TIHR, "Raids on non-residents are underway in Turkmenbashi," 12 August 2016, at <http://www.chrono-tm.org/en/2016/08/raids-on-non-residents-are-underway-in-turkmenbashi/>

²⁴ Decree N 14606.

²⁵ Par. 12 of the Concluding observations of the UN Human Rights Committee, April 2012, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTKM%2fCO%2f1&Lang=en (Note the concluding observations from the Committee's review of Turkmenistan in March 2017 had not been published at the time of finalizing this report).

²⁶ Par. 9 of the Concluding observations of the Committee on Economic, Social and Cultural Rights, December 2011, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=445&Lang=en

²⁷ Human Rights Watch, "Turkmenistan: Dissident's Family Allowed to Leave," 9 June 2016, at <https://www.hrw.org/news/2016/06/09/turkmenistan-dissidents-family-allowed-leave>

- Ensure that residence registration requirements are not enforced so as to limit the right to freedom of movement and other fundamental rights of residents.
- Stop banning citizens from leaving the country on arbitrary grounds and put an end to the use of so-called blacklists for travel abroad.
- Revise article 30 of the Migration Law to bring it in line with international standards and ensure that anyone subject to a travel ban on grounds set out by this law have the right to appeal that decision.

Detention conditions and the prohibition of torture and ill-treatment

The Turkmenistani authorities have carried out a **program of reform and reconstruction of the penitentiary system** in the last few years. The government has reported that a total of **over 60 million USD were allocated for repairs and modernization of detention facilities** in the period 2012-2016.²⁸ A new women's prison was opened in the Dashoguz region in October 2013. This prison also has special facilities for pregnant women, as well as for mothers with small children of up to three years of age.²⁹

According to the Netherlands-based Turkmenistan's Independent Lawyers Association (TILA), with whom TIHR cooperates closely, reconstruction has resulted in **improvements in the conditions of some categories of detainees** and the **conditions in the new women's prison on the whole correspond to international standards**. However, **conditions in other detention facilities remain dire**. Overcrowding is a serious problem, with TILA estimating that the prison population may be up to three times higher than the number for which existing detention facilities are intended. Other major problems include scant food portions, widespread tuberculosis and the failure to separate detainees who are ill from other detainees in a timely manner, and lack of medical staff and medicine in prison health facilities with detainees being requested to pay for medicines that they should be provided free of charge.

There **also concerns about the conditions in semi-closed facilities, such labour and rehabilitation facilities** where individuals suffering from alcoholism or drug addiction often are placed by court order. According to TILA's information, those who are held in such facilities are often forced carry out heavy work for free. This case has been reported by TILA:

- As a result of a fire that broke out in the labour and rehabilitation facility in Tejen in September 2016, six detainees died. Authorities sought to cover up this incident and have failed to carry out a proper investigation into this incident with a view to determining responsibility and holding accountable any officials guilty of neglect. Following the fire, the remaining detainees were transferred to a regular

²⁸ Par. 18, 139-140 of the responses of the Turkmenistani government to the List of Issues adopted by the UN Committee against Torture, September 2016, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fCM%2fTKM%2fQ%2f2%2fAdd.1&Lang=en.

²⁹ Par. 18, 148 of the responses of the Turkmenistani government to the List of Issues adopted by the UN Committee against Torture, September 2016.

prison colony in Tejen, although such a transfer by law is only allowed on the basis of a court decision. The detainees were held in this facility for a month before being transferred to another labour and rehabilitation facility in the Lebap region. At this time, the labour and rehabilitation facility in Tejen is back in operation.

After reviewing the situation in Turkmenistan in November 2016, the UN Committee against Torture expressed serious concerns about **allegations of widespread torture and ill-treatment** of persons deprived of their liberty, as well as **impunity for such acts**.³⁰ During the review of Turkmenistan by the UN Human Rights Committee in March 2017, this body raised similar concerns, referring to allegations of **mass beatings, electric shocks, incarceration in severe temperatures with mosquitoes and no water, and hunchback cells** with no room in which to stand.³¹

Individuals convicted in relation to the exercise of their religious beliefs or on politically motivated grounds are reportedly **singled out for particularly abusive treatment**. Many prisoners of these categories are believed to be **held in a separate division in the notorious high-security *Ovadan Depe* prison**, which is located in the Karakum desert north of Ashgabat. These prisoners are not allowed visits by relatives or correspondence with them. Internationally acclaimed horse-breeding expert Geldy Kyarizov, who was imprisoned on politically motivated grounds in 2002-2007 and who left the country in 2015, has witnessed about the harsh treatment to which he was subjected during the five months he was held in *Ovadan Depe*. He has recounted how he and other inmates were deprived all contacts with the outside world, basically starved (resulting in that he lost some 40 kilograms in five months), denied adequate medical assistance and only allowed to spend a few minutes outdoor once a week when taken to the shower.³²

As recommended by international human rights bodies, **Turkmenistan's Criminal Code was amended in August 2012 to incorporate an article criminalizing "torture"**,³³ which establishes penalties of up to 15 years in prison for the use of torture. While the adoption of this amendment was a welcome development, it is of serious concern that **the Turkmenistani authorities have failed to apply it in practice**. According to information provided by national authorities, **no complaints about torture and ill-treatment from detainees have been received** since the entry into force of the new Criminal Code provision on torture and **there have been no investigations nor court cases** under it.³⁴ Particularly in view of persistent allegations of the widespread use of torture in Turkmenistan, the lack of investigations and court cases on torture raises serious questions about the commitment of the Turkmenistani authorities to address and ensure accountability for such treatment.

