



SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW (UPR) OF TURKMENISTAN

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This submission has been prepared for the third cycle review of Turkmenistan in the framework of the Universal Periodic Review (UPR) by Turkmen Initiative for Human Rights (TIHR) and International Partnership for Human Rights (IPHR), with the support of Human Rights Watch (HRW). It is based on information obtained by TIHR through its monitoring of developments in Turkmenistan with the help of an in-country network of activists, analyzes of national legislation and practice, as well as other relevant information. It was finalized in October 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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1. Introduction

1.1. During the 2013 UPR review, Turkmenistan's government received a series of important recommendations. Since then, the authorities have approved a first-ever National Human Rights Action Plan¹, established a Human Rights Ombudsman's Office² and adopted new human rights related legislation. While these steps are welcome, they have failed to translate into any significant improvements in practice, and the government continues to fundamentally and systematically restrict or deny basic rights and freedoms in the country. This submission focuses on major concerns regarding freedom of expression and the media; civil society development and international monitoring; freedom from torture, arbitrary detention and enforced disappearances, and due process rights; freedom of movement; and the right to adequate compensation for the victims of forced evictions.

2. Freedom of expression and the media

2.1. During the 2013 UPR review, Turkmenistan received numerous recommendations on freedom of expression and the media. These included: to rapidly implement the 2013 Media Law; to promote and facilitate media pluralism; to end censorship; to ensure that mass media can operate without government interference; to ensure access to information, to stop interfering with internet access and restore access to blocked sites; and to promote an open environment where individuals can express diverse views without fear of harassment.³ These recommendations have not been implemented.

2.2. Turkmenistan's 2013 Media Law on paper prohibits censorship and unlawful interference with media, and guarantees media independence and pluralism. In practice, the Turkmen authorities allow no independent media or media freedoms whatsoever.

2.3. The authorities tightly control all national media outlets and use them for propaganda. They continue to interfere with the editorial policies of media outlets, including by appointing editors, and suppress information about negative developments in the country. The president has repeatedly stressed that journalists are obligated to focus on positive developments in the country and on the government's achievements.

2.4. The import of foreign newspapers is restricted, and the authorities have repeatedly implemented campaigns to dismantle private satellite dishes used to access foreign television and radio stations, arguing that they spoil the appearance of apartment buildings. TIHR has documented a series of forcible dismantling of satellite dishes in the last few years.⁴ While residents whose satellite dishes have been removed have been promised cable TV or internet protocol television (IPTV) instead, such promises have come with government control of the content and extra costs for the residents.

2.5. Internet use has increased in Turkmenistan in the last few years, largely as a result of the growing use of mobile internet. A 2014 law on internet development,⁵ envisages the government promoting internet access and improving internet infrastructure, and the Human Rights Action Plan for 2016-2020 states that everyone

will be granted unobstructed internet access.⁶ In practice, internet access remains restricted, internet speed is slow and prices high compared to global standards.⁷ Moreover, foreign media and NGO websites that publish independent information about developments in Turkmenistan continue to be blocked. Access to social media, such as Facebook, Twitter and YouTube, and online communications apps has also been restricted, and proxy sites used to circumvent this obstruction are regularly blocked.

2.6. The lead-up to Ashgabat's hosting of the 5th Asian Indoor and Martial Arts Games (AIMAG), in September 2017, which coincided with a serious economic crisis, prompted further government restrictions on the dissemination and exchange of information about the situation in the country. In October 2016, the president called for preventing the spread of "false" information on the internet during the games.⁸ This statement triggered renewed measures by security agencies to rein in criticism. The organizations submitting this document received information about individuals whom security services summoned and threatened with arrest, travel ban, or dismissal from their jobs if they did not cease involvement in social media discussions. One was imprisoned for several months on bogus fraud charges.⁹ In December 2016, authorities warned residents in Dashoguz not to listen to the Turkmen language service of Radio Free Europe/Radio Liberty (RFE/RL), Radio *Azatlyk*.¹⁰

Recommendations

2.7. Turkmenistan's government should:

- Enforce, in practice, the provisions of the Media Law that safeguard media pluralism and prohibit censorship and allow media to operate without government interference.
- End the practice of forcibly dismantling satellite dishes and ensure that residents can have unimpeded access to foreign sources of information.
- Promote unobstructed internet access and refrain from arbitrarily blocking access to news, social media and other websites.
- Refrain from any form of intimidation and retaliation against social media users, RFE/RL listeners and others who seek to obtain, exchange or disseminate independent/alternative information about the situation in the country.

