



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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2 December 2013

Excellency,

In my capacity as Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the examination of the first periodic report of Turkmenistan.

At the end of its 104th session, the Committee transmitted its concluding observations to your Permanent Mission. You may recall that, in paragraph 24 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 9, 13 and 18 of the concluding observations.

On 31 August 2012, the Committee received the reply of the State party. At its 109th session held in October 2013, the Committee analysed this information and adopted the following decisions:

- Paragraph 9: On subparagraph (a), the Committee considered that there has been no revision of the Criminal Code to incorporate a definition of torture.

On subparagraph (b), the Committee considered that no measures appear to have been taken since March 2012 to establish an independent oversight body to carry out independent inspections and investigations in all places of detention. According to the Committee, while the State party refers to the existence of monitoring and supervisory commissions, no details on the composition, mandate and independence of supervisory commissions have been provided. Furthermore, the Committee noted that these commissions appear to have been set up in 2010, i.e., before the adoption of the Committee's concluding observations, and thus their establishment cannot be viewed as a measure implementing the Committee's recommendation to establish an independent oversight body.

His Excellency
Mr. Esen Aydogdyev
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
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On subparagraph (c), the Committee considered that most of the training activities outlined by the State party were conducted before the adoption of the Committee's concluding observations and thus were not relevant. The few other training activities that were envisaged for June and July 2012 do not relate to prevention of torture and ill-treatment. The Committee noted that there is no information indicating that the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) has been integrated into all training programmes for law enforcement officials and that no effective measures to enhance efforts to investigate and punish torture and ill-treatment appear to have been taken by the State party. The Committee also noted that the State party report lacks statistical information on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions, sentences imposed and remedies granted to victims. The Committee reiterated its recommendations.

With regard to subparagraph (d), the Committee noted that although the report refers to a few visits undertaken by ICRC, this organization has not been granted unhindered access to all places of detention. The Committee considered it necessary to request additional information on practical measures taken by the State party to allow visits by recognized international humanitarian organizations to all places of detention.

- Paragraph 13: The Committee noted that the State party has limited itself to statements that its judiciary is independent and provided no information on the measures taken to implement the Committee's recommendations. The Committee therefore reiterated its recommendations.
- Paragraph 18: The Committee considered that the State party reply did not respond to the concerns raised by the Committee and provided no information on the implementation of its recommendations. The Committee noted that while the drafting of a media bill is a positive development, no information was provided on the measures taken to ensure that: (a) journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression; (b) international human rights organizations are allowed access into the country; (c) individuals have access to websites and use the Internet without undue restrictions; and (d) any restrictions on the exercise of freedom of expression fully comply with the strict requirements of article 19, paragraph 3, of the Covenant. Therefore, the Committee reiterated its recommendations.

The next follow-up report of the Human Rights Committee will be adopted in March 2014. If the State party wishes the information referred to be taken into account on that occasion, the reply should be sent in a Word electronic version to the Secretariat of the Human Rights Committee by **5 January 2014** (Kate Fox: kfox@ohchr.org and Fernanda Santana: fsantana@ohchr.org).



The Committee looks forward to pursuing its constructive dialogue with the authorities of the Turkmenistan on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'F. Salvioli', is written over the printed name.

Fabián Omar Salvioli
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee