



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues in relation to the second periodic reports of Turkmenistan**

Articles 1 and 4

1. With reference to the Committee's previous concluding observations (see CAT/C/TKM/CO/1, para. 8)¹ and the information provided in the State party's report (CAT/C/TKM/2) regarding the addition of article 182 to the Criminal Code establishing criminal liability for and defining torture, please provide further information regarding whether the State party has taken measures to ensure that the prohibition against torture is non-derogable² and cannot be abrogated in times of emergency or martial law pursuant to article 47 of the Constitution. Please also indicate whether the crime of torture is subject to any statute of limitations.³

2. With reference to the Committee's previous concluding observations (para. 6) expressing deep concern over numerous and consistent allegations about the widespread practice of torture and ill-treatment of detainees in the State party, and its recommendation for the State party to take immediate and effective measures to prevent acts of torture and ill-treatment throughout the country, and also with reference to the State party's addition of article 182 to the Criminal Code and the information provided in the State party's report that no cases of torture had been examined by the courts since the adoption of the article, please provide updated information as to whether any investigations into allegations of torture have been initiated since the submission by the State party of its periodic report to the Committee. Please provide detailed information concerning the progress of such investigations, whether any have led to prosecutions, whether any have resulted in convictions, the rank of any perpetrator(s) convicted of torture and the sentences handed down against them. Please also provide information regarding any other specific measures taken to eliminate impunity for alleged perpetrators of acts of torture and ill-treatment.

3. With reference to the Committee's previous concluding observations (para. 7) expressing concern that the Convention had never been directly invoked in domestic courts,

* Reissued for technical reasons on 9 June 2016.

** Adopted by the Committee at its fifty-seventh session (18 April-13 May 2016).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

² See CAT/C/TKM/2, para. 20 (g).

³ Ibid., para. 18.



please provide information on any cases in which this has occurred during the reporting period.

Article 2⁴

4. With reference to the Committee's previous concluding observations expressing concern at the State party's failure to afford all persons deprived of their liberty with fundamental safeguards against torture and ill-treatment from the very outset of detention (para. 9), and taking into account the follow-up information provided by the State party, please provide information on:

(a) Whether article 24 of the Code of Criminal Procedure or any other law or regulation specifically guarantees all persons deprived of their liberty, including detainees held in temporary holding facilities, access to a lawyer of their choice promptly following deprivation of their liberty. If so, please indicate how compliance with this safeguard against torture and ill-treatment is monitored by the authorities and whether any police officer or other official has been subjected to disciplinary penalties during the reporting period for denying a detained person prompt access to a lawyer of his or her choice;⁵

(b) Whether the Criminal Code continues to allow police officers to detain a person without the authorization of the Prosecutor General for 72 hours and without presentation before a judge for up to one year, or whether measures have been taken to significantly reduce the amount of time that the law permits to elapse between a suspect's detention by the police and presentation before a judge, as well as the time between a suspect's detention by the police and prosecutorial authorization of the deprivation of liberty;⁶

(c) Whether the State party has taken measures to ensure the right of all detainees to a medical examination by an independent doctor, and if possible a doctor of their choice, promptly following deprivation of liberty;

(d) Whether the juvenile justice system has been reformed⁷ so that the presence of both a lawyer and a parent or guardian is required in any case in which a minor is questioned by the police for any reason, even when the minor has not been designated as a suspect or an accused person. Please also provide information on whether any police officers have been disciplined for failing to ensure the presence of a lawyer and a parent or guardian during the questioning of a minor;⁸

(e) Whether measures have been put in place to create a central register of persons deprived of their liberty, including persons detained on remand, and whether the

⁴ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chap. V of the same general comment.

⁵ Letter dated 23 May 2014 from the Rapporteur for follow-up on concluding observations to the Permanent Representative of Turkmenistan to the United Nations Office at Geneva, p. 1. Available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/TKM/INT_CAT_FUL_TKM_17280_E.pdf.

