



IPHR
International
Partnership
for Human Rights

REVIEW OF TURKMENISTAN UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

**Submission to the United Nations Human Rights
Committee, 119th session, Geneva, March 2017**

This document has been prepared as a submission to the United Nations Human Rights Committee ahead of its review of the second periodic report submitted by Turkmenistan under the International Covenant on Civil and Political Rights (ICCPR) at its 119th session in Geneva in March 2017. The submission has been jointly prepared by Turkmen Initiative for Human Rights (TIHR) and International Partnership for Human Rights (IPHR) and constitutes an updated and adapted version of the report prepared by the two organizations prior to the Committee's adoption of its List of Issues on Turkmenistan. It covers the implementation of the ICCPR in a number of key areas and details concerns with respect to wide-ranging restrictions on freedom of expression, assembly and association; repression of civil society; violations of freedom of movement; politically motivated trials, torture and disappearances; forcible evictions; as well as legislation and practices curtailing freedom of religion. The submission is based on information obtained by TIHR with the help of an in-country network of activists, who carry out their work non-publicly and at a great risk to themselves and their families, as well as analyses of national legal instruments and other relevant information. It was finalized on 31 January 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.

Turkmen Initiative for Human Rights
Vienna, Austria
Tel.: +43-699-1 944 13 27
Email: turkmen.initiative@gmail.com
Website: <http://www.chrono-tm.org>

International Partnership for Human Rights (IPHR) is an independent, non-governmental organization founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments.

International Partnership for Human Rights
Brussels, Belgium
Tel.: +32 (0) 2 880 03 99
Email: IPHR@IPHRonline.org
Website: <http://www.IPHRONline.org>

Contents

- Brief general overview of the human rights situation in Turkmenistan 1
- National human rights institution and access of international human rights monitors (article 2) 1
- Freedom of expression and the media (article 19) 2
- Freedom of peaceful assembly (article 21) 4
- Freedom of association and the right to participate in public life (articles 22 and 25) 6
- The situation of civil society (articles 19, 21, 22, and articles 12, 14, 17) 8
- Freedom of movement (article 12) 11
- Politically motivated imprisonment, incommunicado detention and torture and ill-treatment (articles 14, 7, 10 and 6) 12
- Right to privacy and family life: Forced evictions (articles 17, 23 and 24) 15
- Freedom of conscience and religion (article 18) 16

Brief general overview of the human rights situation in Turkmenistan

Five years after the Human Rights Committee reviewed the first periodic report submitted by Turkmenistan under the International Covenant on Civil and Political Rights (ICCPR), the **human rights situation in this Central Asian country remains highly repressive**.

For the stated purpose of improving compliance with international human rights standards, the Turkmenistani authorities have recently implemented a constitutional reform¹, adopted a first-ever National Human Rights Action Plan² and brought into effect a number of new laws. However, while these steps have resulted in certain improvements at the level of legislation, they have not resulted in any significant improvements in practice and **fundamental rights and freedoms protected by the ICCPR continue to be seriously infringed** in the country.

As previously, the constitutional principle of separation of powers is not enforced in Turkmenistan, and the presidential administration controls all branches of power. All elections held in the country have been unfair and unfree and although the revised version of Turkmenistan's Constitution that was adopted in September 2016 has been described as more democratic than the previous one, it will de-facto allow President Gurbanguly Berdimukhammedov to remain in office for life. There is no functioning political opposition in Turkmenistan, and well-known opponents are either in exile or prison, where many of them have disappeared. Media is strictly controlled by the state, the civil society environment is severely restricted, and all who publicly criticize the authorities are at the risk of persecution. The authorities continue to carry out arbitrary and unlawful measures that violate the rights of citizens, such as by banning them from travelling abroad, forcibly evicting them without due legal safeguards and dismantling their satellite dishes. The right to freedom of religion continues to be seriously restricted in law and in practice. (For more information on these issues, see the different sections of this submission).

A personality cult has increasingly been promoted around President Berdimukhammedov, featuring elements similar to that of late President Saparmurat Niyazov. Among others, he has assumed the title of "The Protector" of the nation, erected statues and portraits of himself across the country, introduced compulsory reading of his own literary works in schools and mobilized residents for mass events aimed at praising his regime.

National human rights institution and access of international human rights monitors (article 2)

In its 2012 Concluding Observations, the Human Rights Committee called on the Turkmenistani State party to establish an independent national human rights institution in full accordance with the so-called Paris Principles (par.8). The new version of Turkmenistan's Constitution adopted in September 2016³ sets out that a **Human Rights Ombudsman** will be appointed, and the Law on the Ombudsman⁴ adopted in late November 2016 regulates the mandate and powers of this office. The Turkmenistani authorities have said that international experts were consulted in the elaboration of the draft law, but the text of it was not made public prior to its adoption. It entered into force on 1 January 2017.

According to the Law on the Ombudsman, this office holder will be elected by the parliament among three candidates proposed by the president for a term of five years. The **mandate of the ombudsman is set out quite broadly**. Major functions include: carrying out visits to inspect various public institutions, including detention facilities; compiling and analysing information about the work of public bodies; receiving and considering complaints submitted by individual residents; investigating allegations of human rights violations; and contributing to efforts to raise awareness of human rights and to strengthen human rights related legislation. The law says that the ombudsman's office will be funded from the state budget and that the ombudsman will exercise his or her powers independently, without being accountable to any other body and with immunity from prosecution. However, the law **does not elaborate on how the institutional independence of the new office will be safeguarded** and the fact that the ombudsman will be selected among candidates proposed by the president will in practice mean that this official will be dependent on the president.

International human rights monitors have continued to be denied access to Turkmenistan. Turkmenistan's Human Rights Action Plan for 2016-2020 sets out that **invitations for UN special rapporteurs will be initiated** (section 2, par. 6). The implementation period for this task is 2016-2017. To date, the UN Special Rapporteur on the right to religion or belief is the only special procedure mandate holder to have visited the country – in 2008. According to the most recently available figure, **thirteen requests by UN special mechanisms to visit the country are pending**.⁵ Many of the initial requests of these mechanisms have been pending for ten years and more.

Recommendations

The Turkmenistani authorities should be requested to:

- Ensure that the new Human Rights Ombudsman's office can carry out its mandate in an effective and independent way.
- In accordance with the commitment undertaken in the Human Rights Action Plan, take prompt measures to facilitate visits by all UN special mechanisms that have requested to visit the country.

Freedom of expression and the media (article 19)

Turkmenistan's first-ever Media Law was adopted in December 2012 and entered into force in January 2013. This law contains **welcome provisions that safeguard freedom of the media and prohibit censorship** and unlawful interference in the activities of media. It also sets out that the state will guarantee media independence and pluralism. However, the adoption of the law has not changed the situation in practice.

In the well-reputed global Press Freedom Index published by the NGO Reporters Without Borders, Turkmenistan was ranked 178th among 180 countries in 2016, with only North Korea and Eritrea behind.⁶ As previously, there is **no independent media** in the country, and **all national media outlets are tightly controlled** by the authorities. While the president formally gave up his role as "founder" of state print media in 2013, this did not result in any relaxation of censorship practices: government officials continue to keep a close eye at the content of newspapers, fearing to be held accountable for any articles that may displease the president.⁷

For similar reasons, self-censorship is widespread among the editorial boards of newspapers. Programs broadcast on national TV channels are pre-screened.

The **import and sale of foreign newspapers is restricted**, although the new Media Law specifically protects the rights of citizens to enjoy unimpeded access to foreign media products. Moreover, the authorities have implemented **arbitrary campaigns to dismantle private satellite dishes**, which have been argued to spoil the outer appearance of apartment buildings, thus restricting access to information from foreign TV and radio channels. TIHR has repeatedly documented cases where satellite dishes have been dismantled in the capital Ashgabat,⁸ and in recent months, such cases have also been reported from other parts of the country.⁹ While residents whose satellite dishes have been removed have been promised that cable TV or internet protocol television (IPTV) will instead be installed in their houses, such promises have come with strings on the content and residents have been requested to cover the costs of the new installations themselves.

