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

**Submission to the United Nations Human Rights
Committee ahead of its adoption of a list of issues, at
the 117th session, Geneva, 20 June-15 July 2016**

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This document has been prepared as a submission to the United Nations Human Rights Committee ahead of its adoption of a list of issues for the review of the second periodic report submitted by Turkmenistan under the International Covenant on Civil and Political Rights (ICCPR). The list of issues will be adopted at the 117th session of the Human Rights Committee in Geneva on 20 June-15 July 2016. The submission has been jointly prepared by Turkmen Initiative for Human Rights (TIHR) and International Partnership for Human Rights (IPHR) within the framework of a joint project on promoting fundamental rights in Central Asia. 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; political prisoners and disappearances; forcible evictions and other violations of the right to protection of private and family life; as well as legislation and practices curtailing freedom of religion. The submission is based on information obtained by TIHR through its monitoring of developments in Turkmenistan with the help of an in-country network of activists, as well as analyzes of national legal instruments and other relevant information.

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.

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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.

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Brief general overview of the human rights situation in Turkmenistan

Four 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 initiated a constitutional reform¹, adopted a first-ever National Human Rights Action Plan² and brought into effect a number of new laws, such as laws on the media and the internet, political parties, public associations and peaceful assemblies (see more information below). Such efforts are of course welcome. However, while they have resulted in certain improvements at the level of legislation, they have so far not resulted in any significant improvements in practice, and currently 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, including the December 2013 parliamentary elections and the February 2012 presidential elections where President Gurbanguly Berdymukhammedov was re-elected with a reported 97% of the vote, have been fundamentally undemocratic and unfree. Despite being described as more democratic than the previous one, the new draft constitution would enable President Berdymukhammedov to remain in office for life as it would abolish the previous upper age limit for presidential candidates and retain the lack of any restrictions on the number of times the same person can be re-elected. There is no functioning political opposition in Turkmenistan, and well-known opponents are either in exile or in 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 Berdymukhammedov, 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.

Given the repressive situation in the country, it is extremely challenging to monitor human rights developments on the ground. TIHR’s network of monitors inside the country carry out their work non-publicly and at great risk to themselves and their families. At the same time, international human rights monitors continue to be denied access to the country. Currently 13 requests for visits by UN special mechanisms are pending, with several of them having been pending for over 10 years.³ The Special Rapporteur on freedom of religion and belief is still the only one of these mechanisms to have been allowed to visit the country – in 2008.

Freedom of expression and the media (article 19)

A first ever media law entered into force in Turkmenistan 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.

As previously, there is no independent media in the country, and all national media outlets are tightly controlled by the authorities. The authorities interfere with and dictate editorial policies of newspapers, and chief editors are appointed and dismissed by the president. 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.⁴ 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, arbitrary campaigns by authorities to dismantle private satellite dishes, which have been argued to spoil the outer appearance of apartment buildings, has restricted access to information from foreign TV and radio channels. At the annual OSCE Human Dimension Implementation Meeting in Warsaw in September 2015, a representative of Turkmenistan’s government claimed that information about this practice does not correspond to reality, saying that “no antennas are being dismantled”.⁵ However, TIHR has repeatedly documented such efforts in the capital Ashgabat, including on several occasions in recent months.⁶ 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.

Independent journalists working with foreign media are subjected to persecution (see more in the section on “the situation of civil society”).

The internet is still available only to some 12% of the population, according to available statistics⁷ and is censored by the authorities. Foreign websites that publish independent information about developments in Turkmenistan, such as the sites of TIHR (<http://www.chrono-tm.org>), Gundogar (<http://gundogar.org/>) and Fergana News (<http://www.fergananews.com>) are blocked in the country. Access to foreign social media sites and communications applications such as WhatsApp, Viber and others has also been restricted, and proxy sites used to circumvent censorship and access otherwise unavailable sites are also regularly blocked. The costs for private internet access remains prohibitive in the heavy-regulated national market. For example, according to the current rates of the state provider, costs for unlimited internet access are starting from 190 manat/month (around 45 EUR/month).⁸ This is the price is for wireless internet at the speed of 256 Kbit/s, which is slow compared to current international standards. The maximum wireless internet speed available to individual customers is now 1 Mb/s, at the staggering price of 950 manat (some 240 EUR) per month. The Russian MTS company, which is the only competitor to the state-run provider, has reported facing obstruction from the authorities in offering services that are more attractive to customers.

