

**United Nations Human Rights Committee Review of Turkmenistan
May 2016**

We write in advance of the Committee's review of Turkmenistan to highlight some areas of concerns regarding Turkmenistan's compliance with the International Covenant on Civil and Political Rights (hereafter "The Covenant"). We hope our submission will inform your consideration as the Committee drafts its list of issues for the adoption at the 117th session, Geneva, 20 June – 15 July 2016. Turkmenistan remains one of the most repressive and closed countries in the world. The country is utterly cut off from any independent human rights scrutiny, with UN special procedures and NGOs alike denied access to the country. The president, his relatives, and their associates maintain unlimited control over all aspects of public life.

Several laws adopted in recent years, which the Turkmen government often invoke as progress, either have **not been implemented** (such as the Criminal Code of 2010, or the Criminal Procedural Code of 2011) or establish highly restrictive provisions inconsistent with international standards (for example, amendments to the Law on Public Organisations of 2014, the Law on Internet of 2015, and the Law on Assemblies, Meetings and Demonstrations of 2015).

Constitutional reform is currently underway in Turkmenistan, but there is little evidence to suggest the process is transparent – the draft of the new constitution has not been made public. There are serious concerns that the new constitution, if adopted, will give constitutional legitimacy to existing restrictions on freedom of movement by not including any provisions on travels abroad and return to Turkmenistan, and will allow Berdymukhamedov to remain in power for life by lifting age limits of the country's president. Additionally, a norm on the supremacy of international law that omitted in the new text of the constitution is of a particular concern.

We call on the Committee to urge the Government of Turkmenistan to address the following key issues under the Covenant:

Articles 6, 9, 10 and 14 of the Covenant

Of particular concern is the authorities' practice to use **imprisonment as a tool for political retaliation**. It is impossible to determine the actual number of those held on political grounds because the justice system lacks transparency and there is no independent monitoring of these cases. One well-known case is that of [Gulgeldy Annaniazov](#), a political dissident arrested in 2008, who is serving an 11-year sentence on charges not known even to his family. In September 2015, at the OSCE Human Dimension Implementation Meeting, Turkmen officials publicly said that Annaniazov has been transferred to a facility in which he could be visited, repeating information they purveyed to the EU earlier in 2015. However, Annaniazov's family has no official information about him, and to the best of our knowledge, no one has seen him and was able to this information.

Dozens of other individuals, most of whom were arrested in the late 1990's and early 2000's, and many of them on politically motivated charges, have simply **disappeared in the Turkmen prison system**. For more than 13 years now, the government has refused to allow them any contact with their families, who have no information whatsoever about their loved ones, even whether they are dead or alive. Turkmen officials deny that there are forced disappearances, and respond to concerns expressed by the international community by producing lists of prisoners who have been sentenced to very long prison terms but who have not been forcibly disappeared.

An October 2014 decision by the UN Human Rights Committee recognized former Foreign Minister Boris Shikhmuradov as a victim of enforced disappearance and of a number of other human rights violations, and found that Turkmenistan is under obligation to provide him and his family with an effective remedy. November 7, 2015 was the deadline for Turkmenistan to provide a substantive reply. Regrettably, neither Shikhmuradov's family nor, to the best of our knowledge, the Committee, nor have received a response from the government of Turkmenistan. Shikhmuradov was arrested, tried in a closed hearing, and handed a life sentence within a five-day period in 2002 for allegedly leading a coup attempt. His family has had no contact with him or information about him since his arrest and trial.

Articles 19 and 22 of the Covenant

Freedom of expression and association are subject to draconian restrictions, which the authorities enforce by threatening, harassing, or imprisoning those who dare to question its policies, however modestly.

Foreign media often cannot access Turkmenistan, and local stringers for foreign outlets have been harassed, intimidated, jailed, and subjected to forced psychiatric treatment, in an effort to silence them. In the past four years, authorities have repeatedly targeted Radio Azatlyk's correspondents (RFE/RL's Turkmen service - the only source of Turkmen-language alternative news available in the country).

Most recently, in July 2015 they arrested and held in incommunicado detention [Saparmamed Nepeskuliev](#), who had reported for Radio Liberty on such social issues as water shortages and medical care. He was arrested allegedly on trumped-up drug possession charges, and sentenced to three years in prison. In 2015, the UN Working Group on Arbitrary Detention found that Nepeskuliev's deprivation of liberty is arbitrary, and stated that the remedy to this abuse would be for the authorities to release Nepeskuliev. Due to the extreme repression in Turkmenistan, and pressure on families, we have no contact with Nepeskuliev's family. A freed prisoner who shared a cell with Nepeskuliev for a month told another human rights group that he suffered from stomach pains.