Turkmenistan's Human Rights Action Plan for 2016-2020 says that everyone will be granted unobstructed access to the internet (section 2, part 1, par. 35). The Law on the Legal Regulation of the Development of the Internet and the Provision of Internet Services, which was adopted at the end of 2014, states that the government will take **measures to promote internet access, promote fair competition in the field of internet services and boost internet infrastructure**. However, at the same time, this law provides for undue restrictions on access to online content, e.g. by prohibiting the dissemination of information that is considered "slandorous" or that "rejects family values" among children. While welcoming that the new law lays grounds for better internet access, the OSCE Representative on Freedom of the Media expressed concern that it provides for "disproportionate limitations" on online content for overly broadly defined activities.¹⁰

According to the most recent estimate of the International Telecommunications Union (ITU), only some 15 percent of the population of Turkmenistan uses the internet.¹¹ Internet use has recently increased in the country, in particular as a result of the growing use of mobile devices and mobile internet. However, no reliable statistics of the number of mobile internet users are available.

Websites that publish independent information about developments in Turkmenistan, such as the sites of TIHR (<http://www.chrono-tm.org>), Gundogar (<http://gundogar.org/>), the Turkmenistani service of Radio Free Europe/Radio Liberty (RFE/RL, Radio *Azatlyk*, <http://rus.azathabar.com/>) and Fergana News (<http://www.fergananews.com>) **continue to be blocked** in the country. Access to foreign social media sites such as Facebook, Twitter and YouTube and communications applications such as WhatsApp and WeChat has also been restricted, and proxy sites used to circumvent censorship and access otherwise unavailable sites are regularly blocked. According to RFE/RL, during the November 2016 review of Turkmenistan by the UN Committee against Torture, the website of the UN High Commissioner for Human Rights – where the session was livestreamed – was unavailable in the country.¹²

According to TIHR's information, air passengers have been prohibited from bringing new mobile phones obtained for personal use into the country, with argument that the import of such devices requires special government permission.¹³ This also has negative implications for freedom of expression as most residents who use the internet do so through mobile phones.

In a worrying development, the Turkmenistani authorities have recently **further stepped up efforts to obstruct the dissemination, exchange and receipt of independent and alternative information** about the situation in the country. This development has taken place in the context of the worsening economic situation in the country and the upcoming February 2017 presidential elections. At a meeting held on 13 October 2016 to

discuss the preparations for the Asian Indoor and Martial Arts Games, which will take place in Ashgabat in September 2017, the president gave orders “to prevent the spread of false information” on the internet during these games.¹⁴ This statement appears to have triggered renewed measures by law enforcement and security agencies against those publishing information critical of the current situation in the country.¹⁵

In the last few months, the internet access of independent journalists and activists has been arbitrarily restricted and they have increasingly been singled out for retaliatory measures (for more information, see the section on civil society below). TIHR has also received information about individuals who have been summoned by security services for taking part in the discussion on social media and warned to stop using these sites at the threat of arrests, travel bans, dismissal from their jobs and other repercussions.¹⁶ The RFE/RL has reported that authorities have sought to intimidate residents not to listen to its Turkmen service.¹⁷ Given reinforced restrictions, it has also become increasingly difficult to obtain information about the situation in the country from sources on the ground.

Recommendations

The Turkmenistani authorities should be requested to:

- Enforce, in practice, the provisions of the Media Law that safeguard media pluralism and prohibit censorship.
- Put an end to the practice of forcibly dismantling satellite dishes and protect the right to unimpeded access to foreign sources of information.
- Take prompt measures to promote equal, universal and unobstructed internet access and refrain from arbitrarily blocking access to websites.
- Refrain from arbitrarily restricting the internet access of well-known independent journalists and activists, summoning and threatening social media users, as well as intimidating RFE/RL listeners and other individuals seeking to obtain, exchange or disseminate independent or alternative information about the situation in the country.

Freedom of peaceful assembly (article 21)

A **first-ever law regulating the holding of peaceful assemblies** -- the Law on Organizing and Conducting Assemblies, Rallies, Demonstrations and other Mass Events -- entered into force in Turkmenistan in July 2015. This law **allows individuals and lawfully registered organizations to carry out assemblies if local authorities are informed in advance** (three days in advance for pickets; 10-15 days in advance for all other assemblies) and the venue for holding these events is agreed with authorities. At the same time, the law **grants local officials wide discretion to refuse to agree to assemblies** on the grounds that the proposed venue is unsuitable. The law prohibits assemblies near e.g. government buildings, hospitals, schools and public transportation, as well as in “other places” where local authorities decide that assemblies may not be held. The law also states that assemblies, as a rule, should be held in venues that will be specifically designated for this purpose. As seen in other countries of the region, such venues are typically located far away from city centres, out of the “sight and sound” of target audiences. According to the law, only one-person pickets can be held without informing local authorities, and **no other spontaneous assemblies are foreseen**.

It is regrettable that the Turkmenistani authorities did not respond to the Human Rights Committee's questions about the implementation of the new Law on Assemblies¹⁸ in their replies to the List of Issues and, in particular, that they did not explain whether any notifications for holding assemblies have been submitted and processed under the law. Our organizations do not have any information in this regard.

Public **assemblies are generally a rare occurrence** in Turkmenistan because of the lack of awareness of citizens of their rights and the overhanging threat of reprisals for any criticism of government policies. In recent years, TIHR has reported about a number of incidents where citizens have carried out spontaneous protests on socio-economic issues affecting their everyday lives. In response to such protests, local authorities have sought to track down and "warn" the initiators, even if the issues that the protesters have raised in some cases have been addressed. Against this background, there are reasons to fear that **the new law on assemblies may be used to discourage the holding of spontaneous, peaceful gatherings** and to **intimidate the initiators and participants** in such protests.

In a troubling practice, the Turkmenistani authorities **forcibly mass mobilize residents for participation in various festive events**, such as parades held on the occasion of public holidays, visits by the president to different parts of the country, the opening of newly constructed facilities etc., as well as rehearsals for such events. Among those mobilized are employees of state institutions, members of public organizations, university students, schoolchildren and other residents. This practice violates the right to freedom of assembly, being contrary to the principle of voluntary participation in mass events that the Turkmenistani authorities have set out as a guiding principle for the regulation of assemblies.¹⁹ It also results in that those forced to participate miss out on studies and work, and jeopardizes their health and well-being as rehearsals and events are typically intense, lengthy and held in any weather.

This is only one recent example:

- Ahead of the president's opening of the new *Bereketli Zaman* residential district in the Ahal region on 12 October 2016, state employees, students and school children were forced to participate in full-day welcome ceremony repetitions, starting in the morning and ending only around 9 pm. Students were also forcibly mobilized to plant trees along the road to the residential district.²⁰

In several cases, individuals forcibly mobilized for mass events have died. For example, according to TIHR's information, three people died after being forced to wait for some 7 hours for the president to arrive to a stadium opening in Ashgabat on 5 August 2015, without access to water in the hot weather. Many others in the crowd, which included children and elderly people, fainted and over a dozen were hospitalized.²¹

Recommendations

The Turkmenistani authorities should be requested to:

- Commit to respecting the right to peaceful assembly in practice and refrain from any measures to unduly restrict this right, including by preventing citizens from holding spontaneous peaceful protests.
- Put an end to the practice of forcibly mobilizing residents for participation in mass parades and similar events that pose a threat to their health and well-being.