⁶ Ibid.

⁷ See CAT/C/TKM/CO/1/Add.1, para. 26.

⁸ Letter dated 23 May 2014 from the Rapporteur for follow-up on concluding observations to the Permanent Representative of Turkmenistan to the United Nations Office at Geneva, p. 2.

lawyers and family members of persons deprived of their liberty have access to detention registries. Please provide information on whether any law enforcement or security officials have been disciplined or prosecuted for falsifying a detention registry entry or failing to properly record details concerning an individual's detention;⁹

(f) Please indicate whether audio and video recording equipment has been installed in all police stations, remand centres and prisons.¹⁰ Please also indicate whether regulations require that all interrogations be recorded, and describe measures taken to ensure that investigators or other officials conducting interviews and questioning are not able to interfere with the operation of these devices. Please also provide information on any cases in which persons alleging that they were subjected to torture and ill-treatment during interrogation were able to obtain the video and/or audio records of their interrogation.¹¹

5. With reference to the Committee's previous concluding observations expressing deep concern about the functioning of the justice system (para. 10), please provide information on any measures taken by the State party during the period under review to establish and ensure the independence and impartiality of the judiciary in line with the Basic Principles on the Independence of the Judiciary, including by eliminating the President's responsibility for the appointment and promotion of judges and guaranteeing the tenure of judges in office.¹²

6. Please provide information on measures taken by the State party to prevent violence against women, including domestic and sexual violence, during the period under review. In particular, please provide information on:

(a) Whether any measures have been taken to prosecute and punish perpetrators of violence against women, including domestic and sexual violence;

(b) Whether training has been provided to public officials on combating violence against women;¹³

(c) Whether any measures have been taken to prevent child marriage;¹⁴

(d) Data on any redress provided to women victims of violence, including the number of cases in which women victims of violence have received compensation and the amount awarded;

(e) Measures taken to protect women from violence, including the number of protection orders requested, the number of such orders granted during the reporting period and the number of shelters in the country and their capacity.

7. Please provide information on any measures taken to prosecute and punish perpetrators of human trafficking with appropriate sanctions¹⁵ and to ensure that victims of trafficking obtain redress and are not detained or prosecuted for acts committed as a direct consequence of their situation.

8. With reference to the Committee's previous concluding observations (para. 12), please provide information on:

⁹ Ibid.

¹⁰ See CAT/C/TKM/CO/1/Add.1, para. 37.

¹¹ Letter dated 23 May 2014 from the Rapporteur for follow-up on concluding observations to the Permanent Representative of Turkmenistan to the United Nations Office at Geneva, p. 2.

¹² See CCPR/C/TKM/CO/1, para. 13.

¹³ See CEDAW/C/TKM/CO/3-4 and Corr.1, para. 23 (a) and (c).

¹⁴ See E/C.12/TKM/CO/1, para. 19.

¹⁵ See CCPR/C/TKM/CO/1, para. 11.

(a) The current status in the Mejlis of the draft Act on the Commissioner for Human Rights (Ombudsman), who would be invested with the power to consider complaints of human rights violations;¹⁶

(b) Whether the Ombudsman would have functions such as the right to monitor detention facilities,¹⁷ to make the results of his or her investigations public and to ensure the implementation of his or her recommendations with respect to awards of redress to victims and the prosecution of perpetrators;

(c) Whether the Ombudsman's office will be established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),¹⁸ including with a composition and means of appointment reflecting representation of civil society and with an infrastructure, including its own staff and premises and adequate funding, that ensures its independence from the Government, including from its financial control.¹⁹

9. Please indicate whether the State party has taken measures to establish specialized juvenile court facilities and procedures, with adequate human, technical and financial resources, and has designated specialized judges for children, as recommended by the Committee on the Rights of the Child.²⁰

Article 3

10. With reference to the Committee's previous concluding observations (para. 23), please provide information on:

(a) Any measures taken to transfer from the President to the judiciary the power to decide on the expulsion, return or extradition of a person to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture;

(b) Measures taken to guarantee that asylum seekers, including those which may face detention, have access to independent, qualified and free legal advice and representation and to prevent refoulement, and whether they have the possibility to appeal denials of applications for asylum;

(c) Any revisions of the detention policy with a view to bringing it into line with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum Seekers and Alternatives to Detention published by the Office of the United Nations High Commissioner for Refugees;

(d) Any measures taken to establish and ensure the implementation of a standardized and accessible asylum and referral procedure at border points, including at international airports and transit zones.

11. Please provide statistical data for the period under review, disaggregated by year and country of origin, on:

(a) The number of asylum requests registered during the reporting period;

(b) The number of requests for asylum, refugee status or other forms of humanitarian protection granted during the reporting period;

¹⁶ See CAT/C/TKM/2, paras. 58, 59 and 122.

¹⁷ See CCPR/C/TKM/CO/1, para. 9 (b).

¹⁸ See CEDAW/C/TKM/CO/3-4 and Corr.1, para. 17; and CCPR/C/TKM/CO/1, para. 7.

¹⁹ www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx.

²⁰ CRC/C/TKM/CO/2-4.

(c) The number of torture victims identified among asylum seekers, the procedures applied to undertake such identification and the measures taken with regard to those identified as torture victims;

(d) The number of persons extradited, expelled or returned and the countries to which they were removed.

Articles 5, 7 and 8

12. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request by another State for extradition of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

13. With reference to the Committee's previous concluding observations (para. 24), please provide information on:

(a) Any measures taken by the State party to provide regular training on the provisions of the Convention and the absolute prohibition of torture, as well as on rules concerning, instructions on and methods of interrogation, to all State agents involved in the holding in custody, interrogation or treatment of any individual under any form of detention or imprisonment;

(b) Measures taken to provide specific training to all relevant personnel, especially medical personnel and other officials who deal with detainees and asylum seekers and are involved in the investigation and documentation of cases of torture, on how to identify signs of torture and ill-treatment and on how to use the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);²¹

(c) Whether any methodologies have been developed during the period under review to assess the effectiveness and impact on the reduction of cases of torture and ill-treatment of the training and educational programmes on the prevention and absolute prohibition of torture and ill-treatment;

(d) Measures to implement a gender-sensitive approach for persons involved in the holding in custody, interrogation or treatment of women subjected to any form of arrest, detention or imprisonment;

(e) Any measures taken to specifically include the prohibition of ill-treatment of and discrimination against persons belonging to ethnic, religious or other minorities in the training of law enforcement officials and other relevant professional groups;

(f) Any training provided during the period under review to the judiciary and law enforcement personnel in order to make them fully aware of the provisions of the Convention and its direct applicability in the domestic legal order.

Article 11

14. With reference to the Committee's previous concluding observations (para. 14), please provide information on measures taken to ensure that independent bodies regularly monitor and visit all places of detention, including:

²¹ See CCPR/C/TKM/CO/1, para. 9 (c).

(a) Whether measures have been taken to strengthen the independence of oversight bodies and of the commissions that currently monitor certain conditions in detention facilities, whether these commissions monitor all places of detention, how regularly they visit them, if they can visit without prior notice and whether they receive complaints from detained persons;²²

(b) Data on the number of visits to places of detention conducted by these commissions during the period under review, disaggregated by detention facility;

(c) Whether the State party has authorized the International Committee of the Red Cross (ICRC) to carry out visits to all detention facilities in the country's prison system,²³ as well as on the status of the Government and ICRC cooperation plan for 2015 regarding prison visits and on the number of visits which have been carried out;²⁴

(d) Whether the State party has permitted any other independent organizations, including international organizations,²⁵ to visit places of detention, including the location and date of any such visits. In addition, please provide updated information with regard to the State party's willingness to accept visits by United Nations mechanisms such as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention.²⁶