A new 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, it provides for undue restrictions on access to online content, e.g. by prohibiting the dissemination of information that is considered “slanderous” 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 about its restrictive provisions, including “disproportionate limitations” on online content for overly broadly defined activities.⁹

Recommended questions

We encourage the Committee to request the Turkmenistani authorities to:

- Provide information on concrete measures taken to implement basic provisions of the new media law, which protect media independence and prohibit censorship.
- Explain what the rationale is of the efforts to forcibly dismantle private satellite dishes and how this practice is compatible with the country's obligations under article 19 of the Covenant.
- Provide information on concrete measures taken to promote the availability of the internet and ensure unhindered internet access, in accordance with the new law on the development of the internet.

Freedom of 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 centers, 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.

Up to now, public assemblies have been 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 official policies. TIHR has, however, reported about a number of incidents in the last few years where citizens have carried out spontaneous protests on issues affecting their everyday lives, such as arbitrary efforts by authorities to remove air conditioners from their homes (see also the section on “violations of private and family life” below), gas shortages, and other socio-economic issues. In response to such protests, 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 also 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 continue to 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. Those mobilized included employees of state institutions, members of public organizations, university students, schoolchildren and other residents. This practice violates the right to freedom of assembly of those who are mobilized, results in that they 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. In several cases, participants in such events have died. For example, in August 2015, 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 without access to water or food in the hot weather. Many others in the crowd, which included children and elderly people, fainted and over a dozen were hospitalized.¹⁰

Later TIHR has learned that younger children in some cases have been spared from participating in mass events organized by the authorities.¹¹ However, while any such occasion is welcome, it remains of serious concern that the practice of forcibly mass mobilizing citizens for government celebrations continues unabated.

Recommended questions

We encourage the Committee to request the Turkmenistani authorities to:

- Elaborate on the measures taken to implement the new law on assemblies; provide detailed information on any notifications of assemblies received/not endorsed since the entry into force of this law; and provide assurances that the law will not be used to restrict the right of citizens to hold spontaneous peaceful protests.
- Provide information on measures taken to ensure that children and other individuals are not forcibly mobilized for participation in mass parades and similar events that pose a threat to their health and well-being.

Freedom of association (article 22)

A new 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.

In practice, the Turkmenistani authorities continue to promote government-controlled organizations, so-called GONGOs and have not demonstrated any political will to enable genuinely independent civil society organizations to operate in the country. 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 “the situation of civil society”).

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. Its director and his family members back in Turkmenistan have been subjected to intimidation.

A first-ever law on political parties was adopted in January 2012, creating 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 on the territory of 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. Political parties may be denied registration, inter alia, if party statutes are found to violate national legislation and existing parties may be suspended or closed down by court if their activities are deemed contrary to national legislation or their own charters or programs.

Following the adoption of the law on political parties, two more political parties have been established aside 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”.¹² 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, 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.”¹³ Currently the presidential administration

completely dominates political life in the country and there is no space for alternative political views to be expressed and advocated.

Recommended questions

We encourage the Committee to request the Turkmenistani authorities to:

- Elaborate on the measures taken to implement the new law on public associations; provide detailed information on associations that have been registered since the entry into force of this law (the number of organizations, their names and mandates); and explain how the freedom of operation of independent NGOs will be ensured in the country.
- Explain how the prohibition set out by law on regional, ethnic, religious and “profession-based” political parties, as well as political parties with their leadership based abroad is compatible with article 22 of the Covenant; and provide information on steps taken to ensure that genuine political opposition parties can be established 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 Covenant. 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 Radio Free Europe/Radio Liberty (Radio *Azatlyk*), civil society activists and others who dare to openly challenge official policies in Turkmenistan remain highly vulnerable to intimidation and harassment.

- **Geldy Kyarizov**, an internationally acclaimed horse-breeding expert who fell out of favour with the government over a decade ago, was imprisoned on charges considered to be politically motivated in 2002-2007 after being accused of having links to the exiled opposition. Following his release, his horse farm was confiscated by the authorities and 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.¹⁴ In what appeared to be the result of the international attention that this incident attracted, Kyarizov was finally allowed to leave and go to Russia on 14 September 2015. His relatives were allowed to leave shortly thereafter. However, Kyarizov told TIHR that he has been subjected to intimidation even 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. For example, 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”, referring in particular to Kyarizov’s wife, who the previous week had spoken at a human rights briefing in Warsaw. The perpetrator thereafter disappeared in the crowd.¹⁵

- **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.¹⁶ At the end of August 2015, Nepeskuliev was sentenced to three years in prison in a hearing that his family learned about only afterwards.¹⁷ International media and human rights organizations have raised concerns that Nepeskuliev’s family and lawyer have not been able to obtain a copy of the judgement or visit or be in contact with him.¹⁸ When asked about the case at an OSCE meeting in September, a representative of the Turkmenistani government insisted that Nepeskuliev “is not a journalist” and declined to provide additional information about the case.¹⁹ 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.²⁰
- In June 2015, **Osmankuly Hallyev**, a correspondent for the RFE/RL’s Turkmen service since 2006, resigned from his job, citing an unprecedented campaign of intimidation in the past month. In his letter of resignation, Hallyev said that he had been interrogated by anti-terrorism officials, pressed to disclose his sources, publicly denounced, and threatened with charges of harming the country’s reputation if he did not renounce his cooperation with the RFE/RL.²¹ Hallyev and his family members had also previously been subjected to harassment by authorities on several occasions.
- **Natalia Shabunts**, a civil society activist who cooperates with TIHR, has repeatedly faced intimidation. She has, among others, spoken out against the arbitrary campaign of Turkmenistani authorities to forcibly remove private satellite dishes from apartment buildings. In early August 2015, when Shabunts was abroad to visit relatives, local officials forcibly dismantled two satellite dishes installed outside her Ashgabat apartment.²² She interpreted this as an act of retaliation for her criticism of the policies of local authorities. She subsequently submitted a complaint to the General Prosecutor’s Office and received a response on 30 September 2015, in which the office stated that it is “prohibited” to install satellite antennas “on roofs and walls”, without referring to any official legal document that would set out such a prohibition.
- In December 2014, Radio *Azatlyk* correspondent **Soltan Achilova** was detained by plain-clothes officers and brought to a local police station for interrogation when she was taking photos of people standing in line at an Ashgabat food market. The photos she took at the market were deleted from her camera.²³
- As reported by TIHR, in April 2014, **Klychmurad Yarmamedov**, a renowned sculptor whose art works are known beyond Turkmenistan, was expelled from the Turkmen Academy of Arts after he publicly called for efforts to improve the education level of students at this institution and the quality of art in the country.²⁴ His statements were apparently perceived as criticism of government policies.

- Former government minister **Geldimurat Nurmammedov** was arrested and forcibly held in a drug treatment clinic in October 2012-July 2013. This happened after he openly criticized the political situation in the country and sought to register an initiative group to nominate candidates for the December 2013 parliamentary elections.²⁵
- Radio *Azatlyk* journalist **Rovshen Yazmuhamedov** was detained without explanation for two weeks in May 2013 after publishing several articles that generated active discussion on the service's website.²⁶

Recommended questions

We encourage the Committee to request the Turkmenistani government to:

- Explain its failure to implement the Committee's recommendation to ensure respect for the right to freedom of expression of journalists, human rights advocates and other civil society representatives; and elaborate on the measures it will take to comply with its obligations under the Covenant in this respect, including in the individual cases described above.

Freedom of movement (article 12)

In its previous Concluding Observations on Turkmenistan (par. 12), the Human Rights Committee expressed concern at reports that the State party restricts the exit from/entry into the country for certain black-listed 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. Those targeted by travel bans have been prevented from leaving the country, among others, to visit relatives or receive medical treatment abroad.