Freedom of association and the right to participate in public life (articles 22 and 25)

The **Law on Public Associations** adopted in May 2014 replaced a previous law from 2003. The new law grants citizens the right to establish and join local, regional, national and international associations of their choice and allows foreign organizations to establish branches in Turkmenistan. It also prohibits state interference in the activities of associations. However, **basic provisions of the law remain problematic**, such as a requirement of compulsory registration of associations, strict registration rules especially for nation-wide associations (which must have 400 members to gain registration) and provisions granting authorities wide powers to monitor and oversee the activities and finances of associations without adequate safeguards against abuse. Under the law, there are also broad grounds on which associations may be closed down by court: They may be liquidated for any violations of national law or actions contrary to their own statutes.

In its replies to the List of Issues adopted by the Human Rights Committee, the Turkmenistani State party said that a total of 118 public associations are currently registered in the country and that eight of them have been registered following the adoption of the 2014 law.²² It did not provide any further information about the registered organizations, such as their names and mandates. However, in practice, **the Turkmenistani authorities continue to promote government-supported and controlled organizations**, so-called GONGO and have not demonstrated any political will to enable genuinely independent civil society organizations to operate in the country. Many existing public associations are Soviet-area type of unions, such as youth, women and veteran unions. As previously, **no independent NGOs addressing human rights or other politically sensitive issues are registered** or able to work openly in the country. Civil society representatives who dare to publicly speak out on the situation in the country are highly vulnerable to persecution (see more in the section on civil society below).

Exiled Turkmenistani NGOs have also faced pressure. Austria-based TIHR has repeatedly been the target of website attacks, which it believes have been perpetrated by Turkmenistani security services in an attempt to obstruct the organization's independent coverage of developments in Turkmenistan and its site is blocked in the country and only accessible through proxy servers. TIHR's director and his family members and co-workers have been subjected to intimidation. (See more in the section on civil society below).

Turkmenistan's **first-ever Law on Political Parties** that was adopted in January 2012 **created a legal basis for a multi-party system**. This law grants citizens the right to establish and participate in the activities of political parties on a voluntary basis. Political parties must be registered with the Ministry of Justice in order to operate lawfully in the country. Registration requires that a political party has at least 1000 members and that its leadership and management bodies are located in Turkmenistan, which rules out the possibility of parties managed by citizens based in exile. The law prohibits parties established on ethnic or religious grounds, regional parties, and parties "based on professional principle", although the parties registered under the law so far (see below) both appear to be oriented toward particular professional segments of the population, thus creating a lack of clarity as to what this ban entails. The law also prohibits parties that "endanger the health and moral norms of the population" – a vague formulation that is open to differing interpretations.

According to the Law on Political Parties, the Ministry of Justice is in charge of supervising that the activities of political parties are consistent with national legislation and their own statutes and may, inter alia, send its representatives to attend meetings and other party events to this end. If the ministry finds violations, it may

initiate warnings and request court to suspend or close down parties. Court decisions on the suspension or closure of parties are subject to appeal.

Following the adoption of the Law on Political Parties, **two more political parties have been established** aside from the pre-existing presidential Democratic Party of Turkmenistan: The Party of Industrialists and Entrepreneurs was established in August 2012 and the Agrarian Party in September 2014. This development is in line with the position taken by President Berdymukhammedov prior to the adoption of the Law on Political Parties, when he publicly expressed support for a multi-party system, but said that he thinks it will be sufficient to have two parties that are "supported by citizens" and warned against the "proliferation of parties".²³ The process of creating the two new parties was carried out under the auspices of the presidential administration and individuals who are known loyalists to the president were recruited to chair them. The two parties **do not represent any independent platforms** or any genuine alternative to the ruling party.

While the the Party of Industrialists and Entrepreneurs ran in the December 2013 parliamentary elections and gained representation in the parliament, this **did not change the unfree and unfair character of the elections**. The OSCE Office of Democratic Institutions and Human Rights (ODIHR), which declined to send a full-scale election monitoring mission due to the absence of competition, concluded that the participation of a second political party in the elections was "no substitute for a genuinely pluralistic environment which would provide for the functioning of a political opposition to the incumbent authorities."²⁴ Similarly, the ODIHR has announced deploying only a limited Election Assessment Mission for the presidential elections on 12 February 2017, referring again to the lack of political pluralism in the country.²⁵ As of the end of December 2016, a total of nine candidates had been registered for the elections, including the incumbent president, representatives of the two other registered parties and several candidates nominated by citizen initiative groups.²⁶ None of the candidates is known to challenge the policies of the incumbent president.

The **presidential administration completely dominates political life** in the country and there is no space for alternative political views to be expressed and advocated. Current President Gurbanguly Berdymukhamedov has been in power since the passing of his predecessor Saparmurat Niyazov in 2006 and the new version of the Constitution adopted in September 2016 will **allow him to stay in office for life**. The new Constitution abolished the previous upper age limit for presidential candidates, while retaining the lack of any limitations on the number of times the same person can be re-elected. It also extended the presidential term from five to seven years.

Recommendations

The Turkmenistani authorities should be requested to:

- Bring the provisions of the Law on Public Associations concerning the registration, oversight and operation of such entities into full compliance with international human rights standards, in particular by abolishing the requirement for compulsory registration.
- Ensure that independent NGOs that so wish may obtain legal status in a fair and transparent process and carry out their activities without undue interference by authorities.
- Revise problematic provisions of the Law on Political Parties in accordance with the recommendations of international human rights experts.
- Enable independent political parties to obtain registration and operate freely and facilitate open public debate on political alternatives in the country.

The situation of civil society (articles 19, 21, 22, and articles 12, 14, 17)

In its 2012 Concluding Observations (par. 18), the Human Rights Committee expressed concern about the harassment and intimidation of journalists and human rights defenders in Turkmenistan and called on the authorities to ensure that these and other individuals are able to freely exercise their right to freedom of expression in accordance with the ICCPR. The Turkmenistani authorities have failed to comply with this recommendation. The few local **journalists who contribute to foreign media**, such as in particular the Prague-based Turkmen service of RFE/RL (Radio *Azatlyk*), **civil society activists** and **others who dare to openly criticize government policies** in Turkmenistan **remain highly vulnerable to intimidation and harassment**. Critical voices who have fled the country and now live in exile have also been targeted.

Moreover, **the situation has deteriorated further in the last few months**: Journalists, civil society activists and dissidents have been subjected to growing pressure in the context of the worsening economic situation in the country and the presidential elections scheduled to be held on 12 February 2017. As described above, the October 2016 call made by the president to prevent the spread of “false” information on the internet appears to have triggered reinforced measures by law enforcement and security agencies against critical voices (see also the section on freedom of expression above).

The following cases illustrate this alarming trend:

- On 3 December 2016, Radio *Azatlyk* correspondent **Hudaiberdi Allashov** was detained by law enforcement officials in his home in the Kunya-Urgench district in the Dashoguz region.²⁷ He was subsequently charged with possessing chewing tobacco, which is an unlawful but commonly used substance in Turkmenistan that is not known to previously have led to arrests. These charges may result in up to seven years in prison. There are serious allegations that Allashov was subjected to torture and ill-treatment, including through the use of electric shocks and that he was coerced into “confessing” to the possession of 11 kg of chewing tobacco. Following his detention, Allashov was seen severely bruised and unable to hold his head up or speak at the police station. Allashov’s mother and spouse were also rounded up and allegedly subjected to ill-treatment by police, with the former believed to be facing similar charges as her son. According to available information, Allashov and his mother were transferred to a detention facility in the city of Dashoguz in mid-December 2016.²⁸

Hudaiberdi Allashov began contributing to RFE/RL’s Turkmenistani Service in October 2016, reporting on issues such as food shortages, wage delays and cotton-picking under a pseudonym. The RFE/RL has said that it considers the case against him to be part of a targeted campaign aimed at silencing its Turkmenistani service.²⁹ The OSCE Representative on Freedom of the Media has called for Allashov’s release and for ensuring journalists’ safety in Turkmenistan.³⁰

- Another Radio *Azatlyk* correspondent, **Soltan Achilova** was questioned by police after taking photos of people standing in line outside a grocery store in Ashgabat on 25 October 2016. She was held for several hours. After finally being allowed to leave, she was attacked by four individuals in plain clothes, who insulted her, demanded that she delete photos and took her camera.³¹ On 8 November 2016, when undergoing treatment at a medical centre outside the capital, Achilova was approached by two unknown women who yelled: “This is the one who takes pictures and pours dirt on Turkmenistan.” Earlier the same day, in an attack Achilova believed was aimed at her, another woman staying in the

same facility was knocked to the floor and beaten by two unknown women who shouted: "This is for your taking pictures."³² In yet another incident that took place outside her home on 25 November 2016, Achilova said that she was run over by a group of cyclists who tried to take her camera.³³ In addition, Achilova has experienced interruptions in her mobile phone and internet connections.