15. With reference to the Committee's previous concluding observations (para. 15), please provide information on:

(a) The whereabouts of persons allegedly held in incommunicado detention by the State party, including those imprisoned in connection with the assassination attempt on the former president in 2002, such as Boris Shikmuradov, Konstantin Shikmuradov, Batyr Berdyev and Rustam Dzhumayev, and other persons, including journalist Saparmamed Nepeskuliev, who has reportedly been held incommunicado by the State party's authorities since July 2015. Please also indicate if the State party has informed the relatives and lawyers of any of the above-mentioned people about their fate and whereabouts during the period under review, as well as any measures the State party has taken to enable those who are detained to receive visits from family members;

(b) Any measures taken to abolish incommunicado detention and imprisonment²⁷ during the period under review and ensure that all persons held incommunicado are released, or charged and tried under due process;

(c) Any measures taken to investigate all outstanding cases of alleged disappearance, provide remedy as appropriate and notify the relatives of victims about the outcomes of such investigations and prosecutions.²⁸

16. With reference to the Committee's previous concluding observations (para. 16), please provide the following:

(a) Annual data from 2011, disaggregated by place of deprivation of liberty, on the number of deaths in custody attributed to public officials or other prisoners, the number

²² Letter dated 23 May 2014 from the Rapporteur for follow-up on concluding observations to the Permanent Representative of Turkmenistan to the United Nations Office at Geneva, p. 3.

²³ See CAT/C/TKM/CO/1/Add.1, para. 54.

²⁴ See CAT/C/TKM/2, para. 134.

²⁵ See CCPR/C/TKM/CO/1, para. 9.

²⁶ Letter dated 23 May 2014 from the Rapporteur for follow-up on concluding observations to the Permanent Representative of Turkmenistan to the United Nations Office at Geneva, p. 3.

²⁷ See CCPR/C/TKM/CO/1, para. 10.

²⁸ Letter dated 23 May 2014 from the Rapporteur for follow-up on concluding observations to the Permanent Representative of Turkmenistan to the United Nations Office at Geneva, p. 3.

of investigations opened into cases of death in custody, whether the results of the investigations were made public and whether prosecutions were instituted and their outcomes;

(b) Information on any measures taken to ensure independent forensic examinations in all cases of death in custody, including by permitting family members of the deceased to commission independent autopsies, as well as measures taken to ensure that the courts in the State party accept the results of independent autopsies as evidence in criminal and civil cases;

(c) Information on any further developments in relation to concerns regarding the 2006 death in custody of journalist Ogulsapar Muradova, which was documented in reports of the Secretary-General (see A/61/489, para. 39) and several Special Rapporteurs (see A/HRC/WG.6/3/TKM/2, para. 38), notwithstanding the information provided in paragraph 141 of the State party's report. Please indicate if an autopsy was carried out in this case and its outcome, as well as any resulting action taken by the State party.

17. With reference to the Committee's previous concluding observations (para. 18), please provide information on:

(a) Measures taken to address violence in detention, including physical abuse, any sexual violence and rape or collective punishment by prison officers and/or detainees acting with the acquiescence or at the instigation of prison officials. In this regard, please describe any measures taken to ensure that all reports of torture, ill-treatment or excessive use of force in prisons are investigated promptly, effectively and impartially by an independent mechanism with no institutional or hierarchical connection between the investigators and the alleged perpetrators;

(b) Any investigations of allegations of violence against and rape of women detainees by public officials in Ashgabat in 2007 and in the Dashoguz women's prison²⁹ in 2009 that have been initiated since the submission of the State party's report, as well as information on any outcomes thereof, including the punishment of perpetrators and any redress provided to the victims;

(c) Any investigation undertaken into an incident in February 2015 in which five prisoners at Seydi labour camp were allegedly subjected to severe beating by prison guards;