³⁰ Par. 7 of the Concluding observations of the Committee against Torture, December 2016, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fTKM%2fCO%2f2&Lang=en

³¹ Human Rights Committee press release, 9 March 2017, at

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21338&LangID=E>

³² "Пять месяцев в секретной тюрьме Овадан-депе. Из воспоминаний Гельды Кязризова", 22 January 2016, <http://www.chrono-tm.org/2016/01/pyat-mesyatsev-v-sekretnoy-tyurme-ovadan-depe-iz-vozpominaniy-geldyi-kyarizova/>

³³ Law adopted on 11 August 2012, available (in Russian) at: <http://infoabad.com/zakonodatelstvo-turkmenistana/v-ugolovnyi-kodeks-turkmenistana-vnesena-novaja-statja-pytka.html>

³⁴ Par. 74, 81 of the Replies of Turkmenistan to the List of Issues adopted by the Human Rights Committee, November 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fTKM%2fQ%2f2%2fAdd.1&Lang=en; and par. 2.7-9 and 3.12 of the Replies of Turkmenistan to the List of Issues adopted by the Committee against Torture, September 2016,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fTKM%2fQ%2f2%2fAdd.1&Lang=en

Dozens of individuals believed to have been imprisoned on politically motivated charges **remain disappeared**, with their family members not having received any information about them for years and not knowing whether they are still alive. The Prove They Are Alive Campaign has listed over 80 individuals as disappeared.³⁵ (See more in the section on individual cases) No individuals imprisoned on politically motivated grounds are known to have benefited from recent presidential pardons, including a pardon signed by President Berdumukhamedov shortly after his re-election in February 2017.

Following the failed July 2016 coup attempt in Turkey, Turkmenistani authorities have reportedly carried out **mass detentions of purported followers of Turkish cleric Fethullah Gülen**. There are serious allegations that individuals detained as part of this crackdown **have been arbitrarily held** for extended periods and **subjected to torture and ill-treatment**.

- In mid-November 2016, TIHR reported that 19 individuals accused of involvement in the *Hizmet* movement founded by Gülen were being held in a pre-trial detention facility in the city of Anau after being arrested during a security services operation in September 2016. According to TIHR's information, they had been held without charge for over 50 days and subjected to beatings and other abusive treatment, including by being questioned and filmed after being forced to drink alcohol.³⁶

There have also been several other reports of the arbitrary detention and torture of individuals accused of involvement in the *Hizmet* movement.³⁷ Many of those detained are individuals with links to Turkish schools and educational centres previously operating in Turkmenistan. According to RFE/RL, at least two individuals accused of involvement in the Gülen movement were imprisoned in closed trials at the end of December 2016.³⁸ No details about the charges against them are known.

The lack of independent monitoring of places of detention is of key concern. As noted above, Turkmenistan's Human Rights Action Plan for 2016-2020 sets out that a system of independent, effective and regular monitoring and inspection of all detention facilities will be established and that the results of detention monitoring will be published. However, **currently there is no independent and effective national mechanism for monitoring detention facilities** in the country. According to official information³⁹, monitoring commissions set up under a 2010 presidential decree consist of representatives of authorities and state-controlled bodies structures and do not constitute independent bodies. The new Law on the Ombudsman states that this officer will conduct unannounced visits to places of detention and consider complaints from prisoners, but as already noted above, there are concerns about the lack of guarantees for the institutional independence of this body and it is unclear how much resources it will have for prison monitoring.

³⁵ See list of disappeared people compiled by Prove They are Alive! At <http://provetheyarealive.org/the-disappeared/>

³⁶ TIHR, "Reverberations of Turkish arrests in Turkmenistan", 14 November 2016, <http://en.chrono-tm.org/2016/11/reverberations-of-turkish-arrests-in-turkmenistan/>

³⁷ See, in particular, Radio *Azatlyk*, "Туркменистан: Аресты за связь с Гуленом продолжаются", 21 November 2016, <http://rus.azathabar.com/a/28130701.html>; Eurasianet, "Turkmenistan Cracking Down on Gülen Followers", 8 December 2016, <http://www.eurasianet.org/node/81611>; Fergana News, "Туркменистан: Репрессии против «гюленистов», чтобы задобрить Эрдогана?", 19 December 2016, <http://www.fergananews.com/articles/9199>;

³⁸ Radio *Azatlyk*, "Два бизнесмена, обвинявшийся в связях с Гуленом, получили тюремные сроки", 10 January 2017, <http://rus.azathabar.com/a/turkmen-businessmen-suspected-of-connectons-with-gulen-sentenced/28223951.html>

³⁹ Par. 129 of the Second periodic report submitted by Turkmenistan to the Committee against Torture, October 2015, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fTKM%2f2&Lang=en