RFE/RL has stated that it considers the attacks against Achilova deliberate attempts to punish her for her journalist work.³⁴ Achilova has covered different socio-economic issues for the service, such as food shortage and health care problems. Previously, in December 2014, she was detained and questioned by police after taking photos of people standing in line at an Ashgabat food market.³⁵

- **Saparmamed Nepeskuliev**, a freelance journalist who has been working with the RFE/RL's Turkmenistan service and the Netherlands-based Alternative Turkmenistan News and written on issues such as corruption, problems in the health care system and water shortages, went missing in July 2015 in a connection with a trip he undertook for his work. Only several weeks later did his family find out that he was being held incommunicado by law enforcement authorities on spurious narcotics possession charges.³⁶ At the end of August 2015, Nepeskuliev was sentenced to three years in prison in a hearing that his family learned about only afterwards.³⁷ He currently remains behind bars.

In an opinion adopted at its November-December 2015 session, the UN Working Group on Arbitrary Detention concluded that Nepeskuliev has been arbitrarily detained in contravention of articles 9, 14 and 19 of the ICCPR and called on the State party to release him and grant him compensation.³⁸ During the November 2016 review of Turkmenistan by the UN Committee against Torture, the Turkmenistani delegation said that Nepeskuliev is serving his sentence in a prison in the city of Balkanabad and that his sister has been allowed to visit him there.³⁹ It provided no further details of his imprisonment conditions or the sentence against him.

- Former independent journalist **Chary Annamuradov**, who obtained refugee status after fleeing Turkmenistan sixteen years ago and now lives in Sweden, was arrested in Minsk (Belarus) in mid-July 2016 at the request of Turkmenistani authorities. Thanks to international interventions on his behalf, he was released in mid-September 2016 and able to return to Sweden, thus avoiding extradition to Turkmenistan where he would have been at great danger. In October 2016, Human Rights Watch learned that Chary Annamuradov's brother, **Altymurad Annamuradov** had died on 4 September 2016, four days after being kidnapped from his home in Turkmenistan by unknown men. Before he died, he was deposited in a weak state near his home. He told his relatives that he had been questioned about his brother and brutally beaten and humiliated by his kidnappers.⁴⁰ When asked about this case by the UN Committee against Torture in November 2016, the Turkmenistani delegation insisted that Altymurad Annamuradov had suffered from heart problems and died in his home due to such problems.⁴¹
- **Nataliya Shabunts**, a civil society activist who cooperates with TIHR and who has not refrained from using her own name when publishing information, has repeatedly faced intimidation because of her outspoken stance on the situation in the country. In October 2016, her internet connection stopped working for unexplained reasons, although she had made the necessary payments. As of the beginning of 2017, she was still without internet access. In recent months, she has also been subjected to ongoing surveillance, with unknown people taking turns in keeping watch outside her Ashgabat home. This has resulted in that she is currently under serious pressure.

- Former Turkmen political prisoner **Akmuhammet Baihanov**, who resides in Russia, was reportedly attacked by unidentified individuals in a city close to Moscow on 18 August 2016. Baihanov noted that the perpetrators, who ran off after he managed to use pepper spray against them, were speaking in Russian and Turkmen. He believed that this was an attempt to abduct him and bring him back to Turkmenistan. In July 2016, Baihanov published a book about his time in the notorious Turkmenistani high-security prison Ovadan Depe, where many political prisoners are believed to have been held.⁴²
- TIHR's Austria-based Chair **Farid Tuhbatullin** has continued to face intimidation in connection with TIHR's independent and critical reporting on human rights developments in Turkmenistan. He has repeatedly received threats, including serious threats against his person that he learned about in late 2015, which forced him to seek police protection. Pro-government sites have published discrediting and offensive information about Farid Tuhbatullin and his family and colleagues and TIHR's website, chrono-tm.org has been the target of numerous attacks believed to have been orchestrated by Turkmenistani security services. A December 2012 attack brought TIHR's website offline for a month. In connection with this attack, material insulting and intimidating Farid Tuhbatullin and his family members were also posted on the site.
- **Geldy Kyarizov**, an internationally acclaimed horse-breeding expert who fell out of favour with the government over a decade ago, was imprisoned in 2002-2007 after being accused of having links to the exiled opposition. Following his release, he continued to be subjected to pressure, including by being prohibited from travelling abroad. In August 2015, he and his sister and daughter-in-law were prohibited from boarding a Moscow-bound plane at the Ashgabat airport, in spite of valid travel documents.⁴³ Following international attention, they were finally allowed to leave and go to Russia in September 2015. However, Kyarizov has faced renewed intimidation abroad, as he and his wife have not refrained from publicly speaking out about their experience of harassment at the hands of the Turkmenistani authorities. On 3 October 2015, Kyarizov reported being assaulted when leaving a Moscow metro station. An unknown man approached him on the escalator, hit him in the stomach and said in Turkmen that "you were told to be quiet".⁴⁴

Recommendations

The Turkmenistani government should be requested to:

- Stop persecuting independent journalists, civil society activists and other critical voices, including those who live in exile and their family members who live in Turkmenistan.
- Drop the charges against Hudaiberdi Allashov, Saparmamed Nepeskuliev and anyone else who have been prosecuted in retaliation for their journalist work and immediately release them.
- 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, including in the cases described above, and hold the perpetrators accountable.
- Put an end to the intimidation of journalists cooperating with the RFE/RL and other foreign media, as well as to the surveillance and other harassment of TIHR colleague Nataliya Shabunts.

Freedom of movement (article 12)

In its 2012 Concluding Observations on Turkmenistan (par. 12), the Human Rights Committee expressed regret that the State party maintains the Soviet-era *propiska* system of mandatory registration at the place of residence, saying it is concerned that this system may interfere with the enjoyment of rights under article 12 of the Covenant. Currently **the *propiska* system remains in force** and continues to be enforced in ways that **limit freedom of movement and other fundamental rights** of residents. Although the Law on Migration (article 43) states that the enjoyment of rights and freedoms protected by law is not dependent on residence registration (article 43), the application of *propiska* requirements results in that access to employment, housing and social and health care services is de facto linked to the possession of such registration. At the same time, the procedure for obtaining registration at the place of residence is often very complicated and cumbersome, especially in the capital and other large cities.

Many residents from other parts of the country come to the capital and other large cities in search of jobs. Lack of residence registration on the part of internal migrants place them in a vulnerable position. TIHR has received information about **police raids, detentions and the deportation of hundreds of people from Ashgabat and Turkmenbashi due to the lack of residence registration** in recent months.⁴⁵ A decree signed by the president in February 2016 (N 14606) introduced new obstacles to working in Ashgabat for residents who are not registered in the capital. While residence registration requires the possession of housing, decrees previously adopted by the mayors of Ashgabat and Turkmenbashi state that only individuals with *propiskas* in these cities may acquire housing there.