3. Civil society development and visits by UN Special Procedures

3.1. During the 2013 UPR review, Turkmenistan received numerous recommendations to allow civil society to operate freely; to end harassment and intimidation of journalists, human rights defenders and civil society activists¹¹; and to grant all outstanding requests by UN Special Procedures to visit the country¹², agree on a plan and timeline for such visits¹³, and issue them standing invitations¹⁴. These recommendations remain relevant.

3.2. Turkmenistan's new constitution, adopted in September 2016¹⁵, provides that the state will ensure the "necessary conditions for the development of civil society". However, the civil society environment remains extremely repressive.

3.3. The 2014 Law on Public Associations retains the requirement for associations to obtain mandatory state registration and sets out especially strict registration rules for nation-wide associations, which must have 400 members to gain registration. Leading or participating in the activities of unregistered associations is subject to administrative sanctions.¹⁶ The 2014 law also grants authorities wide powers to monitor and oversee the activities and finances of associations without adequate safeguards against abuse. According to official information¹⁷, 118 public associations are currently registered in the country of five million residents; eight of them having obtained registration after the 2014 law entered into force. The government has stated that some 40 percent of registered organizations are sports associations.¹⁸ The remaining ones include various government-supported and controlled organizations, including Soviet-era youth, women's and veteran unions.

3.4. Independent human rights organizations cannot operate openly, and individual human rights activists face serious threats of government retaliation. The few Turkmenistani human rights NGOs that are based in exile, such as Austria-based TIHR, have been subjected to pressure (see below).

3.5. Turkmenistan's first-ever Law on Assemblies entered into force in July 2015. It allows residents to hold peaceful assemblies if local authorities are informed in advance and consent to the venue. At the same time, the law prohibits assemblies in a number of places, including near government buildings, hospitals, schools and public transportation, as well as in "other places" deemed unsuitable by local authorities. It also states that assemblies should be held in venues specifically designated for this purpose by authorities and that conducting assemblies elsewhere will require separate agreement. Only one-person pickets can be held without prior notification.

3.6. The lack of legal provision for spontaneous protests, aside from one-person pickets may be used as a pretext to break up peaceful protests and penalize the participants. Public assemblies are rare in Turkmenistan, likely due to the implicit threat of reprisals, but TIHR has occasionally received information about spontaneous protests on issues affecting the everyday lives of citizens, such as gas shortages or the arbitrary removal of private air conditioners. Local authorities have typically responded to such protests by seeking to track down and warn the initiators, while also sometimes addressing the issues raised to prevent further protests.

3.7. Turkmenistan's authorities forcibly mobilize employees of state institutions, members of public associations, university students, schoolchildren and other residents for events such as public holiday parades, welcoming ceremonies for the president on his tours of the country, and the opening of new government-constructed facilities. This practice is completely at odds with freedom of assembly, an inherent aspect of which is also the right to choose not to participate, and leads to participants missing classes and work, and may also jeopardize their health and well-being since rehearsals typically are intense, lengthy and held in any weather. Ashgabat residents were forcibly mobilized for participation in ceremonies and festivities during the AIMAG in September 2017, and for attending this event, as well as for protracted rehearsals prior to the start of the games.¹⁹

3.8. The few local journalists who contribute to foreign media, in particular Radio *Azatlyk*, civil society activists, and others who dare to openly criticize government policies face threats, harassment and imprisonment. Exiled dissidents and their family members who remain in Turkmenistan have also been targeted. This pressure intensified as Turkmenistan's government sought to cover up the country's serious economic crisis and to use the AIMAG to improve the country's image.