The Turkmenistani authorities have organized a number of visits for representatives of the International Committee of the Red Cross (ICRC) to familiarize themselves with prison facilities and sites. According to official information from November 2016, six such visits took place in 2011-2014.⁴⁰ However, **the ICRC has yet to be granted unhindered access** to such facilities, which would enable it to conduct proper monitoring in accordance with its basic conditions and hold private discussions with prisoners of its choice. The Turkmenistani authorities have also organized several visits of representatives of the diplomatic community to prison facilities in the country,⁴¹ such as in December 2016, when a visit to a facility for under-age detainees was organized for representatives of the EU, OSCE, UN and the United States.⁴² Such visits are welcome, but it would be **important that delegation members be allowed to visit not only recently constructed and renovated facilities, but also other facilities and to speak to detainees of their choice.** Moreover, any visits by diplomatic representatives should serve as a complement, rather than a replacement of monitoring carried out by independent international bodies such as the ICRC.

Recommendations

The Turkmenistani government should be requested to:

- Bring the conditions in all detention and prison facilities in the country into line with international standards, in particular by taking effective measures to address overcrowding, undernourishment, the spreading of tuberculosis and other infectious diseases and to ensure access to medical assistance and medicine to all detainees in need of such assistance.
- Ensure that the new Criminal Code provision on torture is applied in practice and that any allegations of torture and ill-treatment are promptly, thoroughly and impartially investigated, the perpetrators prosecuted and given penalties commensurate to their crimes and the victims granted adequate compensation.
- As called for by the UN Committee against Torture, also ensure that the president issues a public statement affirming unambiguously that torture will not be tolerated, and announce that investigations and prosecutions will be carried out promptly against direct perpetrators of torture and those with command responsibility in all cases and issue a warning that anyone who commits acts of torture or is otherwise complicit in or acquiesces to torture will be held personally responsible before the law and will be subject to criminal prosecution and appropriate penalties.
- Put an end to the practice of prolonged incommunicado detention; provide information about the fate and whereabouts of all those who have disappeared in prison and grant them access to their lawyers and family members; and promptly release all held on politically motivated grounds.
- Establish an effective, independent national system for effective and regular monitoring of all places of detention without prior notice; grant the ICRC unhindered access to detention facilities and enable it to carry out monitoring in accordance with its standard procedures; and allow delegations of representatives of the diplomatic community to visit detention facilities and speak to detainees of their choice.

⁴⁰ Par.121-122 of the Replies of Turkmenistan to the List of Issues adopted by the Committee against Torture, September 2016.

⁴¹ See previous footnote.

⁴² According to information from Turkmenistan's Ministry of Foreign Affairs as reported by Reuters, <http://ru.reuters.com/article/topNews/idRUKBN13W230?pageNumber=1&virtualBrandChannel=0&sp=true>

Freedom of religion

As previously, **freedom of religion is seriously curtailed** in Turkmenistan. Similarly to the previous religion law, the new Law on Freedom of Religion and Religious Organizations adopted in March 2016 **prohibits the activities of unregistered religious communities**. At the same time, it provides for tightened registration requirements: previously religious groups could obtain registration if they had at least five members, but now 50 members are required. In addition, religious communities wishing to register with the authorities must undergo an expert assessment of their religious beliefs. The new law also imposes **serious restrictions on the establishment of places of worship, the import and distribution of religious literature and other basic religious activities**.

In a well-documented pattern, **religious minority communities are subjected to arbitrary denials of registration, raids on their meetings, confiscation of religious literature, detention and questioning, and other intimidation and harassment**.⁴³ Jehovah's Witness Bahram Hemdemov remain behind bars on charges brought in retaliation for his peaceful religious practice. He was sentenced to four years in prison for "inciting religious discord" in May 2015 after police raided a peaceful religious meeting held in his home in Turkmenabad.⁴⁴

The Turkmenistani authorities also **strictly control the practice of Islam** and have recently **stepped up efforts to counter so-called non-traditional forms of Islam**, as well as more broadly the visible expression of Muslim beliefs. Residents of the country seeking legal advice as part of a joint initiative⁴⁵ of TIHR and Turkmenistan's Independent Lawyers Association (TILA) have **reported a number of practices that give rise to concern in the light of national legislation and international standards protecting the right to freedom of religion or belief**. Among the alleged violations reported to the two organizations are:

- Allegations that Muslim men spotting beards have been fined or even subjected to forcible shaving by law enforcement officials.
- Informal bans on wearing headscarves (hijabs) for girls and women in schools and universities.
- The confiscation of Arab and Persian versions of the Koran and other religious literature at the customs or during searches carried out by law enforcement authorities.
- The demolition of mosques constituting private property.

As described above (see the section on detention conditions and the prohibition on torture), purported followers of Turkish cleric Fethullah Gülen have allegedly been subjected to arbitrary arrests and torture and ill-treatment in recent months.

There is **still no civilian alternative to compulsory military service** in Turkmenistan. The new Law on Freedom of Religion and Religious Organizations does not recognize the right to refuse compulsory military service on

⁴³ For more information, see Religious Freedom Survey of Turkmenistan published by Forum 18, January 2017, at http://www.forum18.org/archive.php?article_id=2244, as well as Forum 18 submission for the Human Rights Dialogue.