(d) Any investigations undertaken into an incident in May 2015 in which Bahram Hemdemov, a Jehovah's Witness, is alleged to have been beaten in pretrial detention, or into the claims of ill-treatment in detention lodged with the Human Rights Committee by Ahmet Hudyaybergenov (see CCPR/C/115/D/2222/2012) and Mahmud Hudyaybergenov (see CCPR/C/115/D/2221/2012), both Jehovah's Witnesses;

(e) Any measures taken to ensure that the use of solitary confinement, which has reportedly resulted in the suicides of several detainees, is undertaken only as an exceptional measure of limited duration, in accordance with the Penal Enforcement Code;³⁰

(f) Data on the judicial supervision of conditions of detention by competent organs and information as to whether any judicial entity has ordered investigations into allegations of torture or ill-treatment in detention facilities during the period under review.

18. With reference to the Committee's previous concluding observations (para. 19), please provide information on:

²⁹ See CEDAW/C/TKM/CO/3-4 and Corr.1, para. 36.

³⁰ See CAT/C/TKM/2, para. 146.

(a) Annual statistical data since 2011, disaggregated by place of detention, on the capacity and occupancy rates of all places of detention, indicating the number of pretrial detainees at each place of detention;

(b) Measures taken to reduce prison overcrowding during the period under review in order to bring conditions of detention in places of deprivation of liberty into line with relevant international standards, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including updated information on the construction and repair of detention facilities, as mentioned in the State party's report;³¹

(c) Any additional reductions in the number of prisoners during the period under review, including through resort to alternatives to incarceration, especially during the pretrial period, with a view to reducing overcrowding, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);

(d) Any measures taken to improve the situation in the Dashoguz women's prison, including with regard to concerns about overcrowded cells, prisoners working under harsh climatic conditions and the absence of adequate mechanisms for submitting complaints;³²

(e) Specific measures taken to ensure all persons in detention have access to and receive the necessary quantity and quality of food; continuous access to drinking water; adequate health care, and material and hygienic conditions; and access to natural and artificial light, ventilation and outdoor activities, as well as footwear and clothing, taking into account the country's climatic conditions;³³

(f) Any additional measures taken to improve the nutritional situation and welfare of persons detained in special establishments, remand units or special rehabilitation centres pursuant to the presidential decision of 11 April 2014;³⁴

(g) Any measures taken to remove unnecessary restrictions on family visits;

(h) Specific measures taken to ensure that minors are detained separately from adults during the entire period of detention or confinement;

(i) In addition to the information provided in the State party's report on measures taken within the framework of the National Tuberculosis Prevention and Control Programme implemented by the Penal Correction Department,³⁵ information on any measures to ensure that health-care services available to detained persons free of charge include non-emergency dental care;

(j) Information on progress made in installing ventilation systems in the ward housing patients with active tuberculosis at the MR/K-15 facility (a hospital for convicts)³⁶ and in any other facilities holding persons deprived of their liberty who are suffering from tuberculosis.

³¹ Ibid., paras. 162 and 177.

³² See CEDAW/C/TKM/CO/3-4 and Corr.1, para. 36.

³³ See CAT/C/TKM/2, paras. 168 and 170.

³⁴ Ibid., para. 171.

³⁵ See CAT/C/TKM/CO/1/Add.1, para. 21.

³⁶ Ibid., para. 25.

Articles 12 and 13

19. With reference to the Committee's previous concluding observations (para. 11), please provide the following information:

(a) Updates on any measures taken to establish an effective and independent mechanism to receive complaints and allegations from pretrial detainees and convicted prisoners about torture and ill-treatment by police officers and prison staff and conditions of detention amounting to torture or ill-treatment, and to conduct investigations concerning such allegations, including under article 182 of the Criminal Code,³⁷ with no institutional or hierarchical connection between the investigators and the alleged perpetrators;