For example, Ruslan Tuhkbatullin – the brother of TIHR head Farid Tuhkbatullin -- was prevented from flying to Turkey to meet the latter in April 2014. He was informed that he had been blacklisted from travelling abroad. Following an inquiry to the migration services, he was finally informed in late 2014 that he was no longer subject to a travel ban. Geldy Kyarizov, a horse-breeding expert who was previously imprisoned on charges considered to have been politically motivated, was prohibited from boarding outbound planes on several occasions before finally being allowed to leave the country in September 2015 (see also the section on "The situation of civil society").

Other categories of individuals than those mentioned above have also been subjected to arbitrary restrictions on their right to freedom of movement with respect to travel abroad. TIHR has reported about a number of cases when Turkmenistani students admitted to foreign universities have faced such restrictions. For example, the organization learned that 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.²⁷ 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 are meant to protect them from being recruited by militant groups or subjected to sexual exploitation abroad.²⁸ 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.

The 2008 Constitution bans dual citizenship. This ban has also been applied to individuals who obtained a second citizenship prior to the entry into force of the current constitution, 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.

In a recent case, a dual Turkmen-Russian citizen was arbitrarily stopped at the border, although her travel documents were in order:

- On 18 February 2016, Yevgeniya Deyeva was denied the right to board a Moscow-bound plane at the Ashgabat airport. Deyeva, who has a dual Turkmen-Russian citizenship and resides in the Netherlands, had been in Turkmenistan since the end of December 2015 to visit her sick mother. She was informed that her name was among those of citizens prohibited from leaving the country, but was not given any further explanation. She was told to turn to the migration services.²⁹ Finally, three weeks later, the travel ban on her was lifted following a decision by the migration services.³⁰

Recommended questions:

We encourage the Committee to request the Turkmenistani government to:

- Explain its failure to comply with the Committee's recommendation to abolish restrictions on exiting/entering the country that are not compatible with the requirements of article 12 of the Covenant and provide detailed information on its policies in this regard and the grounds on which individuals are prohibited from travelling abroad.
- Elaborate on how the right to freedom of movement of individuals possessing dual citizenships are being protected in the process of issuing new foreign passports.

Political prisoners, incommunicado detention and disappearances (articles 14, 7, 10 and 6)

In its 2012 Concluding Observations on Turkmenistan (par. 10), the Human Rights Committee called on the Turkmenistani authorities to put an end to the practice of incommunicado detention and imprisonment, to make known the whereabouts of those convicted for allegedly attempting to assassinate the former president, and to grant them access to their lawyers and family members. The Turkmenistani authorities have failed to implement these recommendations.

As previously, the justice system in Turkmenistan lacks independence and transparency, despite legal guarantees to the contrary, and it is 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 2014³¹, as well as other individuals convicted after the alleged assassination attempt on late President Saparmurat Niyazov in 2002.³²

Among those disappeared 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.³³ Similarly, the UN Working Group on Arbitrary Detention has declared unlawful the detention of freelance journalist Saparmamed Nepeskuliev, who was sentenced to three years in prison on narcotics possession charges in August 2015 and who has been held incommunicado (see more on this case in the section on “the situation of civil society”).

Recommended questions:

We encourage the Committee to request the Turkmenistani government to:

- Explain its failure to comply with the Committee’s recommendation with respect to ending incommunicado detention and imprisonment, as well as the decisions by the Committee and the Working Group on Arbitrary Detention on individual cases of concern in this regard.
- Provide assurances that it will end the incommunicado detention of Boris Shikmuradov, Gulgeldy Annaniyazov, and Saparmamed Nepeskuliev and other individuals and grant them access to their family and lawyers.
- Elaborate on concrete measures taken to strengthen the independence of the judiciary and prevent abuse of the criminal justice system for politically motivated reasons.

Forced evictions and other violations of private and family life (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 -- scheduled to be held in Ashgabat in 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 Berezenge 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 Bagtیارlyk 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.³⁴ 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.³⁵ As of early 2016, over 100 families were still living there.