⁴⁴ "Turkmenistan Sentences Bahram Hemdemov to Four-Year Prison Term for Religious Activity", 24 November 2015, at <https://www.jw.org/en/turkmenistan/no-religious-freedom-bahram/>; Forum 18, "Torture and jail for one 4 year and 14 short-term prisoners of conscience", 21 May 2015, http://forum18.org/archive.php?article_id=2063

⁴⁵ See questions and answers at TIHR's site at: <http://www.chrono-tm.org/2017/02/voprosyi-yuristam-po-religioznoy-tematike/>

conscientious grounds and neither does the revised version of Turkmenistan's Constitution, which similarly to the previous one states that serving in the army is a "sacred duty" of citizens.

Refusal to serve in the army is punishable under the Criminal Code. According to Forum 18, after a number of conscientious objectors serving prison sentences were pardoned and released in late 2014-early 2015, no conscientious objector is known to have been imprisoned in the country. However, **a total of 11 conscientious objectors were sentenced to corrective labour** of one to two years in October 2014-December 2016. Six of them were convicted in 2016.⁴⁶

In a number of views adopted on communications submitted under the Optional Protocol to the International Covenant on Civil and Political Rights, the Human Rights Committee has concluded that the conviction of individuals who have refused to be drafted for compulsory military service in Turkmenistan violates article 18 of the Covenant. It has called on the Turkmenistani State party to provide an effective remedy to the individuals affected, as well as to avoid similar violations in the future, including by adopting legislation guaranteeing the right to conscientious objection.

Recommendations

The Turkmenistani government should be requested to:

- Revise the new Law on Freedom of Religion and Religious Organizations to bring it into compliance with international standards protecting freedom of religion.
- Put an end to harassment and undue interference into the activities of minority religious communities.
- Ensure that visible expressions of religious beliefs are not restricted in violation of national and international freedom of religion guarantees, promptly investigate allegations of forcible shaving of Muslim men and unlawful confiscation of Muslim literature, and ensure that any measures to demolish prayer houses are carried out in full accordance with legal requirements.
- Recognize the right to conscientious objection to compulsory military service and provide for a civilian alternative to such service.
- Implement the decisions of the UN Human Rights Committee on communications submitted under the Optional Protocol to the ICCPR in the cases of conscientious objectors.

Economic, social and cultural rights: House demolitions and evictions

We remain seriously concerned about **violations related to house demolitions and forced evictions of residents** due to government construction projects. Turkmenistani authorities have carried out **mass**

⁴⁶ For more information, see Religious Freedom Survey of Turkmenistan published by Forum 18, January 2017, at http://www.forum18.org/archive.php?article_id=2244

demolitions of housing, including both apartment buildings and private houses in Ashgabat as part of construction projects implemented ahead of the upcoming Asian Games that will take place in the capital in September 2017. TIHR has reported that only in recent months, housing has been demolished in a number of residential areas of the capital, such as in the vicinity of the railway station and the old airport and in the so-called Gaji, Shanghai, Khitrova and 8 March areas.⁴⁷

According to TIHR's information, **the pace of construction of new, alternative housing for residents subject to eviction is not keeping up** with the pace of demolitions and the problem of lack of such housing has recently increased. The organization has learned that such residents have been **pressured to accept offers to resettle in alternative housing** offered at the outskirts of the capital, in particular in the Abadan district that was incorporated into the capital in 2013 even if this housing does not correspond to their previous housing in terms of size and other criteria. They are also typically not given any opportunity to first inspect the new housing. Those who have refused to accept such offers have faced lawsuits filed by local authorities, requesting their forced eviction with courts reviewing these cases in a quick manner without examining all relevant documents and applicable norms.⁴⁸

TIHR has **repeatedly reported about cases** where residents have been evicted without receiving due advance notice, having the opportunity to have their cases examined in fair hearings or being promptly granted adequate alternative accommodation or compensation. There are also concerns that evicted residents who do not have permanent residence registration in Ashgabat, which it in practice is impossible to obtain for those who move to the capital from other parts of the country (see also the section on freedom of movement), have been deemed eligible for alternative housing. For example, according to TIHR's information, women who have married men from the capital, resettled there with them and raised a family are considered not to have the right to alternative housing because they lack permanent residence registration. Recently the Turkmen service of RFE/RL reported about dozens of women living in private houses subject to demolition in the Ashgabat area of 8 March who have been told that they do not qualify for alternative housing since they are not able to present a legally valid register of residents (*domovaya kniga*) for their houses, where many of them have lived for up to six decades.⁴⁹

According to the Basic principles and guidelines on development-based evictions and displacement⁵⁰, which have been elaborated by the UN Special Rapporteur on adequate housing on the basis of applicable international standards, **evictions should only be implemented in exceptional circumstances** after all possible alternatives have been fully explored. Authorities must demonstrate that the evictions are unavoidable and consistent with international human rights commitments protective of the general welfare. The principles also state that **all potentially affected groups and persons have the right to relevant information, full consultation and participation** throughout the entire process. Any eviction must be **authorized by law, reasonable and proportional, and regulated so as to ensure full and fair compensation and rehabilitation and provide for adequate and effective remedies**. The principles emphasize that **these protections apply to all persons and affected groups, irrespective of whether they hold title to home and property** under domestic law and that **evictions must not result in homelessness**.