In its previous Concluding Observations (par. 12), the Human Rights Committee also expressed concern about restrictions on the exit from/entry into the country for blacklisted individuals. It called on the State party to ensure that any restrictions in this regard are compatible with the strict requirements of article 12 of the Covenant. The Turkmenistani authorities, however, **continue to arbitrarily blacklist and restrict the right to exit/entry of individuals who are considered “disloyal”** to the regime, including, among others, former government officials who have fallen out of favour, civil society activists, journalists and religious leaders, as well as their family members. Thousands of people are believed to feature on unofficial blacklists.

Some individuals have been subjected to travel bans for years. For example, in June 2016, Aydjemal Redjelova, daughter of the exiled dissident Prikul Tanrykuliev, was finally allowed to leave the country together with her two young daughters after being prevented from travelling abroad for 13 years.⁴⁶ Geldy Kyarizov was banned from travelling abroad after being released from serving a prison sentence considered to be politically in 2007. He was finally allowed to leave the country in September 2015 (see more about his case in the section on civil society).

Young people have also been **subjected to arbitrary restrictions on travel abroad**. TIHR has reported about a number of cases when Turkmenistani **students admitted to foreign universities** have faced such restrictions. For example, dozens of young people were prevented from travelling to Bulgaria and Russia in August 2012 to take up studies at universities in these two countries.⁴⁷ According to TIHR's information, border officials have also barred young people from boarding planes to go abroad because of supposed concerns about their safety: The travel bans have been argued to be aimed at protecting them from being recruited by militant groups or subjected to sexual exploitation abroad.⁴⁸ The Law on Migration (article 30) sets out a list of grounds on which residents can temporarily be banned from exiting the country, including national security

concerns, concerns about human trafficking and uncompleted compulsory military service. Restrictions imposed on these grounds cannot be appealed.

Since 2008, **the Constitution bans dual citizenship** (article 10 of the revised Constitution adopted in 2016). This ban has also been **applied to individuals who obtained a second citizenship prior to the entry into force of this requirement**, in particular to thousands of dual Turkmen-Russian citizens. They have been pressured by authorities to renounce their Russian citizenships in order to obtain new Turkmen biometric passports that are compulsory for travel abroad since 2013. Given Turkmenistan's restrictive migration policies, giving up either citizenship has significant implications for the opportunities of these individuals to exercise their right to freedom of movement. Possessing a Russian citizenship makes it easier for them to travel to Russia and other countries to visit relatives, study, undergo medical treatment etc., while renouncing their Turkmen citizenship means that they will face serious difficulties to return to Turkmenistan again if they leave the country. As a result of earlier Russia-Turkmenistan negotiations, dual citizens who obtained their Russian citizenship prior to July 2003 have been able to keep both citizenships and get new Turkmen passports.

Recommendations:

The Turkmenistani government should be requested to:

- Ensure that residence registration requirements are not enforced so as to limit the right to freedom of movement and other fundamental rights of residents.
- Stop banning citizens from leaving the country on arbitrary grounds and put an end to the use of so-called blacklists for travel abroad.
- Ensure that the ban on dual citizenship is not retroactively applied to those who obtained a second citizenship prior to 2008 and that dual citizens are not subjected to arbitrary restrictions with respect to obtaining passports for travel abroad.

Politically motivated imprisonment, incommunicado detention and torture and ill-treatment (articles 14, 7, 10 and 6)

In its 2012 Concluding Observations on Turkmenistan, the Human Rights Committee called on the State party to safeguard the independence of the judiciary, put an end to incommunicado detention and imprisonment and make known the whereabouts of those convicted for alleged assassination attempt on the former president and grant them access to their lawyers and families (par. 13 and 10). It also called on the State party to ensure that torture allegations are effectively investigated and the perpetrators prosecuted and given appropriate sanctions, and to establish an independent oversight body of places of detention and allow visits to such facilities by recognized international humanitarian organizations (par. 9)

The revised version of Turkmenistan's Constitution adopted in September 2016 states that judges "are independent" and that "interference with the work of judges (...) shall be unacceptable and punishable by law" (article 98). However, at the same time, it (article 100) provides that judges are "appointed and dismissed by the president", in spite of the concerns voiced by international human rights bodies in this regard. Similar

provisions are laid down in the revised Courts Act adopted in 2014. In practice, **the judicial system remains heavily dependent on the executive**, and it is non-transparent and **open to politically motivated abuse**.

Dozens of individuals remain imprisoned on charges believed to be trumped-up after being convicted in **unfair trials surrounded by secrecy**. Many of these have **disappeared in prison**, with their family members not having received any information about them for years and not knowing whether they are still alive. These include former Foreign Minister **Boris Shikmuradov**, in whose case the Human Rights Committee found a series of violations when reviewing an individual complaint submitted by his wife in October 2014⁴⁹, as well as other individuals convicted after the alleged assassination attempt on late President Saparmurat Niyazov in 2002.⁵⁰ In January 2017, it was reported that **Tirkish Tyrmyev**, another former top official who was imprisoned during late President Niyazov's reign and whose fate has been unknown, had died in custody after spending almost 15 years behind bars. His body was delivered to his family but there was no official confirmation of his death.⁵¹

Among those who have been held incommunicado are also individuals who have been convicted in later years, such as opponent **Gulgeldy Annaniyazov** who was sentenced to 11 years in prison on charges of illegally crossing the border when returning to Turkmenistan from exile in 2008. The UN Working Group on Arbitrary Detention has declared his detention unlawful and called for his release.⁵² When asked about his case by the Committee against Torture in November 2016, the Turkmenistani delegation said that he is held in a prison in the city of Tejen and that their records showed that no family member has visited him and that he has only received one food parcel - the year he was imprisoned.⁵³ The UN Working Group on Arbitrary Detention has also declared unlawful the detention of freelance journalist **Saparmamed Nepeskuliev**, who was sentenced to three years in prison on narcotics possession charges in August 2015 after being held incommunicado for weeks (see more on his case in the section on civil society). At the session of the Committee against Torture, the Turkmenistani delegation said that he is held in a prison in the city of Balkanabad and that his sister has been allowed to visit him there.⁵⁴ Serious concerns remain about both men.

In a recent development, Turkmenistani authorities have reportedly carried out mass detentions of purported **followers of Turkish cleric Fethullah Gülen** following the failed July 2016 coup attempt in Turkey, which he has been accused of masterminding. There are serious allegations that individuals detained as part of this crackdown have been **arbitrarily held for extended periods** and **subjected to torture and ill-treatment**. In mid-November 2016, TIHR reported that 19 individuals accused of involvement in the *Hizmet* movement founded by Gülen were being held in a pre-trial detention facility in the city of Anau after being arrested during a security services operation in September 2016. According to TIHR's information, they had been held without charge for over 50 days and subjected to beatings and other abusive treatment, including by being questioned and filmed after being forced to drink alcohol.⁵⁵ There have also been several other reports of the arbitrary detention and torture of individuals accused of involvement in the *Hizmet* movement.⁵⁶ Many of those detained are individuals with links to Turkish schools and educational centres previously operating in Turkmenistan. According to RFE/RL, at least two individuals accused of involvement in the Gülen movement were imprisoned in closed trials at the end of December 2016.⁵⁷ No details about the charges against them are known.

As recommended by both the Human Rights Committee and the Committee against Torture, Turkmenistan's Criminal Code was amended in August 2012 to **incorporate an article criminalizing "torture"** (article 182-1).⁵⁸ This article provides for a definition of torture in accordance with article 1 of the Convention against Torture, which had previously been lacking. It establishes penalties of three to eight years in prison for the use of

torture, and of up to 15 years in prison in aggravated circumstances. The adoption of this amendment was a welcome development. However, we are seriously concerned about the apparent failure of the Turkmenistani authorities to apply this new article and ensure that cases of torture are duly investigated and prosecuted under it.