In the name of promoting urban development, such as ahead of the upcoming Asian Indoor and Martial Art Games, local authorities have also carried out arbitrary campaigns to forcibly remove private satellite dishes and private air conditioners from apartment buildings and houses in the capital. Both of these types of installations have been argued to spoil the appearance of buildings and thus the city landscape. As already discussed above, private satellite dishes are used to receive foreign TV and radio channels (see the section on “Freedom of expression and the media”), while air conditioners provide much needed relief against sweltering summer temperatures of up to 50 degrees Celsius in the capital. In the last few years, TIHR has reported about a number of cases where satellite dishes and air conditioners have been forcibly dismantled from apartment buildings and houses in Ashgabat.³⁶

Recommended questions

We encourage the Committee to request the Turkmenistani government to:

- Elaborate on its policies with respect to house demolitions and evictions related to government construction projects and provide detailed information on the measures taken to protect the rights of families subject to eviction, in particular regarding access to adequate alternative housing or compensation and legal remedies.
- Explain the rationale of efforts to forcibly dismantle private satellite dishes and air conditioners and how they are compatible with Turkmenistan's obligations under the Covenant.

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. The Law on Freedom of Religion and Religious Organizations prohibits the activities of unregistered religious communities and imposes severe restrictions on worship, religious education and the import and distribution of religious literature. The Administrative Code (article 76) provides for penalties for violations of legislation regulating the conduct of religious activities. Since the Committee's 2012 review of Turkmenistan, religious minority communities have continued to face problems in obtaining registration, as well as raids on their meetings, confiscation of religious literature and other intimidation and harassment.³⁷ 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.³⁸

In a welcome development, a number of conscientious objectors who had been imprisoned were pardoned and released in late 2014-early 2015. However, there is still no alternative to compulsory military service and the threat of punishment remains. In a number of recent views adopted on communications submitted under the Optional Protocol to the ICCPR³⁹, 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 has 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. We are not aware of any concrete steps taken by the Turkmenistani authorities to implement these views to date.

Recommended questions

We encourage the Committee to request the Turkmenistani government to:

- Explain its failure to comply with the Committee's recommendation 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.
- Elaborate on the measures taken to implement the views adopted by the Committee on communications submitted under the Optional Protocol to Covenant in the cases of conscientious objectors in Turkmenistan.

¹ The constitutional reform was initiated in 2014, and a committee chaired by the president was set up to oversee this work. In February 2016, a draft constitution was approved for publication in national media and public discussion.

² In January 2016, state media (<http://www.turkmenistan.ru/en/articles/18043.html>) reported that the new National Human Rights Action Plan for 2016-2020 had been adopted.

³ According to information from Office of the High Commissioner for Human Rights as of 30 December 2015 at <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx>

⁴ 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-strictier/>

⁵ As reported by TIHR from the OSCE meeting, 22 September 2015 (in Russian), at <http://www.chrono-tm.org/2015/09/hadzhiev-otritsaet-snos-sputnikoviyh-antenn-i-prizyivaet-pravozashhitnikov-vyibirat-vyirazheniya-govorya-o-berdyimuhamedove/>

⁶ For an example, see 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/>

⁷ According to the latest available statistics (estimation for 2014) from the International Telecommunication Union, available at <http://www.itu.int/ITU-D/ict/statistics/index.html>

⁸ See <http://www.online.tm/ru/node/140>

⁹ "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>

¹⁰ 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/>

¹¹ TIHR, "Turkmen schoolchildren to be relieved from participating in mass events", 20 October 2015, at <http://www.chrono-tm.org/en/2015/10/turkmen-schoolchildren-to-be-relieved-from-participating-in-mass-events/>

¹² 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/>.

¹³ OSCE/ODIHR Needs Assessment Mission Report, <http://www.osce.org/odihr/elections/turkmenistan/104831>

¹⁴ 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>

¹⁵ TIHR, "Гельды Кяризову и его семье угрожают неизвестные", 5 October 2015, <http://www.chrono-tm.org/2015/10/geldyikyariзову-i-ego-seme-ugrozhayut-neizvestnyie/>

¹⁶ See Ferghana News, "В Туркменистане арестован нештатный корреспондент Радио Свобода", 29 July 2015, <http://www.ferghananews.com/news/23693>