In December 2014, police held RFE/RL correspondent Soltan Achilova, confiscated her phone and camera, questioned, and released her two hours later. Her possessions were returned, but her photos were missing.

Also in December 2014, police held Osmankuly Hallyev, an RFE/RL freelancer, for almost four hours and released him. In June 2014, Hallyev announced his resignation, citing pressure and intimidation by officials. He later resumed working for RFE/RL.

In May 2013, police held Rovshen Yazmuhamedov, then Radio Free Europe/Radio Liberty (RFE/RL) correspondent, in custody for two weeks on charges that were never disclosed.

Internet access in Turkmenistan remains limited and heavily state-controlled. Many websites—including social media and messenger services—are blocked; Internet cafés require visitors to register their personal data, and the government monitors all means of communication. A new Internet law requires government agencies to maintain websites. However, it also introduces even more thorough government controls on the Internet, such as by banning the transmission of computer data that does not go through official providers.

The government continues its campaign to force people to dismantle their privately owned [satellite dishes](#) and subscribe to government-controlled cable television packages, thereby cutting them off entirely from alternative sources of information.

The severe **repression of civil society activism** makes it impossible for independent human rights defenders and journalists to work openly. Turkmen laws arbitrarily and disproportionately restrict NGO registration, activity, and funding.

Following a 2012 law, which envisaged for the first time the registration of parties other than the ruling party, a close associate of President Berdymukhamedov founded a new party. In 2013, a member of this party became the first parliamentary deputy who is not a member of the ruling party. However, there is no indication that this party in any way presents a meaningful political alternative. The government continues to use other methods to harass and **threaten the family members of exiled dissidents**. For example, among other cases, in April 2016 national security officials detained the brother of Akmuhammet Baihanov, a dissident who lives in exile in Moscow, Nazar Baihanov, and warned him that his brother in Moscow “was not silent.” Security officials alleged his brother owed back the equivalent of \$600 in back taxes, and threatened to file charges, before releasing him.

Article 12 of the Covenant

Turkmenistan’s government continues to restrict **the right of its citizens to travel freely outside the country** by means of an informal and arbitrary system of [travel bans](#) commonly imposed on civil society activists and relatives of exiled dissidents. A most recent example concerns Aizhamal Rejepova, daughter of Pirkuli Tanrykuliev, an exiled former Member of Parliament. When Rejepova and two of her children tried to travel to Turkey in July 2015, officials at the airport told them they were banned for life from traveling abroad. Turkmen officials in some cases also ban students from traveling abroad to continue their studies. Another example that Human Rights Watch has documented is that of Aydogdy Kurbanov, the adult son of an exiled businessman who had fallen out of favour with the government. He has been banned from leaving the country, making it impossible for him to benefit from the resettlement permit the Russian Federation issued him in February 2014.

Article 2, 17 and 26 of the Covenant

Male homosexuality in Turkmenistan is punishable by up to two years of imprisonment. Homosexuality is treated as a “disease” by the wider community, as well as by law enforcement, medical institutions, and judicial officials. Fearing persecution and harassment, gay men are forced to hide their sexual identity. According to the credible reports Human Rights Watch received, law enforcement officials and medical personnel subject persons detained and charged with sodomy to forced anal examinations, which have no medical value and which the Special Rapporteur on torture has described as a form of torture or cruel, inhuman or degrading treatment, with the purported objective of finding “proof” of homosexual conduct.

We call on the Committee to urge the government of Turkmenistan to:

- End the use of imprisonment as a tool for political retaliation and end the enforced disappearance of dozens of people in the country's prisons; release those wrongly held, including the dissident Gulgeldy Annaniazov, the former foreign minister Boris Shikhmuradov, and the journalist Saparmamed Nepeskuliev. Insist that the Turkmen authorities clarify the fate and whereabouts of those individuals who are on NGO lists of disappeared persons, and allow them to have contact with their loved ones.
- Implement the decision by the UN Human Rights Committee on Boris Shikhmuradov.
- Stop the arbitrary interference with foreign travel for perceived government opponents and their relatives.
- Invite the 12 UN special procedures whose requests for invitations have not been granted, and facilitate a visit by the Special Rapporteur on Torture; allow access for other independent monitors, including nongovernmental groups.
- Remove restrictions on independent human rights monitoring by NGO and international monitors, allow independent human rights NGOs to register to work without fear of retribution.
- Allow people to maintain private satellite dishes.
- Ensure transparency of the constitutional reform and of the Venice Commission's legal analysis of the draft constitution.