3.9. Recent examples of harassment include:

- Law enforcement officials detained Radio *Azatlyk* correspondent Hudaiberdi Allashov and his mother in December 2016 and subsequently charged them with possessing chewing tobacco, a criminal offence in Turkmenistan despite this being a commonly used substance, but rarely if ever previously prosecuted. There are well-founded allegations that Allashov was tortured and ill-treated in detention. In February 2017, a local court handed Allashov and his mother three-years suspended prison sentences, and released them.²⁰ Both remain under police surveillance and risk imprisonment should they be found to violate the conditions of their release.
- Radio *Azatlyk* correspondent Soltan Achilova has repeatedly been subjected to intimidation. After she took photos of people standing in line outside an Ashgabat food store in October 2016, police detained and questioned her, and a group of unknown people attacked her, insulted her and demanded she delete her photos.²¹ The following month, she was approached by two unknown women at a medical clinic who accused her of "pouring dirt on Turkmenistan."²² In another incident in November 2016, Achilova said she was run over by a group of cyclists who tried to take her camera.²³ In July 2017, she reported being warned and physically prevented from taking photos by unknown assailants on several occasions. In one incident, the assailant threatened to "destroy" her and said she had "one foot in the grave".²⁴
- Saparmamed Nepeskuliev, a freelance journalist who has worked with Radio *Azatlyk* and the Netherlands-based Alternative Turkmenistan News, remains behind bars after being sentenced to three years in prison on spurious drug possession charges in August 2015. Prior to his conviction, he was held incommunicado for weeks without his family being informed about his whereabouts. The UN Working Group on Arbitrary Detention has concluded that Nepeskuliev has been arbitrarily detained and called for his release.²⁵ In response to concerns raised about this case, Turkmenistan's government has insisted that Nepeskuliev "lacks education and professionalism" and is not a "real" journalist.²⁶
- Nataliya Shabunts, a civil society activist who cooperates with TIHR, has repeatedly faced intimidation because of her outspoken stance on the situation in the country. In recent months, she has been subjected to ongoing surveillance, with unknown people taking turns keeping watch outside her Ashgabat home. Her internet connection was cut off in October 2016. Most recently, in August 2017, she was assaulted in the street by a group of unknown women. They yelled racist slurs at her, calling her a "Russian swine" and told her to "go to her Russia", while insisting that "we live very well in our wonderful country".²⁷
- TIHR's Austria-based Chair Farid Tuhbatullin repeatedly received threats, including serious threats against his person that forced him to seek police protection in late 2015. TIHR's website,

chrono-tm.org, has been the target of numerous attacks believed to have been orchestrated by Turkmenistani security services. Most recently, the website was subjected to a massive DDoS attack in August 2017 after TIHR posted a video about President Berdymukhamedov demonstrating his armed skills.²⁸ TIHR's site is blocked in Turkmenistan and only available through proxy servers.

3.10. Turkmenistan's National Human Rights Action Plan for 2016-2020 commits to new visits by UN Special Procedures,²⁹ but their thirteen requests to visit Turkmenistan are still pending.³⁰ Many of the initial requests have been pending for a decade or more. During the UN Human Rights Committee's review of Turkmenistan in March 2017, the state delegation said that new invitations would be extended, but that it was being decided whom to invite.³¹ The government has not issued any standing invitations. To date, only the UN Special Rapporteur on the right to religion or belief has visited the country – in 2008.

Recommendations

3.11. Turkmenistan's government should:

- Abolish the requirement for NGOs to obtain compulsory state registration in order to operate lawfully in the country, as well as the administrative penalties foreseen for involvement in unregistered associations.
- Ensure that any NGOs that so wish may obtain legal status in a fair and transparent process and carry out their activities without undue government interference.
- Abolish undue restrictions on peaceful assembly, including the requirement to hold assemblies in pre-designated venues and the lack of provision for spontaneous protests.
- End the practice of forcibly mobilizing residents for participation in government-organized mass events.
- Stop persecuting independent journalists, civil society activists and other critical voices, including those who live in exile and their family members in Turkmenistan.
- Carry out prompt, impartial and thorough investigations into all allegations of arbitrary detention, torture, physical assaults and other human rights violations targeting journalists, civil society activists and dissidents, and hold the perpetrators accountable.
- Promptly draw up a plan and schedule to facilitate visits by all UN Special Procedures who have requested to visit the country, and issue standing invitations to these mechanisms.