(b) Statistics regarding the number of complaints, disaggregated by sex, age and ethnicity of the individual complainant, regarding torture and ill-treatment by police, prison staff and other public officials made to existing complaints mechanisms;

(c) Statistics concerning the number of complaints of torture or ill-treatment that resulted in an official investigation, and information on any disciplinary action or criminal prosecution undertaken against State officials for acts amounting to violations of the Convention during the period under review;

(d) Any measures taken to ensure that persons who are investigated for having committed acts of torture or ill-treatment are suspended from their duties during investigation, prosecuted if found guilty and punished in accordance with the gravity of their acts;

(e) Any measures taken to strengthen the independence of the existing complaints mechanisms, including the National Institute for Democracy and Human Rights and the State Commission to Review Citizens' Complaints on the Activities of Law Enforcement Agencies;

(f) Any measures taken to make prisoners clearly aware of their right to lodge complaints of torture and ill-treatment;

(g) Any measures taken to facilitate the submission of complaints by victims of torture and ill-treatment to public authorities, including any measures to ensure that complainants do not face reprisals, including ill-treatment or intimidation, as a consequence of their complaint;

(h) Any measures taken to facilitate the ability of victims of torture or ill-treatment inflicted in places of detention to obtain medical evidence in support of their allegations;

(i) Any cases in which prisoners have exhausted domestic remedies and have submitted complaints of torture or ill-treatment to international organizations, in keeping with article 8 (4) of the Penal Enforcement Code;³⁸

(j) Information concerning whether an independent investigation has been carried out concerning claims of torture and ill-treatment in custody made by Bazargeldy and Aydyemal Berdyev, as mentioned in paragraphs 119 and 120 of the State party's report and, if so, on any outcome of this investigation.

Article 14

20. With reference to the Committee's previous concluding observations (paras. 6 and 21), please provide information on:

³⁷ See CAT/C/TKM/2, para. 116.

³⁸ Ibid., paras. 40, 69 and 115.

(a) Any amendments to legislation during the period under review incorporating explicit provisions on the right of victims of torture and ill-treatment to redress, including fair and adequate compensation and as full rehabilitation as possible, in accordance with article 14 of the Convention;

(b) In the light of paragraph 46 of the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties, please provide information on the number of requests for compensation that have been made to the courts by persons claiming to be victims of torture and ill-treatment during the period under review, the number of such claims that have been approved and the amounts of compensation that have been ordered and actually provided in each case. Please also indicate what kind of rehabilitation programmes are provided for victims of torture and ill-treatment by the State party and whether they include medical and psychological assistance, and provide data on the number of individuals who have received such rehabilitation during the period under review;

(c) Whether the State party has taken measures to implement the Human Rights Committee's Views concerning the following cases:

(i) *Komarovski v. Turkmenistan* (see CCPR/C/93/D/1450/2006), by instituting criminal proceedings for the prosecution and punishment of the perpetrators of the severe beatings and intimidation of Leonid Komarovski, and the administration of unidentified substances to him against his will, by officials at the National Security Ministry building for five months beginning on 29 November 2002, and by providing Mr. Komarovski with appropriate redress, including compensation;

(ii) *Khadzhiev v. Turkmenistan* (see CCPR/C/113/D/2079/2011), by conducting a thorough and effective investigation into Sapardurdy Khadzhiev's pretrial detention in 2006 and subsequent imprisonment until 2013, which he claims was motivated by his work as a human rights defender and during which he was subjected to torture; providing him with detailed information on the results of the investigation; prosecuting, trying and punishing those responsible for the violations committed; and providing adequate reparation, including compensation. In this regard, the Committee notes the information provided in paragraph 124 of the State party's report that Mr. Khadzhiev was released from detention in February 2013 following a presidential pardon.