⁴⁷ TIHR news update, 17 February 2017, at <http://www.chrono-tm.org/2017/02/zhilishhnyie-problemyi-ashhabada/>

⁴⁸ See the previous footnote.

⁴⁹ Radio *Azatalyk* report from 22 February 2017, at <http://rus.azathabar.com/a/28325047.html>

⁵⁰ The guidelines are available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

At the UN Human Rights Committee's review of Turkmenistan in March 2017, the government delegation **failed to provide adequate responses** to the questions posed by Committee members about allegations of violations related to house demolitions and evictions. The delegation stated that all buildings that are demolished are old and unfit for living and that all those who possess ownership rights of housing being demolished in the capital as a result of government construction projects are granted new housing at the outskirts of the city.

Recommendations

The Turkmenistani government should be requested to:

- Carry out any evictions in full accordance with applicable national and international standards, including the UN Basic principles and guidelines on development-based evictions and displacement, ensuring that all affected are duly informed and consulted, granted adequate opportunities for a legal review of their cases and provided appropriate, alternative accommodation or other compensation, irrespective of whether they hold title to the housing from which they are being evicted. The government must not allow evicted individuals or families to become homeless.
- Provide detailed information about measures taken to safeguard the rights of individuals and families in connection with mass house demolitions and evictions implemented ahead of the Asian Games to be held in Ashgabat in September 2017.

Women's rights

The revised constitution that was adopted in September 2016 safeguards equal rights of men and women, prohibits discrimination on the basis of sex and states that violations of the equality between sexes is subject to criminal responsibility (articles 28 and 29). In August 2015, a law on state guarantees for ensuring equal rights and opportunities of women and men was adopted.⁵¹ That year, the authorities also adopted **the Gender Equality Action Plan for 2016-2020**, which is aimed at countering discrimination and violence against women, as well as promoting women's participation in different areas of society. The adoption of this action plan was welcome; it is also **imperative that concrete measures are taken to implement the 60 tasks set out in it and that the authorities report on the progress made.**

Enhanced attention to the problems of inequality and discrimination facing women is much needed given **entrenched problems in this area**. The Committee on the Elimination of Discrimination against Women (CEDAW) has highlighted "attitudes and policies reinforcing discriminatory traditional norms, harmful practices and patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in all spheres of life". The Committee has also expressed concern that current customs and practices and "are reflected in women's disadvantaged and unequal status in many

⁵¹ This law (in Russian) is available at: <http://turkmenistan.gov.tm/?id=9491>

areas, including education, public life and decision-making”, as well as that that violence against women “appears to be socially legitimized and accompanied by a culture of silence and impunity”.⁵²

It is of major concern that there is still **no specific legislation on domestic violence**, although the CEDAW called on the authorities of the country to “expeditiously adopt a comprehensive law addressing all forms of violence against women, including domestic and sexual violence” in 2012.⁵³ At the review of Turkmenistan by the UN Human Rights Committee in March 2016, the government delegation said that “a dialogue” is under way to determine “whether there is a need” to adopt a special law on domestic violence.⁵⁴ In view of this, we urge the EU **insist on the prompt adoption of legislation on domestic violence**, consistent with relevant international standards and best practice. The UN Committee against Torture has also called on the authorities of the country to “**introduce domestic violence, including sexual violence and marital rape, as specific criminal offences in its Criminal Code**, with appropriate sanctions”. In addition, this body has called for establishing an effective and independent complaints mechanism for victims of domestic violence; ensuring that all allegations of such violence are promptly, impartially and effectively investigated and the perpetrators prosecuted and punished; and ensuring that victims have access to protection, medical and legal services and safe and adequately funded shelters.⁵⁵

In the last few years, TIHR has repeatedly reported about various **efforts by the Turkmenistani authorities to enforce “moral standards”** among the population. Some of these measures have, in particular, targeted girls and young women. According to the Turkmenistani service of RFE/RL, **female students at universities are subjected to different restrictions argued to be aimed at protecting their morality**, such as a ban on leaving dormitories at the weekend without “special permission”. Recently female students were ordered to refrain from using ground transportation and use only air transportation when visiting families during holidays, allegedly to prevent “indecent” behaviour. They were reportedly asked to present their air tickets to the university management after their trips.⁵⁶

While there are a number of women’s organizations in the country, there are **no organizations engaged in concrete efforts of women’s rights defence** as the current environment does not allow for this.

Recommendations

The Turkmenistani government should be requested to:

- Take effective measures to implement the action points set out in the Gender Equality Action Plan for 2016-2020 and publicly report on the progress made.

⁵² CEDAW Concluding Observations on Turkmenistan, October 2012,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fTKM%2fCO%2f3-4&Lang=en

⁵³ CEDAW Concluding Observations on Turkmenistan, October 2012,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fTKM%2fCO%2f3-4&Lang=en

⁵⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21338&LangID=E>

⁵⁵ Par. 32 of the Concluding observations of the Committee against Torture, December 2016, available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fTKM%2fCO%2f2&Lang=en

⁵⁶ Radio *Azatlyk*, “Туркменских студенток обязали путешествовать только на самолетах «во избежание непристойности»”, 3 January 2017, <http://rus.azathabar.com/a/28211682.html>

- Implement the recommendations of the Committee on the Elimination of Discrimination against Women and the Committee against Torture, as well as the forthcoming recommendations of the Human Rights Committee relating to the rights of women.
- Adopt specific legislation on domestic violence, criminalize domestic violence and take effective measures to prevent and counter such violence in practice, in accordance with the recommendations of UN human rights bodies.
- Refrain from measures unduly restricting the rights of women and girls in the name of enforcing morality.