4. Freedom from torture, arbitrary detention, and enforced disappearances; due process rights

4.1. During the 2013 UPR, Turkmenistan received recommendations to conduct independent investigations into all torture allegations and punish the perpetrators³²; end arbitrary and incommunicado detention³³; release all political prisoners and account for prisoners whose fate is unknown³⁴; ratify the Optional Protocol to the Convention against Torture (OP-CAT) and establish an independent national torture prevention

mechanism³⁵; and grant full access to all prison facilities to the International Committee of the Red Cross (ICRC) and other international mechanisms.³⁶ Turkmenistan's authorities have failed to comply with these recommendations.

4.2. Turkmenistan's Criminal Code was amended in 2012 to incorporate an article criminalizing torture. This was a welcome step; however, it is of serious concern that Turkmenistan's authorities have not applied this provision in practice. The government has stated it received no complaints about torture and ill-treatment from detainees since the new Criminal Code provision entered into force, and there have been no investigations under it.³⁷ This indicates a lack of commitment to address and prevent torture. Credible allegations of widespread use of torture and ill-treatment persist. The UN Committee against Torture and the UN Human Rights Committee voiced alarm about these allegations and the lack of investigations.³⁸

4.3. Enforced disappearances and the use of arbitrary, incommunicado and politically motivated detention have also continued.

4.4. Following the failed July 2016 coup attempt in Turkey, Turkmenistan's authorities reportedly arrested dozens of purported followers of the *Hizmet* movement and its leader Fethullah Gülen, who was accused of masterminding the coup attempt. There are serious allegations that detainees were arbitrarily held for extended periods and subjected to torture and ill-treatment in detention.³⁹ For example, in mid-November 2016, TIHR received information about 19 purported *Hizmet* supporters held in Anau without charge for over 50 days and subjected to beatings and other abusive treatment in detention.⁴⁰ In April-May 2017, another round of arrests took place in Lebap province. Some of those arrested in the anti-Gülen crackdown were sentenced to lengthy prison terms of up to 25 years following closed, unfair trials held in February and July 2017, respectively.⁴¹ Arrests targeted primarily individuals who went to universities in Turkey or taught, studied, worked at or supported Turkish schools that previously operated in Turkmenistan, which were considered to be linked to Gülen.

4.5. Dozens of individuals previously imprisoned after closed trials shrouded in secrecy remain forcibly disappeared in Turkmenistan. The authorities deny them visits, letters, or any other contact with their families, who have not received any information about their fate or whereabouts in custody for years and do not know whether they are dead or alive. Among the disappeared are former Foreign Minister Boris Shikhmuradov and others convicted after the alleged 2002 coup attempt, as well as other former government officials imprisoned after falling out of favour.⁴² Some of the disappeared have died in prison. In a departure from past practice, in the past two years, officials have on occasion returned to families the bodies of the deceased. For example, in August 2017, the former chief of the president's security services, Akmurad Rejepov died after being held incommunicado for 10 years, and authorities returned his body to family.⁴³ He had been sentenced to 17 years in prison in 2007.

4.6. Other disappeared include government critic Gulgeldy Annaniyazov, sentenced to 11 years in prison on charges of illegally crossing the border when returning to Turkmenistan from exile in 2008, and freelance journalist Saparmamed Nepeskuliev, sentenced to three years in prison on narcotics possession charges in August 2015. Turkmenistan's authorities have stated that they are currently held in prisons in the cities of Tejen and Balkanabad, respectively⁴⁴, but this has not been independently confirmed. Serious concerns remain about their safety, well-being, and access to family.

4.7. Individuals convicted on politically motivated grounds or in politically charged cases are reportedly singled out for particularly abusive treatment in detention. In many cases, they are believed to be held in the notorious high-security *Ovadan Depe* prison, in the Karakum desert north of Ashgabat. Geldy Kyarizov, imprisoned on politically motivated grounds from 2002 to 2007, described how, during the five months he was held in *Ovadan Depe*, he and other inmates were deprived of all contact with the outside world, starved, denied adequate medical assistance and only allowed to spend a few minutes outdoor once a week when taken to the shower.⁴⁵ Kyarizov left the country in 2015.

4.8. In the last few years, Turkmenistan's authorities have carried out a program of reform and reconstruction of the national penitentiary system. According to official information, between 2012 and 2016, over US\$ 60 million was allocated for repairs and modernization of detention facilities.⁴⁶ A new women's prison was opened in the Dashoguz region in 2013. These measures have led to improvements in conditions for some categories of detainees. However, according to information available to TIHR and the Netherlands-based Turkmenistan's Independent Lawyers Association (TILA) with which it works, conditions in other detention facilities remain dire, with overcrowding, undernourishment, widespread tuberculosis, and lack of access to adequate medical care.