According to information from the Turkmenistani authorities, **no complaints about torture and ill-treatment have been received** by detainees since the entry into force of the new Criminal Code provision on torture and there have been **no investigations nor court cases** under it.⁵⁹ They have also stated that all complaints submitted by relatives concerning ill-treatment of detainees have been deemed “unfounded”.⁶⁰ According to human rights defenders, the standard response of authorities to complaints about torture and ill-treatment submitted by relatives is that the allegations have not been “corroborated”, although no proper investigation has been carried out. This undermines faith in that justice can be obtained and discourages others from filing file complaints.⁶¹

Particularly in view of persistent allegations of the widespread use of torture in Turkmenistan, the lack of investigations and court cases on torture **raises serious questions about the commitment of the Turkmenistani authorities to fight against torture** in practice and ensure accountability for such treatment.

The **lack of independent monitoring of places of detention** for the purpose of preventing torture and ill-treatment and other human rights violations is also a major concern. Among the tasks set out in Turkmenistan’s Human Rights Action Plan for 2016-2020 is to “continue the dialogue with relevant authorities to establish a system of independent, effective and regular monitoring and inspection of all detention facilities without prior notice” and to “carry out monitoring of detention facilities and publish the results of conducted investigations” (section 2, par. 19 and 20). However, currently there is no independent and effective national mechanism for monitoring detention facilities in the country.

According to the Turkmenistani State party, monitoring commissions established under a March 2010 presidential decree carry out visits to detention facilities.⁶² As these commissions are said to be composed of representatives of the authorities, the presidential party and state-controlled public associations⁶³, they clearly do not constitute independent bodies. The new Law on the Ombudsman (see also the section on National human rights institutions) states that this officer will conduct unannounced visits to places of detention and consider complaints from prisoners. As already noted above, there are concerns about the lack of guarantees for the institutional independence of this body and it remains to be seen what resources it will have for the implementation of this aspect of its mandate.

The Turkmenistani authorities have reported organizing a number of visits for representatives of the International Committee of the Red Cross (ICRC) to prison facilities in the country. However, the information available about these visits⁶⁴ indicate that they have merely been aimed at familiarizing ICRC delegates with selected detention facilities and sites without any opportunity for proper monitoring or conduct in-depth interviews with detainees. Thus, **the ICRC has yet to be granted unhindered access to the country’s detention facilities**, which would enable it to conduct thorough monitoring in accordance with its basic conditions, including through private discussions with detainees of its choice and repeat visits as often as deemed necessary. The Turkmenistani authorities have also reported about several recent visits of representatives of the diplomatic community to prison facilities in the country.⁶⁵ While such visits are welcome and valuable, they cannot replace monitoring by international monitoring bodies such as the ICRC.

Recommendations:

The Turkmenistani government should be requested to:

- Take concrete measures to strengthen the independence of the judiciary and ensure that the judicial system is not used to hand down politically motivated sentences in trials held in violation of international due process and fair trial standards.
- Put an end to the practice of prolonged 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 held on politically motivated grounds.
- Ensure that the new Criminal Code provision on torture is applied in practice and that any allegations of torture and ill-treatment are promptly, thoroughly and impartially investigated, the perpetrators prosecuted and given penalties commensurate to their crimes and the victims granted adequate compensation.
- Establish an effective national system for effective and regular monitoring of all places of detention without prior notice and grant the ICRC unhindered access to detention facilities and enable it to carry out monitoring in accordance with its standard procedures.

Right to privacy and family life: Forced evictions (articles 17, 23 and 24)

We are seriously concerned about **violations related to house demolitions and forced evictions of residents**, including families and children **due to government construction projects**. In a recurring pattern, residents have been evicted without receiving adequate advance notice, being granted any opportunity to legally challenge the decision prior to its execution, or being promptly granted adequate alternative accommodation or compensation.

TIHR has learned about an **increasing number of evictions** that appear to be **related to construction projects implemented ahead of the Asian Indoor and Martial Art Games**, a major international sports event that will be held in Ashgabat in September 2017. Starting in spring 2015, authorities carried out mass evictions and demolitions of cottages claimed to have been illegally constructed in holiday villages close to Ashgabat, in particular the Shoganly and Chor without due advance notice or process. These measures also affected people residing in the cottages on an ongoing basis, including those who have re-settled there after selling in-city housing, as well as families who have come to the capital in search of jobs and ended up living in the holiday villages due to the lower rental level. Already previously, in 2012, the Berezeni holiday village was demolished.

House demolitions and forced evictions have also been carried in residential areas in the capital. For example, in November 2015, the inhabitants of several apartment buildings located in the Bagtiyarlyk area were given only a few days notice to pack up their belongings and leave before these houses were demolished. One resident with whom TIHR's monitors spoke said that some of those evicted had been told to "stay with relatives" or "rent housing" until they could be provided alternative accommodation.⁶⁶ According to TIHR's information, evicted residents are often promised alternative accommodation only in two-three years' time.

This has resulted in that evicted families in some cases have been forced to stay in makeshift facilities for extended periods of time. For example, in mid-2014, TIHR reported about over 300 families living in barracks in deplorable conditions at the outskirts of Ashgabat after their houses were demolished.⁶⁷

We regret that the Turkmenistani authorities failed to respond to the Human Rights Committee's questions about house demolitions and forced evictions undertaken ahead of the forthcoming Asian Indoor and Martial Arts Games when replying to the List of Issues adopted by the Committee.⁶⁸

Recommendations

The Turkmenistani government should be requested to:

- Carry out any evictions in full accordance with due process requirements and promptly grant those affected appropriate, alternative accommodation or other adequate compensation.
- Provide detailed information about measures taken to safeguard the rights of individuals and families who have been forcibly evicted during the preparations for the 2017 Asian Indoor and Martial Arts Games to be held in Ashgabat.

Freedom of conscience and religion (article 18)

In its 2012 Concluding Observations on Turkmenistan (par. 16 and 17), the Human Rights Committee expressed concern that national legislation seriously restricts the exercise of freedom of religion and that there is no civilian alternative to compulsory military service. It called on the Turkmenistani authorities to ensure that its laws and practices respect the rights of persons to freely practice and manifest their religious beliefs, as well as to safeguard the right to conscientious objection to military service and stop prosecuting individuals who refuse to perform military service on grounds of conscience.

As previously, freedom of religion is seriously curtailed in Turkmenistan. A new Law on Freedom of Religion and Religious Organizations was adopted in Turkmenistan in March 2016.⁶⁹ This law was argued to be needed in view of the growing threat of terrorism and extremism. Similarly to the previous religion law, the new one **prohibits the activities of unregistered religious communities, while tightening registration requirements**. Previously religious groups could obtain registration if they had at least five members, but now 50 members are required. In addition, religious communities wishing to register with the authorities must undergo an expert assessment of their religious beliefs. The new law also imposes **serious restrictions on the establishment of places of worship, the import and distribution of religious literature and other basic religious activities** and provides for far-reaching state control of religious practice, including by allowing state officials to attend any meetings and reviewing any documents of religious communities. The Administrative Code (articles 76 and 77) provides for penalties for violations of the legislation regulating the conduct of religious activities.

Since the Human Rights Committee's 2012 review of Turkmenistan, **religious minority communities have continued to be subjected to** arbitrary denials of registration, raids on their meetings, confiscation of religious literature, detention and questioning, and other **intimidation and harassment**.⁷⁰ There have been new reports of the **arrest and imprisonment of individuals in relation to their exercise of freedom**

of religion. In a case of particular concern, Jehovah's Witness Bahram Hemdemov was sentenced to four years in prison on charges of "inciting religious discord" in May 2015. These charges were brought against him after police raided a peaceful religious meeting held in his home in Turkmenabad in March 2015 and detained and allegedly ill-treated community members. Several other meeting participants were locked up for 15 days or fined.⁷¹

The authorities have also recently **stepped up efforts against so-called non-traditional Islamic groups**, giving rise to concerns that members of such communities may have been subjected to repression for peaceful exercising their beliefs outside strict state controls. As described above (see the section on politically motivated imprisonment, incommunicado detention and torture), purported followers of Turkish cleric Fethullah Gülen have allegedly been subjected to arbitrary arrests and torture and ill-treatment in recent months.