Individual cases of concern

We urge the EU to raise the **individual cases described below** with the authorities of Turkmenistan.

- On 3 December 2016, Radio *Azattyk* correspondent **Hudaiberdi Allashov** and his mother were detained by law enforcement officials in their home in the Kunya-Urgench district in the Dashoguz region.⁵⁷ They were both subsequently charged with possessing chewing tobacco, which is an unlawful but commonly used substance in Turkmenistan that is not known to previously have led to arrests. There are serious allegations that Allashov was subjected to torture and ill-treatment, including through the use of electric shocks and that he was coerced into “confessing” to the possession of 11 kg of chewing tobacco. In mid-February 2017, a local court convicted Allashov and his mother and gave them both three-year suspended prison sentences, after which they were released. While it is a relief that Allashov and his mother were freed, we are concerned that they remain at the threat of imprisonment should they be deemed to violate the conditions of their release. According to RFE/RL, they are now under surveillance and not allowed to use any communications tools.⁵⁸

Hudaiberdi Allashov began contributing to RFE/RL’s Turkmenistani Service in October 2016, reporting on issues such as food shortages, wage delays and cotton-picking under a pseudonym. The RFE/RL has said that it considers the case against him to have been part of a targeted campaign aimed at silencing its Turkmenistani service.⁵⁹

Recommendation: The Turkmenistani authorities should be urged to promptly, thoroughly and impartially investigate the allegations that Allashov was subjected to torture and pressured into confessing to the charges brought against him and bring those responsible to justice. They should ensure that he and his relatives are not subject to any further pressure or undue restrictions because of his journalist work.

⁵⁷ RFE/RL, “Turkmenistan Escalates Attacks Against RFE/RL Journalists”, 5 December 2016, at <http://www.rferl.org/a/28157904.html>

⁵⁸ RFE/RL, “RFE/RL Contributor In Turkmenistan Given Suspended Sentence”, 22 February 2017, <http://www.rferl.org/a/rfe-contributor-turmenistan-allashov-suspended-sentence/28324825.html>

⁵⁹ RFE/RL, “Turkmenistan Escalates Attacks Against RFE/RL Journalists”, 5 December 2016, at <http://www.rferl.org/a/28157904.html>

- Another Radio *Azatlyk* correspondent, **Soltan Achilova** was questioned by police after taking photos of people standing in line outside a grocery store in Ashgabat on 25 October 2016. She was held for several hours. After finally being allowed to leave, she was attacked by four individuals in plain clothes, who insulted her, demanded that she delete photos and took her camera.⁶⁰ On 8 November 2016, when undergoing treatment at a medical centre outside the capital, Achilova was approached by two unknown women who yelled: “This is the one who takes pictures and pours dirt on Turkmenistan.” Earlier the same day, in an attack Achilova believed was aimed at her, another woman staying in the same facility was knocked to the floor and beaten by two unknown women who shouted: “This is for your taking pictures.”⁶¹ In yet another incident that took place outside her home on 25 November 2016, Achilova said that she was run over by a group of cyclists who tried to take her camera.⁶² In addition, Achilova has experienced interruptions in her mobile phone and internet connections.

RFE/RL has stated that it considers the attacks against Achilova deliberate attempts to punish her for her journalist work.⁶³ Achilova has covered different socio-economic issues for the service, such as food shortage and health care problems. Previously, in December 2014, she was detained and questioned by police after taking photos of people standing in line at an Ashgabat food market.⁶⁴

Recommendation: The Turkmenistani authorities should be urged to promptly, thoroughly and impartially investigate the allegations that Achilova was attacked and intimidated in retaliation for her journalist activities and ensure that she is not subjected to any pressure at the instigation of or with the tacit approval of authorities because of her journalist work.

- **Saparmamed Nepeskuliev**, a freelance journalist who has been working with the RFE/RL’s Turkmenistan service and the Netherlands-based Alternative Turkmenistan News and written on issues such as corruption, problems in the health care system and water shortages, went missing in July 2015 in a connection with a trip he undertook for his work. Only several weeks later did his family find out that he was being held incommunicado by law enforcement authorities on spurious narcotics possession charges.⁶⁵ At the end of August 2015, Nepeskuliev was sentenced to three years in prison in a hearing that his family learned about only afterwards.⁶⁶ He currently remains behind bars. In an opinion adopted in 2015, the UN Working Group on Arbitrary Detention concluded that Nepeskuliev has been arbitrarily detained in contravention of articles 9,

⁶⁰ Human Rights Watch, “Turkmenistan: Journalist Harassed, Assaulted”, 7 November 2016, <https://www.hrw.org/news/2016/11/07/turkmenistan-journalist-harassed-assaulted>