4.9. Turkmenistan lacks independent monitoring of places of detention to safeguard the rights of detainees and prevent abusive treatment. The government has not ratified the OPCAT or established an independent national preventive mechanism under it, thereby failing to implement a key 2013 UPR recommendation. According to the government, monitoring commissions established under a March 2010 presidential decree carry out visits to detention facilities.⁴⁷ However, they are composed of representatives of public bodies and are not independent entities. The new office of the Ombudsman has a mandate to conduct unannounced visits to places of detention and consider complaints from prisoners.⁴⁸ However, there are no institutional safeguards for the independence of this office, whose holder is selected by the parliament among candidates proposed by the president, and it is unclear what resources it has been granted for prison monitoring.

4.10. Turkmenistan's authorities say they have organized several visits for ICRC representatives to prison facilities since 2011. However, information available about these visits⁴⁹ indicates that they have been aimed at familiarizing ICRC delegates with selected detention facilities and sites without monitoring in accordance with the ICRC's terms of reference. The ICRC has yet to be granted access to detention facilities to conduct monitoring in accordance with its terms of reference, including private discussions with detainees of its choice and repeat visits as often as deemed necessary. The authorities have also organized several recent visits to prison facilities for representatives of the diplomatic community.⁵⁰ While such visits are welcome, they cannot replace monitoring by expert international monitoring bodies such as the ICRC.

Recommendations

4.11. Turkmenistan's government should:

- Ensure that the Criminal Code provision on torture is applied in practice and that any allegations of torture and ill-treatment are promptly, thoroughly and impartially investigated, and the perpetrators prosecuted and given penalties commensurate to their crimes.

- End the practices of enforced disappearance and arbitrary and 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 who have been convicted on politically motivated grounds in closed, unfair trials.
- Ratify the OP-CAT and establish an 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 allow it to carry out monitoring in accordance with its standard procedures.
- Bring the conditions in all detention and prison facilities in the country into line with international standards and requirements.

5. Freedom of movement

5.1. During the 2013 UPR review, Turkmenistan was recommended to bring its Law on Migration into compliance with international standards and independently investigate allegations of violations of the freedom of movement.⁵¹ The first UPR review of Turkmenistan in 2008 resulted in recommendations to abolish the *propiska* system⁵² and respect the rights of everyone to freely leave and return to their own country⁵³. These recommendations all remain relevant, and as previously, there are serious concerns in this area.

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

5.3. Although the Law on Migration states that the enjoyment of rights and freedoms protected by law is not dependent on residence registration⁵⁴, in practice authorities require people to have residence registration in order to access employment, housing and social and health care services. Residents 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.⁵⁵ At the same time, it is very difficult to obtain such registration, especially in the capital and other large cities. In practice, it is virtually impossible for those moving to Ashgabat to obtain permanent registration there, and temporary registration requires having an employer 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, people who come to the capital from other parts of the country for work are not able to obtain registration, which leaves them vulnerable to abuse.

5.4. In the past year, TIHR has received information about police raids, detentions and expulsions from Ashgabat and Turkmenbashi of hundreds of citizens due to the lack of residence registration in these cities.⁵⁶ In the weeks leading up to the AIMAG, TIHR learned about a new series of detentions and deportations of internal migrants in Ashgabat due to their lack of registration.⁵⁷

5.5. International human rights bodies, including the UN Human Rights Committee⁵⁸ and the UN Committee on Economic, Social and Cultural Rights⁵⁹ have repeatedly criticized the existing system of residence

registration and its implications with respect to access to employment, health care and social and other services.

5.6. Turkmenistan's authorities also continue to arbitrarily blacklist and restrict the right to exit/entry of individuals who are considered "disloyal" to the regime, such as former government officials who have fallen out of favour, civil society activists, journalists and religious leaders, as well as their family members. Unofficial blacklists featuring hundreds of people are still believed to be in use. According to the Migration Law⁶⁰, the right to leave the country may be temporarily restricted on a number of broad grounds: if court proceedings are under way against citizens or they are subject to police oversight, if they have had access to classified information, if they may become victims of trafficking or slavery abroad, or if their leaving the country is "contrary to national security interests".