There is **still no civilian alternative to compulsory military service** in Turkmenistan. The new Law on Freedom of Religion and Religious Organizations does not recognize the right to refuse compulsory military service on conscientious grounds and neither does the revised version of Turkmenistan's Constitution, which similarly to the previous one states that serving in the army is a "sacred duty" of citizens (article 58). The Turkmenistani government has argued that refusal to carry out compulsory military service on conscientious grounds is not "acceptable in view of national mentality"⁷² and that those who do not wish to carry arms may carry out this service in military hospitals.⁷³ This clearly does not constitute an admissible alternative for conscientious objectors.

Refusal to serve in the army is **punishable under the Criminal Code** (article 219). According to Forum 18, after a number of conscientious objectors serving prison sentences were pardoned and released in late 2014-early 2015, no conscientious objector is known to have been imprisoned in the country. However, a **total of 11 conscientious objectors are known to have been sentenced to corrective labour** of one to two years in October 2014-December 2016. Six of them were convicted in 2016.⁷⁴

In a **number of recent views** adopted on communications submitted under the Optional Protocol to the ICCPR, the **Human Rights Committee** has concluded that the conviction of individuals who have refused to be drafted for compulsory military service in Turkmenistan violates article 18 of the Covenant. It has also found other violations of rights protected by the Covenant in these cases and called on the State party to provide an effective remedy to the individuals affected, as well as to avoid similar violations in the future, including by adopting legislative measures guaranteeing the right to conscientious objection. There is **no information about any concrete steps taken by the Turkmenistani authorities to implement these views** to date.

Recommendations

The Turkmenistani government should be requested to:

- Revise the new Law on Freedom of Religion and Religious Organizations to bring it into compliance with article 18 of the Covenant.
- Put an end to harassment and undue interference into the activities of minority religious communities, including so-called non-traditional Islamic groups.

- Recognize the right to conscientious objection to compulsory military service and provide for a civilian alternative to such service.
- Promptly implement the views in all decision adopted by the Human Rights Committee on communications submitted under the Optional Protocol to the Covenant in the cases of conscientious objectors.

¹ The constitutional reform was initiated in 2014, and resulted in the adoption of a new version of the Constitution in September 2016.

² The new National Human Rights Action Plan for 2016-2020 was adopted in January 2016.

³ The new Constitution (in Russian) is available at: <http://infoabad.com/zakonodatelstvo-turkmenistana/konstitucija-turkmenistananovaja-redakcija.html>

⁴ Law on the Ombudsman from 23 November 2016. The text of the law (in Russian) is available at: <http://www.parahat.info/law/parahat-info-law-01xh>

⁵ Update on country visits by Special Procedures as of 30 December 2015, <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsA-E.aspx>

⁶ Reporters without Borders, "World Press Freedom Index 2016," <https://rsf.org/ranking>

⁷ For more information on these censorship practices, see TIHR news bulletin from 28 October 2013, at <http://www.chrono-tm.org/en/2013/10/turkmen-laws-are-strict-but-censorship-is-stricter/>

⁸ Examples are documented in TIHR news bulletins with photos from 22 June 2015, at <http://www.chrono-tm.org/en/2015/06/barbarian-dismantling-of-satellite-aerials-in-ashgabat/>; from 11 December 2015, at <http://www.chrono-tm.org/en/2015/12/ashgabats-residential-district-6-local-fighting-for-satellite-aerials/>; and from 9 March 2016, at <http://www.chrono-tm.org/en/2016/03/satellite-aerials-dismantled-in-the-6th-residential-district-of-ashgabat/>

⁹ For example, TIHR reported about one such case in the city of Balkanabat in May 2016, <http://www.chrono-tm.org/2016/05/mestryie-vlasti-nachali-snos-pristroek-v-regionah-turkmenistana/> and the same month RFE/RL reported about such cases in the cities of Dashoguz, Mary and Turkmenabat, <http://rus.azattyq.org/a/turkmenistan-borba-so-sputnikovimi-antennami/27744542.html>

¹⁰ "New Internet law in Turkmenistan lays grounds for better access, but comes with undue restrictions Mijatović says", 9 January 2015, at <http://www.osce.org/fom/133701>

¹¹ Estimate for 2015, available at <http://www.itu.int/ITU-D/ict/statistics/index.html>

¹² Radio *Azatlyk*, "Туркменистан заблокировал сайт ООН во время отчета по пыткам", 24 November 2016, <http://rus.azathabar.com/a/28136750.html>

¹³ TIHR, "Ввоз новых мобильных телефонов в Туркменистан без разрешения запрещен", 5 September 2016, at <http://www.chrono-tm.org/2016/09/voz-novyih-mobilnyih-telefonov-v-turkmenistan-bez-razresheniya-zapreshhen/>

¹⁴ 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/>

¹⁵ 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/>

¹⁶ 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/>

¹⁷ Radio *Azatlyk*, "Туркменистан: Дано указание не слушать "Азатлык"", 9 December 2016, at <http://rus.azathabar.com/a/28164011.html>

¹⁸ Par. 24 of the List of Issues adopted by the Human Rights Committee, July 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTKM%2fQ%2f2&Lang=en

¹⁹ Par. 219 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.

²⁰ TIHR, "Как готовились встречать президента на открытии нового села", 15 October 2016, <http://www.chrono-tm.org/2016/10/kak-gotovilis-vstrechat-prezidenta-na-otkryitii-novogo-sela-foto/>

²¹ For more information about this incident, see TIHR news bulletin from 24 August 2015 (in Russian), at <http://www.chrono-tm.org/2015/08/troe-chelovek-stali-zhertvami-prazdnichnyih-torzhestv/>