Article 15

21. With reference to the Committee's previous concluding observations (para. 20), please provide information on:

(a) Any additional measures taken by the State party to ensure that, in practice, evidence obtained by torture may not be invoked as evidence in any proceedings, in line with article 15 of the Convention, article 45 of the Constitution of Turkmenistan and article 25, paragraph 1, of the Code of Criminal Procedure;

(b) Measures taken to review cases based solely on confessions³⁹ and, if they are based on evidence obtained through torture or ill-treatment, undertake prompt and impartial investigations and provide remedial measures to victims;

(c) The application of the provisions prohibiting the admissibility of evidence obtained under duress; the measures put in place to guarantee, in practice, the exclusion by the judiciary of any evidence obtained under any form of coercion or torture;⁴⁰ and whether

³⁹ See CCPR/C/TKM/CO/1, para. 9.

⁴⁰ *Ibid.*, para. 14.

any officials have been prosecuted and punished for extracting such confessions during the period under review;

(d) Whether measures have been taken to improve methods of criminal investigation in order to end practices whereby confession is relied on as the primary and central element of proof in criminal prosecutions, in some cases in the absence of other evidence.

Article 16

22. With reference to the Committee's previous concluding observations (para. 17), please provide information on:

(a) Any measures taken to repeal legislation that authorizes compulsory medical treatment, including medical experimentation, without the free and informed consent of the person being treated;⁴¹

(b) Any measures taken to distinguish clearly between the procedure for involuntary placement in a psychiatric institution and the procedure for involuntary psychiatric treatment;

(c) Measures taken to ensure that a patient's right to be heard in person by a judge ordering a hospitalization is respected and that such decisions can be appealed;

(d) Measures taken to allow access to psychiatric facilities and mental hospitals by independent monitors and monitoring mechanisms;

(e) Any measures taken to establish an independent complaints mechanism, to publish a brochure with information about its procedures and to ensure that it is distributed to patients and their families;

(f) Any amendments to legislation that allows for the deprivation of liberty on the basis of disability and potential "dangerousness" in order to prohibit disability-based forced detention of children and adults with disabilities.⁴²

23. With reference to the Committee's previous concluding observations (para. 13), in which it expressed concern about numerous and consistent allegations of intimidation, reprisals and threats against human rights defenders, journalists and their relatives, please provide information on:

(a) Measures taken to ensure that human rights defenders and journalists are protected from intimidation or violence as a result of their activities, both in Turkmenistan and abroad;

(b) Measures taken to ensure prompt, impartial and thorough investigation of cases of intimidation or violence against human rights defenders and journalists, as well as measures taken to prosecute and punish perpetrators;

(c) The outcome of any investigations into other alleged cases of arbitrary detention, torture and ill-treatment, or threats against human rights defenders and journalists, during the period under review;

(d) Whether the State party has taken any measures to order independent investigation into the determinations of the Working Group on Arbitrary Detention, such as its August 2013 decision that activist Gulgeldy Annaniazov had been subjected to arbitrary

⁴¹ See CRPD/C/TKM/CO/1, para. 28.

⁴² *Ibid.*, para. 25.

detention by the State party since 2008.⁴³ Please provide information about the status and outcome of any such investigation.

24. With reference to the Committee's previous concluding observations (para. 22), please provide information on any additional measures taken by the State party to prohibit and eliminate ill-treatment in the armed forces, and to ensure prompt, impartial and thorough investigation of all allegations of such acts and rehabilitation to victims, including medical and psychological assistance.

Other issues

25. Please provide updated information on the legal remedies and safeguards available to persons subjected to anti-terrorism measures in law and in practice, whether there have been any complaints of violations of the Convention in the State party's application of anti-terrorism measures, and the outcome of those complaints.

26. With reference to the Committee's previous concluding observations (para. 26), please indicate whether the State party is considering making the declarations under articles 21 and 22 of the Convention.

27. With reference to the Committee's previous concluding observations (para. 27), please indicate whether the State party is considering ratification of the Optional Protocol to the Convention, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court.

⁴³ See CAT/C/TKM/2, para. 136, and A/HRC/WGAD/2013/22.