5.7. Some individuals have been subjected to travel bans for years. For example, in June 2016, Aydjemal Redjelova, daughter of the exiled dissident Pirkuli Tanrykuliev, was finally allowed to travel abroad to visit family after being prevented from travelling abroad for 13 years.⁶¹ Geldy Kyarizov was banned from travelling abroad until 2015, when authorities allowed him and his family to leave the country.

Recommendations

5.8. Turkmenistan's government should:

- Ensure that residence registration requirements are not used to limit the right to freedom of movement, social and economic rights or other fundamental rights of residents.
- End arbitrary bans on citizens leaving the country and end the use of so-called blacklists prohibiting targeted individuals from travelling abroad.
- Abolish the broadly worded grounds for restricting travel abroad under the Migration Law and ensure that anyone subject to a travel ban has the right to appeal that decision.

6. The right to adequate compensation for expropriated homes

6.1. TIHR, IPHR and HRW are concerned about violations of the rights of citizens in connection with the expropriation and demolition of homes in connection with government construction and development projects.

6.2. In a recent report, TIHR and HRW documented the government's failure to provide adequate compensation to residents whose homes it expropriated and demolished to make way for large-scale urban reconstruction, infrastructure, and beautification projects in the years leading up to the 2017 AIMAG.⁶²

6.3. Turkmenistani law entitles expropriated homeowners to either an alternative "equivalent" living space or financial compensation for expropriated homes, but in fact in many cases, the "compensation apartments"

were worth significantly less than the total worth of homeowners' property, or were too small for the family's needs.

6.4. In many cases, the authorities provided entire households – some with as many as 10 to 15 people – with just two- or three-room apartments. In other cases, authorities evicted homeowners before their compensation apartments were fully constructed, forcing residents to pay for a place to live until they were ready. In other cases, conditions in compensation apartments were poor, in buildings with leaks, non-functioning elevators, and other problems.

6.5. Authorities also forced homeowners to accept “upgraded” apartments in exchange for their demolished homes, but demanded that families pay the difference beyond the assessed worth of their homes and that of the “upgraded” apartment, and denied them the title to the new property until they paid.

6.6. Ashgabat residents who tried to contest the expropriation of their homes or seek better compensation were denied justice, threatened with homelessness, and in some cases, harassed or threatened by the authorities.

Recommendations

6.7. Turkmenistan's government should:

- Ensure that Ashgabat homeowners and residents who have been forcibly evicted get fair and adequate compensation for the loss of their property and costs incurred due to the forced evictions.

¹ The new National Human Rights Action Plan for 2016-2020 was adopted in January 2016.

² The Law on the Ombudsman was adopted in November 2016 and the first office holder appointed in March 2017.

³ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 112.62 (Germany), 112.63 (Switzerland), 112.64 (Norway), 113.78 (Poland), 113.84 (UK).

⁴ See, for example, the following TIHR reports: <http://www.chrono-tm.org/en/2015/06/barbarian-dismantling-of-satellite-aerials-in-ashgabat/>; <http://www.chrono-tm.org/en/2015/12/ashgabats-residential-district-6-local-fighting-for-satellite-aerials/>; <http://www.chrono-tm.org/en/2016/03/satellite-aerials-dismantled-in-the-6th-residential-district-of-ashgabat/>; <http://www.chrono-tm.org/2016/05/mestnyie-vlasti-nachali-snos-pristroek-v-regionah-turkmenistana/>; <http://www.chrono-tm.org/2017/03/vlasti-ashhabada-prodolzhayut-demontirovat-sputnikovyye-antenny/>

⁵ The Law on the Legal Regulation of the Development of the Internet and the Provision of Internet Services.

⁶ Section 2, part 1, par. 35.

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

⁸ 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/>

⁹ See TIHR press release, “Only good news from Turkmenistan in the run-up to the Asian Games,” 7 December 2016, at <http://en.chrono-tm.org/2016/12/only-good-news-from-turkmenistan-in-the-run-up-to-the-asian-games/>

¹⁰ Radio Azatlyk, “Туркменистан: Дано указание не слушать 'Азатлык'”, 9 December 2016, <http://rus.azathabar.com/a/28164011.html>

¹¹ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.67 (Czechia), 113.75 (Canada), 113.76 (France), 113.81 (Ireland), 113.82 (Italy), 113.83 (Slovakia), 113.87 (Australia).