⁶¹ RFE/RL, “Journalist Suffers Repeat Attack In Turkmenistan”, 14 November 2016, <http://www.rferl.org/a/28116700.html>

⁶² Radio *Azatlyk*, “На корреспондента Азатлык напали в третий раз за месяц”, 25 November 2016, <http://rus.azathabar.com/a/28139772.html>

⁶³ RFE/RL, “Journalist Suffers Repeat Attack In Turkmenistan”, 14 November 2016, <http://www.rferl.org/a/28116700.html>

⁶⁴ See RFE/RL, “Journalist Questioned In Turkmenistan Over Fresh Meat Story”, 17 December 2015, at <http://www.rferl.org/content/qishloq-ovozi-turkmenistan-fresh-meat-journalists-harassed/26749459.html>

⁶⁵ See Ferghana News, “В Туркменистане арестован нештатный корреспондент Радио Свобода”, 29 July 2015, <http://www.ferghananews.com/news/23693>

⁶⁶ See RFE/RL, “Concerns Raised Over Fate Of RFE/RL Correspondent In Turkmenistan”, 8 September 2015, <http://www.rferl.org/content/turkmenistan-rferl-correspondent-rsf-concern/27233417.html>

14 and 19 of the ICCPR and called on the State party to release him and grant him compensation.⁶⁷

According to Turkmenistan's government, Nepeskuliev is serving his sentence in a prison in the city of Balkanabad and his sister has been allowed to visit him and hand over food parcels to him on a few occasions.⁶⁸ During the UN Human Rights Committee review of Turkmenistan in March 2017, the government delegation described Nepeskuliev as "psychologically unbalanced" and insisted that he "lacks education and professionalism" and therefore cannot be considered any real journalist.

Recommendation: The Turkmenistani authorities should be urged to comply with the decision of the UN Working Group on Arbitrary Detention in Nepeskuliev's case and release him and grant him compensation.

- Former independent journalist **Chary Annamuradov**, who obtained refugee status after fleeing Turkmenistan sixteen years ago and now lives in Sweden, was arrested in Minsk (Belarus) in mid-July 2016 at the request of Turkmenistani authorities. Thanks to international interventions on his behalf, he was released in mid-September 2016 and able to return to Sweden, thus avoiding extradition to Turkmenistan where he would have been at great danger. In October 2016, Human Rights Watch learned that Chary Annamuradov's brother, **Altymurad Annamuradov** had died on 4 September 2016, four days after being kidnapped from his home in Turkmenistan by unknown men. Before he died, he was deposited in a weak state near his home. He told his relatives that he had been questioned about his brother and brutally beaten and humiliated by his kidnappers.⁶⁹ When asked about this case by the UN Committee against Torture in November 2016, the Turkmenistani delegation insisted that Altymurad Annamuradov had suffered from heart problems and died in his home due to such problems.⁷⁰

Recommendation: The Turkmenistani authorities should be urged to promptly, thoroughly and impartially investigate the allegations that Altymurad Annamuradov was kidnapped and ill-treated by his perpetrators and ensure that Chary Annamuradov and his family are not subject to any further measures of retaliation because of his previous journalist activities.

- **Nataliya Shabunts**, a civil society activist who cooperates with TIHR and who has not refrained from using her own name when publishing information, has repeatedly faced intimidation because of her outspoken stance on the situation in the country. In October 2016, her internet connection stopped working for unexplained reasons, although she had made the necessary payments. At the time of writing, she was still without internet access. In recent months, she has also been subjected to surveillance, with unknown people taking turns in keeping watch outside her Ashgabat home. This has resulted in that she is currently under serious pressure.

⁶⁷ Opinion No. 40/2015 concerning Saparmamed Nepeskuliev adopted by the Working Group on Arbitrary Detention at its seventy-fourth session, 30 November – 4 December 2015.

⁶⁸ Statements made by the Turkmenistani delegation at the CAT's session in Geneva on 22 November 2016.

⁶⁹ Human Rights Watch, "Turkmenistan: Dissident's Brother Dies After Beating," 17 October 2016, <https://www.hrw.org/news/2016/10/17/turkmenistan-dissidents-brother-dies-after-beating>

⁷⁰ Statements made by the Turkmenistani delegation at the CAT's session in Geneva on 22 November 2016.

Recommendation: The Turkmenistani authorities should be urged to put an end to the surveillance and arbitrary restrictions of the internet access of Nataliya Shabunts and ensure that she is not subject to any further measures of intimidation and harassment because of her civic engagement.

- TIHR's Austria-based Chair **Farid Tuhbatullin** has continued to face intimidation in connection with TIHR's independent and critical reporting on human rights developments in Turkmenistan. He has repeatedly received threats, including serious threats against his person that he learned about in late 2015, which forced him to seek police protection. Pro-government sites have published discrediting and offensive information about Farid Tuhbatullin and his family and colleagues and TIHR's website, chrono-tm.org has been the target of numerous attacks believed to have been orchestrated by Turkmenistani security services. A December 2012 attack brought TIHR's website offline for a month. In connection with this attack, material insulting and intimidating Farid Tubhatullin and his family members were also posted on the site.

Recommendation: The Turkmenistani authorities should be urged to give assurances for the safety of Farid Tuhbatullin and his family members and ensure that they are not subject to any further measures of intimidation or reprisal.

