

United Nations Human Rights Committee Review of Turkmenistan March 2017

We write in advance of the Committee's review of Turkmenistan to highlight some areas of concern regarding Turkmenistan's compliance with the International Covenant on Civil and Political Rights (hereafter "The Covenant"). We hope our submission will inform your review of Turkmenistan at the 119th session, Geneva, March 6-29, 2017.

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 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).

In September, in a non-transparent process, parliament approved a new constitution that allows President Berdymuhamedov to remain in power for life by removing the 70-year age limit for presidential candidates and extending the presidential term of office from five to seven years. There are no presidential term limits. The new constitution does not ban censorship and does not provide for the right to travel abroad, giving constitutional legitimacy to existing restrictions on freedom of movement. The Turkmen government did not incorporate recommendations on the draft made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE). Additionally, the new constitution removes the provision providing for the supremacy of international law, which existed in the old constitution, thereby undercutting the enforceability of international human rights obligations Turkemenistan has undertaken, and diminishing the possibilities for victims to seek remedies in Turkmenistan's courts.

Articles 6, 9, 10, and 14 of the Covenant

Of serious concern is the authorities' practice of retaliating against **political opponents or critics by finding bogus grounds on which to prosecute and imprison them**. It is impossible to determine the actual number of those imprisoned in retaliation for their political activity because the justice system lacks transparency and there is no independent monitoring of these cases. In its reply to the List of Issues, the government, for the first time known to Human Rights Watch, publicly provided information on the charges on which well-known dissident [Gulgeldy Annaniyozov](#), who has been serving an 11-year sentence since his arrest in 2008, has been convicted. The government should

ensure that Annaniazov's family is informed of his whereabouts and that Annaniazov has access to legal and medical assistance as well as family visits.

It is unacceptable that the Turkmen government continues to deny information on the fate of 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, who have simply disappeared in the Turkmen prison system. For close to 15 years, 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 these enforced disappearances, instead responding to concerns expressed by the international community by producing lists of acknowledged prisoners who have indeed been sentenced to very long prison terms but who have not been forcibly disappeared. In its reply to the List of Issues, the government of Turkmenistan failed to address the Committee's request for information regarding the cases of enforced disappearances. The government should be pressured at a minimum to provide the same information with respect to these cases as it has in Annaniazov's case.

An October 2014 decision by the UN Human Rights Committee recognized former Foreign Minister Boris Shikhmuradov as a victim of enforced disappearance and a number of other human rights violations, and confirmed that Turkmenistan is obligated 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, have received a response from the government of Turkmenistan. The government failed to provide information on measures taken to implement the views adopted by the Committee with respect to Shikhmuradov (Communication No. 2069/2011 Shikhmuradova). 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.

Torture remains a grave problem, particularly in high-security facilities. The International Committee for the Red Cross does not have full and independent access to Turkmen prisons and individual prisoners.

In January 2016, the government approved a National Human Rights Action Plan that makes no mention of torture. The plan commits to facilitating visits by the UN special rapporteurs on human rights defenders and on the independence of judges and lawyers by 2018. They are among the 13 UN experts who have requested, but not received, access to the country.

Human Rights Watch requests that the Committee insist the government of Turkmenistan:

- Immediately stops prosecuting and imprisoning political critics and ends the practice of forcibly disappearing opponents;
- Clarifies the fate and whereabouts of those individuals who are on NGO lists of disappeared persons, releases all victims of enforced disappearance and arbitrary detention, including the dissident Gulgeldy Annaniazov, and provides effective remedies for victims including their families.

- In particular, implements the Committee's decision on Boris Shikhmuradov and provides the Committee information of steps taken to provide an effective remedy for Shikhmuradov and his family.
- Grants permission to the requests for visits from the 13 UN special procedures whose requests have not been granted, and, in particular, immediately facilitates a visit by the Special Rapporteur on Torture; allows access for other independent monitors, including nongovernmental groups.
- Allows the International Committee of the Red Cross to have full and independent access to Turkmen prisons and individual prisoners in accordance with its mandate.

Article 19 of the Covenant

Freedom of expression is subject to draconian restrictions, which the authorities enforce by threatening, harassing, or imprisoning those who dare to question their policies, however modestly. There is no media freedom in Turkmenistan. The state controls all print and electronic media. 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 August 2016, Turkmen authorities requested that Belarus extradite Chary Annamuradov, a former dissident and independent journalist. Annamuradov is a citizen of Sweden, where he has had asylum since 2003, after fleeing persecution in Turkmenistan. Belarusian authorities arrested Annamuradov upon arrival for vacation in July, pursuant to an international arrest warrant, and in September refused the extradition request. In September, unknown individuals kidnapped Annamuradov's brother, Altymurad, from his home in Turkmenistan and held him for four days, during which they severely beat him and questioned him about his brother. Altymurad Annamuradov died shortly after his kidnappers returned him home.

In October 2016, police questioned RFE/RL journalist, Soltan Achilova, after she took photographs of a supermarket line. Shortly thereafter, unknown assailants attacked and robbed her, taking her camera. She sustained light injuries. The day after Human Rights Watch published a [news release](#) about her ordeal, other unknown people tried to assault her, warning her to stop taking photographs.

In another episode in October 2016, Rovshen Yazmamedov, another RFE/RL correspondent, was summoned to police station where a security officer questioned him for several hours. The officer threatened that Yazmamedov's five-year suspended prison sentence handed down in 2013 would be changed into actual prison time if he continued to engage in reporting.