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- ¹⁷ 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>
- ¹⁸ Joint appeal, 14 October 2015, at <https://en.rsf.org/turkmenistan-turkmen-authorities-urged-to-free-14-10-2015,48438.html>
- ¹⁹ TIHR, "Хаджиев отрицает снос спутниковых антенн и призывает правозащитников выбирать выражения, говоря о Бердымухамедове", 22 September 2015, <http://www.chrono-tm.org/2015/09/hadzhiev-otritsaet-snos-sputnikovyih-antenn-i-prizyivaet-pravozashhitnikov-vyibirat-vyirazheniya-govorya-o-berdyimuhamedove/>
- ²⁰ 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.
- ²¹ See RFE/RL, "RFE/RL Turkmen Journalist Quits, Citing Mounting Official Pressure", 8 June 2015, <http://www.rferl.org/content/journalists-in-trouble-turkmen-journalist-harassed/27060935.html>
- ²² TIHR, "Quiet revenge of Ashgabat authorities", 9 August 2015, <http://www.chrono-tm.org/en/2015/08/quiet-revenge-of-ashgabat-authorities/>
- ²³ 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>
- ²⁴ TIHR, "Honorary Member of the Russian Academy of Arts expelled from Turkmenistan's Academy of Arts", 16 May 2015, <http://www.chrono-tm.org/en/2014/05/honorary-member-of-the-russian-academy-of-arts-expelled-from-turkmenistans-academy-of-arts/>
- ²⁵ See TIHR, "Geldymurat Nurmukhamedov released from imprisonment," 19 July 2013, at <http://www.chrono-tm.org/en/2013/07/geldymurat-nurmukhamedov-released-from-imprisonment/>
- ²⁶ See "RFE/RL Correspondent Detained In Turkmenistan", 22 March 2014, at <http://www.rferl.org/content/turkmenistan-rferl-correspondent-detained/24981293.html>; and "Detained RFE/RL Turkmen Correspondent Released", 22 May 2014, at <http://www.rferl.org/content/rferl-turkmen-correspondent/24993898.html>
- ²⁷ 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/>,
- ²⁸ 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/>
- ²⁹ See TIHR news alert from 18 February 2016, at <http://www.chrono-tm.org/2016/02/eshhe-odin-chelovek-vklyuchen-v-chernyie-spiski-turkmenistana/>
- ³⁰ See TIHR, "Exit ban for E. Deyeva lifted", 18 March 2016, at <http://www.chrono-tm.org/en/2016/03/exit-ban-for-e-deyeva-lifted/>
- ³¹ Human Rights Committee Communication No. 2069/2011, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/112/D/2069/2011&Lang=en
- ³² 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/>
- ³³ 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/>
- ³⁴ 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/>
- ³⁵ 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/>
- ³⁶ See, for example, the following TIHR reports, which also include photo evidence: <http://www.chrono-tm.org/2015/06/v-ashhabade-nasilstvenno-demontiruyut-sputnikovyie-antennyi-fotogalereya/>; <http://www.chrono-tm.org/2015/12/6-mikrorayon-ashhabada-boi-mestnogo-znacheniya-za-sputnikovyie-antennyi/>; <http://www.chrono-tm.org/2015/10/problemyi-ashhabadtsev-prodolzhayutsya-pereboi-s-vodosnabzhnieniem-i-snos-sputnikovyih-antenn/>; <http://www.chrono-tm.org/2015/05/zaboty-i-vlastey-ashhabada/>; <http://www.chrono-tm.org/2015/11/proedet-prezident-snyat-konditsioneryi/>; <http://www.chrono-tm.org/2015/01/vopreki-svoim-obeshhaniyam-vlasti-ashhabada-nachali-snimat-konditsioneryi/>; <http://www.chrono-tm.org/2015/05/voyna-konditsioneram-mir-chinovnikam/>; <http://www.chrono-tm.org/2014/08/leto-prodolzhaetsya-konditsioneryi-ubrat/>
- ³⁷ See, for example, the following report by Forum 18, "Who can forbid us from praying? Yet raids, fines continue", 12 March 2015, at http://forum18.org/archive.php?article_id=2047
- ³⁸ "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
- ³⁹ Views adopted by the Committee in the cases of Zafar Abdullayev, Ahmet Hudaybergenov, Mahmud Hudaybergenov, and Sunnet Japparow.