- **Umida Jumabaeva**, a justice-seeking mother residing in the in Gurbansoltan-Edje village was physically assaulted and had acid thrown at her by unknown perpetrators on 22 May 2016. The perpetrators approached Jumabaeva near the house of one of her friends, pushing her to the ground, repeatedly kicking her and throwing acid at her before running off. As a result, she sustained a concussion and severe burns to her face and body, and required hospital treatment. The context of the attack suggests that she may have been targeted in retribution for her struggle for justice for her son, a military conscript on whose behalf she had sent a series of petitions to various authorities. She believed that he was discriminated against by not being admitted into the national army sports unit despite his sports achievements since his parents refused to pay a bribe and also alleged that he was ill-treated at the unit where he was sent for his service. While law enforcement authorities opened an investigation into the attack, it appears to have stalled and the perpetrators have yet to be brought to justice.⁷¹

Recommendation: The Turkmenistani authorities should be urged to ensure that the investigation into the attack against Umida Jumabaeva is carried out in a prompt, thorough and impartial manner with attention being given to the possibility that she was attacked because of her struggle for justice for her son. Those responsible should be held accountable and given penalties commensurate to the crime.

- Among the prisoners whose faith remains unknown are former Foreign Minister **Boris Shikhmuradov**, in whose case the Human Rights Committee found a series of violations when

⁷¹ See joint statement by TIHR, IPHR and other NGOs at: <http://iphronline.org/turkmenistan-open-letter-on-acid-attack-on-justice-seeking-mother-20160603.html>

reviewing an individual complaint submitted by his wife in October 2014⁷², as well as other individuals convicted after the alleged assassination attempt on late President Saparmurat Niyazov in 2002.⁷³ Information obtained by TIHR and Turkmenistan's Independent Lawyers Association indicates that Shikhmuradov and several others of those imprisoned after the alleged assassination attempt may have been extra-judicially killed when Niyazov was still in power.⁷⁴

In January 2017, it was reported that **Tirkish Tyrmyev**, a top official who was imprisoned during late President Niyazov's reign and whose fate has been unknown, had died in custody after spending almost 15 years behind bars. His body was handed over to his family.⁷⁵ As called for by the EU, the circumstances of his death and the allegations that he was tortured in detention should be thoroughly and impartially investigated.⁷⁶

Another case of serious concern is that of **Gulgeldy Annaniyazov**, who was sentenced to 11 years in prison on charges of illegally crossing the border when returning to Turkmenistan from exile in 2008. The UN Working Group on Arbitrary Detention has declared his detention unlawful and called for his release.⁷⁷ When asked about his case by the Committee against Torture in November 2016, the Turkmenistani delegation said that he is held in a prison in the city of Tejen and that their records showed that no family member has visited him and that he has only received one food parcel - the year he was imprisoned.⁷⁸ It provided no further information about him.

Recommendation: The Turkmenistani authorities should be requested to implement the decisions of international human rights bodies in the cases mentioned and, as called for by the UN Committee against Torture, put an end to incommunicado detention and ensure that all persons held incommunicado are released or are allowed to receive visits from their family members and lawyers; as a matter of priority, provide information about the fate and whereabouts of all those convicted for allegedly attempting to assassinate the former president; and ensure prompt, impartial and thorough investigations into all outstanding cases of alleged disappearance and prosecute those responsible.⁷⁹ As further called for by the Committee against Torture, the Turkmenistani authorities should also be requested to ensure independent forensic examinations in all cases of death in custody, make the results of such investigations available to

⁷² Human Rights Committee Communication No. 2069/2011, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/112/D/2069/2011&Lang=en

⁷³ For a list of cases, see Prove They are Alive!, "The Disappeared in Turkmenistan," 24 September 2014, at <http://provetheyarealive.org/prove-they-are-alive-the-disappeared-in-turkmenistan/>

⁷⁴ <http://en.chrono-tm.org/2017/03/boris-shikhmuradov-was-killed-during-niyazovs-presidency/>

⁷⁵ RFE/RL, "Former Top Turkmen Security Official Dies In Prison," 17 January 2017, <http://www.rferl.org/a/former-top-turkmenistan-security-official-dies-in-prison/28239650.html?lflags=mailer>

⁷⁶ EU statement on enforced disappearances in Turkmenistan, 26 January 2017, https://eeas.europa.eu/sites/eeas/files/pc_1129_eu_on_disappearances_in_turkmenistan.pdf

⁷⁷ See Freedom Now, "United Nations Declares Continued Detention of Gulgeldy Annaniyazov Arbitrary; Calls for Release," December 2013, at <http://www.freedom-now.org/news/united-nations-declares-continued-detention-of-gulgeldy-annaniyazov-arbitrary-calls-for-release/>

⁷⁸ Statements made by the Turkmenistani delegation at the CAT's session in Geneva on 22 November 2016.

⁷⁹ Par. 10 of the Concluding Observations of the Committee against Torture, November 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fTKM%2fCO%2f2&Lang=enPar

the public, and prosecute those responsible for violations resulting in such deaths and punish them accordingly, if convicted.⁸⁰

⁸⁰ Par. 14 of the Concluding Observations of the Committee against Torture, November 2016.