In July 2015 authorities 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 on trumped-up drug possession charges, convicted, and sentenced to three years in prison. In 2015, the UN Working Group on Arbitrary Detention found that Nepeskuliev's imprisonment constituted arbitrary deprivation of liberty, and that authorities should release Nepeskuliev to remedy the violation. Due to the repression in Turkmenistan, and pressure on families, we have no contact with Nepeskuliev's family. A former prisoner who shared a cell with Nepeskuliev for a month

told another human rights group that Nepeskuliev suffered from stomach pains while he shared the cell with him.

In December 2014, police detained Osmankuly Hallyev, an RFE/RL freelancer, for approximately four hours and released him. In June 2015, Hallyev announced his resignation, citing pressure and intimidation by officials. He later resumed working for RFE/RL.

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 and the transmission of all computer data to go through official providers. Internet in Turkmenistan is among the most expensive worldwide, according to Stay Mobile, an independent internet industry news aggregator. Throughout 2016, users faced constant obstacles accessing mobile internet. For example, in June, access to Skype and Line messengers was jammed.

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.

Human Rights Watch calls on the Committee to urge the government of Turkmenistan to:

- Launch an effective and independent investigation into the death of Altymurad Annamuradov, hold those responsible for his illegal detention, ill-treatment and death to account, and to inform the committee of the steps it has taken in this regard.
- Immediately release Saparmamed Nepeskuliev, in accordance with the decision of the UN Working Group on Arbitrary Detention.
- Cease the practice of harassment and intimidation of journalists, including Turkmen correspondents for international media outlets.
- Allow free and unfettered access to information, including by allowing people to maintain private satellite dishes, stopping the practice of forcing people to subscribe to government-controlled cable television practices, taking steps to reduce the cost of internet access, and removing obstacles to internet access.

Articles 22 and 25 of the Covenant

Freedom of association and the right to participate in public life are severely curtailed in Turkmenistan. The government does not allow independent groups to carry out human rights work inside the country. Independent local organizations cannot register, and unregistered work by nongovernmental organizations (NGOs) is illegal, making it impossible for independent human rights defenders, civil society groups, and journalists to work openly. International human rights groups are not allowed to enter Turkmenistan. Turkmen laws arbitrarily and disproportionately restrict NGO registration, activity, and funding.

Civil society activists face constant threat of government reprisal. In October 2016, authorities arrested three activists. Two had monitored forced labor; authorities released one of them after 10 days, and in November a court sentenced the other to three years on bogus fraud charges. The third,

62-year-old Galina Vertryakova, was arrested on bogus extortion charges after she had posted comments critical of the government on Russian social media and, according to the information available to Human Rights Watch, was sentenced to two years' imprisonment and, in December 2016, amnestied.

In August 2016, an independent activist reported to Human Rights Watch that he experienced invasive, humiliating airport searches by customs officials, and repeated, anonymous telephone threats. Activists' families also received anonymous threats of violence, linking the threats directly to their relatives' activism.

The government continues to use other methods to harass and threaten family members of exiled dissidents. Unknown individuals, presumably acting as government proxies, attempt to intimidate exiled activists so that they will not speak out about abuses in Turkmenistan. In August 2016, two masked men in Moscow attempted to abduct Akmukhammet Baikhanov, a Turkmen dissident, one month after he published a book exposing abuses in Ovadan-Tepe, a prison notorious for torture, horrific conditions, and for holding political prisoners. In April 2016, authorities in Turkmenistan had briefly detained his brother, making clear the detention was related to Baikhanov's record of criticism of the government.

Authorities harassed family members of Geldy Kyarizov, a prominent horse breeding expert who fell out of favor with the government. Kyarizov had served nearly six years in prison in the 2000's, following a conviction on fabricated charges, and was allowed to leave the country in 2015. In November 2015, after Kyarizov's first public interview about his prison ordeal, authorities blocked his family's communication with him and threatened his brothers, detaining one on false drug charges and then releasing him. In March 2016, Kyarizov received repeated verbal threats against him and his family.

Following a 2012 law, which envisaged for the first time the registration of parties other than the ruling party, two new parties were formed, the Agrarian Party and the Party of Industrialists and Entrepreneurs. In 2013, a member of one of these parties became the first parliamentary deputy not a member of the ruling party. For the February 12, 2017 presidential election, the Central Election Commission of Turkmenistan registered nine candidates, including candidates from the two new parties.

Human Rights Watch calls on the Committee to urge the government of Turkmenistan to:

- 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.
- Cease harassment and intimidation of activists and their relatives.

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. In most cases, dissidents' relatives are barred

from foreign travel, such as in the case of the Ruzimatov family. A 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 Aidogdy 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.

Human Rights Watch calls on the Committee to urge the government of Turkmenistan to:

- Allow freedom of movement within Turkmenistan and foreign travel in accordance with article 12 of the Covenant.
- Stop all arbitrary interference with foreign travel, in particular for perceived government opponents and their relatives.
- Lift all bans imposed on students traveling abroad for their studies.

Article 2, 17 and 26 of the Covenant

Male homosexuality in Turkmenistan is punishable by up to two years' imprisonment. Law enforcement, medical institutions, and the judicial system deem homosexuality a "disease" and it is considered likewise by the wider community. Fearing persecution and harassment, gay men are forced to hide their sexual identity. According to credible reports Human Rights Watch received, law enforcement officials and medical personnel subject individuals who are detained and charged with sodomy to forced anal examinations. Such examinations have no medical value and constitute a form of torture or cruel, inhuman or degrading treatment.

Human Rights Watch calls on the Committee to urge the government of Turkmenistan to:

- Immediately end the conduct of any and all anal tests, and prohibit the "results" of any such tests from being used as evidence in any proceedings, except in proceedings to hold those carrying out these abusive tests to account.
- Repeal the prohibition on consensual male homosexuality and introduce protection against discrimination on grounds of sexual and gender identity.