- ²² Par. 194 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
- ²³ News Central Asia, "Reality Check: Opposition participation in presidential elections of Turkmenistan", 11 July 2011, <http://newscentralasia.net/2011/07/11/reality-check-opposition-participation-in-presidential-elections-of-turkmenistan/>.
- ²⁴ OSCE/ODIHR Needs Assessment Mission Report, September 2013 <http://www.osce.org/odihr/elections/turkmenistan/104831>
- ²⁵ OSCE/ODIHR Needs Assessment Mission Report, December 2016, <http://www.osce.org/odihr/elections/turkmenistan/291726?download=true>
- ²⁶ "ЦИК Туркменистана зарегистрировал девять кандидатов в президенты", 27 December 2016, <https://www.trend.az/casia/turkmenistan/2703058.html>
- ²⁷ RFE/RL, "Turkmenistan Escalates Attacks Against RFE/RL Journalists", 5 December 2016, at <http://www.rferl.org/a/28157904.html>
- ²⁸ Radio Azatlyk, "Дашогуз: Корреспондента Радио Азатлык Аллашова перевели в СИЗО", 30 December 2016, <http://rus.azathabar.com/a/28205725.html>
- ²⁹ RFE/RL, "Turkmenistan Escalates Attacks Against RFE/RL Journalists", 5 December 2016, at <http://www.rferl.org/a/28157904.html>
- ³⁰ RFE/RL, "OSCE Representative calls for release of journalist in Turkmenistan, warns of deteriorating journalists' safety situation", 6 December 2016, at <http://www.osce.org/fom/286531>
- ³¹ Human Rights Watch, "Turkmenistan: Journalist Harassed, Assaulted", 7 November 2016, <https://www.hrw.org/news/2016/11/07/turkmenistan-journalist-harassed-assaulted>
- ³² RFE/RL, "Journalist Suffers Repeat Attack In Turkmenistan", 14 November 2016, <http://www.rferl.org/a/28116700.html>
- ³³ Radio Azatlyk, "На корреспондента Азатлык напали в третий раз за месяц", 25 November 2016, <http://rus.azathabar.com/a/28139772.html>
- ³⁴ RFE/RL, "Journalist Suffers Repeat Attack In Turkmenistan", 14 November 2016, <http://www.rferl.org/a/28116700.html>
- ³⁵ See RFE/RL, "Journalist Questioned In Turkmenistan Over Fresh Meat Story", 17 December 2015, at <http://www.rferl.org/content/qishloq-ovozi-turkmenistan-fresh-meat-journalists-harassed/26749459.html>
- ³⁶ See Ferghana News, "В Туркменистане арестован нештатный корреспондент Радио Свобода", 29 July 2015, <http://www.fergananews.com/news/23693>
- ³⁷ See RFE/RL, "Concerns Raised Over Fate Of RFE/RL Correspondent In Turkmenistan", 8 September 2015, <http://www.rferl.org/content/turkmenistan-rferl-correspondent-rsf-concern/27233417.html>
- ³⁸ 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.
- ³⁹ Statements made by the Turkmenistani delegation at the CAT's session in Geneva on 22 November 2016.
- ⁴⁰ Human Rights Watch, "Turkmenistan: Dissident's Brother Dies After Beating," 17 October 2016, <https://www.hrw.org/news/2016/10/17/turkmenistan-dissidents-brother-dies-after-beating>
- ⁴¹ Statements made by the Turkmenistani delegation at the CAT's session in Geneva on 22 November 2016.
- ⁴² Prove They Are Alive, "Turkmen Dissident Attacked in Moscow," 24 August 2016, <http://provetheyarealive.org/turkmen-dissident-attacked-in-moscow>
- ⁴³ See Human Rights Watch, "Turkmenistan: Expert blocked from leaving the country", 13 August 2015, <https://www.hrw.org/news/2015/08/13/turkmenistan-expert-blocked-leaving-country>
- ⁴⁴ TIHR, "Гельды Кяризову и его семье угрожают неизвестные", 5 October 2015, <http://www.chrono-tm.org/2015/10/geldy-kyarizovu-i-ego-seme-ugrozhayut-neizvestnyie/>
- ⁴⁵ TIHR, "Raids on non-residents are underway in Turkmenbashi," 12 August 2016, <http://www.chrono-tm.org/en/2016/08/raids-on-non-residents-are-underway-in-turkmenbashi/>
- ⁴⁶ Human Rights Watch, "Turkmenistan: Dissident's Family Allowed to Leave," 9 June 2016, <https://www.hrw.org/news/2016/06/09/turkmenistan-dissidents-family-allowed-leave>
- ⁴⁷ See TIHR, "Students barred from travelling to Bulgaria and St Petersburg", 2 October 2012, <http://www.chrono-tm.org/en/2012/10/students-barred-from-travelling-to-bulgaria-and-st-petersburg/>
- ⁴⁸ For one case where TIHR learned about young people being prevented from boarding planes to Turkey, see TIHR news bulletin from 3 November 2015, at <http://www.chrono-tm.org/en/2015/11/turkmenistan-the-number-of-travel-bans-is-on-the-riser/>
- ⁴⁹ Human Rights Committee Communication No. 2069/2011, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/112/D/2069/2011&Lang=en
- ⁵⁰ For a list of cases, see Prove They are Alive!, "The Disappeared in Turkmenistan," 24 September 2014, at <http://provetheyarealive.org/prove-they-are-alive-the-disappeared-in-turkmenistan/>
- ⁵¹ RFE/RL, "Former Top Turkmen Security Official Dies In Prison," 17 January 2017, <http://www.rferl.org/a/former-top-turkmenistan-security-official-dies-in-prison/28239650.html?lflags=mailer>
- ⁵² See Freedom Now, "United Nations Declares Continued Detention of Gulgeldy Annaniyazov Arbitrary; Calls for Release," December 2013, at <http://www.freedom-now.org/news/united-nations-declares-continued-detention-of-gulgeldy-annaniyazov-arbitrary-calls-for-release/>
- ⁵³ Statements made by the Turkmenistani delegation at the CAT's session in Geneva on 22 November 2016.
- ⁵⁴ Statements made by the Turkmenistani delegation at the CAT's session in Geneva on 22 November 2016.
- ⁵⁵ TIHR, "Reverberations of Turkish arrests in Turkmenistan", 14 November 2016, <http://en.chrono-tm.org/2016/11/reverberations-of-turkish-arrests-in-turkmenistan/>
- ⁵⁶ See, in particular, Radio Azatlyk, "Туркменистан: Аресты за связь с Гуленом продолжаются", 21 November 2016, <http://rus.azathabar.com/a/28130701.html>; Eurasianet, "Turkmenistan Cracking Down on Gülen Followers", 8 December 2016,

<http://www.eurasianet.org/node/81611>, Fergana News, "Туркменистан: Репрессии против «гюленистов», чтобы задобрить Эрдогана?", 19 December 2016, <http://www.fergananews.com/articles/9199>;

⁵⁷ Radio *Azattyk*, "Два бизнесмена, обвинявшийся в связях с Гуленом, получили тюремные сроки", 10 January 2017, <http://rus.azathabar.com/a/turkmen-businessmen-suspected-of-connectons-with-gulen-sentenced/28223951.html>

⁵⁸ Law adopted on 11 August 2012, available (in Russian) at: <http://infoabad.com/zakonodatelstvo-turkmenistana/v-ugolovnyi-kodeks-turkmenistana-vnesena-novaja-statja-pytka.html>

⁵⁹ 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

⁶⁰ Par.19.170 of the Replies of Turkmenistan to the List of Issues adopted by the Committee against Torture, September 2016.

⁶¹ Information from Turkmenistan's Independent Lawyers Association.

⁶² 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

⁶³ Par. 129 of the Second periodic report submitted by Turkmenistan to the Committee against Torture, October 2015, at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fTKM%2f2&Lang=en

⁶⁴ 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.

⁶⁵ Par.121-122 of the Replies of Turkmenistan to the List of Issues adopted by the Committee against Torture, September 2016.

⁶⁶ For more information, see TIHR news bulletin, 4 November 2015, at <http://www.chrono-tm.org/en/2015/11/looters-plunder-property-of-the-inhabitants-of-demolished-houses/>

⁶⁷ TIHR, "Powerful and happy", but homeless Turkmen", 15 May 2014, at <http://www.chrono-tm.org/en/2014/05/powerful-and-happy-but-homeless-turkmen/>

⁶⁸ Par. 19 of the List of Issues adopted by the Human Rights Committee, July 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fTKM%2fQ%2f2&Lang=en

⁶⁹ The new law (in Russian) is available here: <http://www.turkmenistan.gov.tm/?id=10793>

⁷⁰ For more information, see Religious Freedom Survey of Turkmenistan published by Forum 18, January 2017, at http://www.forum18.org/archive.php?article_id=2244

⁷¹ "Turkmenistan Sentences Bahram Hemdemov to Four-Year Prison Term for Religious Activity", 24 November 2015, at <https://www.jw.org/en/turkmenistan/no-religious-freedom-bahram/>; Forum 18, "Torture and jail for one 4 year and 14 short-term prisoners of conscience", 21 May 2015, http://forum18.org/archive.php?article_id=2063

⁷² Par. 178 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

⁷³ Par. 177 of the Replies of Turkmenistan to the List of Issues adopted by the Human Rights Committee, November 2016.

⁷⁴ For more information, see Religious Freedom Survey of Turkmenistan published by Forum 18, January 2017, at http://www.forum18.org/archive.php?article_id=2244