¹² UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.37 (France), 113.40 (Spain), 113.41 (Ireland), 113.42 (Italy) and 113.45 (Latvia).

¹³ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.38 (Switzerland) and 113.39 (Hungary).

¹⁴ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.32 (Slovakia), 113.33 (Brazil), 113.34 (Costa Rica), 113.35 (Iraq), 113.36 (Montenegro).

¹⁵ The new version of the constitution (in Russian) is available at: <http://infoabad.com/zakonodatelstvo-turkmenistana/konstitucija-turkmenistana-novaja-redakcija.html>

¹⁶ Article 65 of Turkmenistan's Code on Administrative Offenses.

¹⁷ 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

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

¹⁹ See TIHR news updates, 1 June 2017, <http://www.chrono-tm.org/2017/06/vmesto-kanikul-studentov-turkmenistana-zhdut-repetitsii-tseremonii-otkryitiya-aziadyi/>; 28 August 2017, <https://www.hronikatm.com/2017/08/v-byudzhetnyih-uchrezhdeniyah-turkmenistana-idet-otbor-zriteley-dlya-aziadyi/>; and 20 September 2017, <https://www.hronikatm.com/2017/09/o-repetitsiyah-tseremoniy-otkryitiya-i-zakryitiya-aziadyi-vozmozhno-hto-na-zakryitii-igr-prezident-ispolnit-novuyu-pesnyu/>

²⁰ RFE/RL, "RFE/RL Contributor In Turkmenistan Given Suspended Sentence", 22 February 2017, <http://www.rferl.org/a/rfe-contributor-turkmenistan-allashov-suspended-sentence/28324825.html>

²¹ Human Rights Watch, "Turkmenistan: Journalist Harassed, Assaulted", 7 November 2016, <https://www.hrw.org/news/2016/11/07/turkmenistan-journalist-harassed-assaulted>

²² RFE/RL, "Journalist Suffers Repeat Attack In Turkmenistan", 14 November 2016, <http://www.rferl.org/a/28116700.html>

²³ Radio *Azattyk*, "На корреспондента Азатлык напали в третий раз за месяц", 25 November 2016, <http://rus.azathabar.com/a/28139772.html>

²⁴ See statement by Human Rights Watch and TIHR, 8 August 2017, <http://en.chrono-tm.org/2017/08/turkmenistan-death-threats-against-journalist/>

²⁵ 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.

²⁶ Statement made by Turkmenistan's delegation during the UN Human Rights Committee review of Turkmenistan in March 2017.

²⁷ See TIHR news alert, 22 August 2017 at: <http://en.chrono-tm.org/2017/08/human-rights-activist-natalya-shabunts-verbally-assaulted-in-ashgabat/>

²⁸ TIHR news alert, 5 August 2017, <http://en.chrono-tm.org/2017/08/ddos-attack-on-the-website-of-chronicles-of-turkmenistan/>

²⁹ Section 2, par. 6

³⁰ According to information from the OHCHR :

http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

³¹ 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>

³² UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.69 (USA), 113.70 (Spain).

³³ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.59 (Germany) and 113.60 (Canada).

³⁴ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 114.3 (Slovenia, Norway), 114.4 (Canada), 114.5 (Australia), 114.6 (Czechia).

³⁵ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.1 (Mexico), 113.2 (France), 113.3 (Switzerland), 113.4 (Costa Rica), 114.5 (Montenegro), 113.6 (Romania), 113.58 (Czechia), 113.61 (Poland).

³⁶ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.60 (Canada), 113.65 (Sweden), 113.66 (Netherlands).

³⁷ 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

³⁸ 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; and par. 20 of the Concluding Observations of the UN Human Rights Committee, April 2017, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTKM%2fCO%2f2&Lang=en.

³⁹ See joint statement issued in June 2017 by Amnesty International, Human Rights Watch, Alternative Turkmenistan News, TIHR, IPHR, the Norwegian Helsinki Committee and Crude Accountability <http://iphronline.org/wp-content/uploads/2017/06/Joint-NGO-statement-Turkmenistan-June-2017.pdf>; TIHR statement, 14 November 2016, <http://en.chrono-tm.org/2016/11/reverberations-of-turkish-arrests-in-turkmenistan/>; and the following media reports: Radio *Azattyk*, "Туркменистан: Аресты за связь с Гуленом продолжаются", 21 November 2016, <http://rus.azathabar.com/a/28130701.html>; Fergana News, "Туркменистан: Репрессии против «гуленистов», чтобы задобрить Эрдогана?", 19 December 2016, <http://www.fergananews.com/articles/9199>; and Radio *Azattyk*, "В Туркменистане за месяц арестовали свыше 50 мужчин по обвинению в причастности к "Гуленскому движению," 29 May 2017, at <https://rus.azathabar.com/a/turkmenistan-50-people-arrested-on-charges-of-connections-to-gulen-movement/28516609.html>

⁴⁰ TIHR, "Reverberations of Turkish arrests in Turkmenistan", 14 November 2016, <http://en.chrono-tm.org/2016/11/reverberations-of-turkish-arrests-in-turkmenistan/>;

⁴¹ See joint statement issued in June 2017, Amnesty International, Human Rights Watch, Alternative Turkmenistan News, TIHR, IPHR, the Norwegian Helsinki Committee and Crude Accountability, <http://iphronline.org/wp-content/uploads/2017/06/Joint-NGO-statement-Turkmenistan-June-2017.pdf>; and Radio *Azatlyk* report from 18 July 2017, <https://rus.azattyq.org/a/centrasia-turkmenistan-gulen-arrest/28622136.html>

⁴² For a list of cases, see Prove They are Alive!, “The Disappeared in Turkmenistan,” September 2017, at http://provetheyarealive.org/wp-content/uploads/2017/06/FINAL-Disappeared-Report_September-2016-3-1.pdf

⁴³ See TIHR news update, 19 August 2017, <http://en.chrono-tm.org/2017/08/the-former-presidential-security-service-chief-akmurad-rejepov-dies-in-prison/>

⁴⁴ Statements made by the Turkmenistani delegation at the CAT’s session in Geneva on 22 November 2016.

⁴⁵ “Пять месяцев в секретной тюрьме Овадан-депе. Из воспоминаний Гельды Кяризова”, 22 January 2016, <http://www.chrono-tm.org/2016/01/pyat-mesyatsev-v-sekretnoy-tyurme-ovadan-depe-iz-vozpominaniy-geldyi-kyarizova/>

⁴⁶ 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%2fC%2fTKM%2fQ%2f2%2fAdd.1&Lang=en.

⁴⁷ Par. 118 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

⁴⁸ As set out in the Law on the Ombudsman, adopted on 23 November 2016.

⁴⁹ Par. 126-129 of the Second periodic report submitted by Turkmenistan to the Human Rights Committee, July 2015, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTKM%2f2&Lang=en.; Par.121-122 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

⁵⁰ Par.121-122 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.

⁵¹ UPR cycle 2 review of Turkmenistan, Report of the Working Group, July 2013 (A/HRC/24/3): Recommendations 113.21 (USA) and 113.70 (Spain).

⁵² UPR cycle 1 review of Turkmenistan, Report of the Working Group, January 2009 (A/HRC/10/79): Par. 23 (Poland) and par. 40b (Czechia). Turkmenistan did not support these recommendations.

⁵³ UPR cycle 1 review of Turkmenistan, Report of the Working Group, January 2009 (A/HRC/10/79): Recommendation 69.16 (Norway).

⁵⁴ Article 43 of the Migration Law.

⁵⁵ Article 42 of the Migration Law.

⁵⁶ 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/>

⁵⁷ TIHR news update, 11 August 2017, <http://en.chrono-tm.org/2017/08/in-the-run-up-to-the-asian-games-the-authorities-launch-raids-against-migrant-workers-from-other-regions/>

⁵⁸ Par. 28 of the Concluding observations of the UN Human Rights Committee, April 2017, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTKM%2fCO%2f2&Lang=en.

⁵⁹ 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

⁶⁰ Article 30 of the Migration Law.

⁶¹ 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>

⁶² Turkmen Initiative for Human Rights and Human Rights Watch, “Homeowners Evicted, Denied Compensation,” 4 September 2016, at <https://www.hrw.org/news/2017/09/04/turkmenistan-homeowners-evicted-denied-compensation>