



# **TURKMENISTAN: FOLLOW-UP PROCEDURE TO THE FORTY-SIXTH SESSION OF THE COMMITTEE AGAINST TORTURE**

In June 2011 the Committee against Torture (the Committee) expressed deep concerns over the numerous and consistent allegations about the widespread practice of torture and other ill-treatment of detainees in Turkmenistan.

Amnesty International submits this letter for the Committee's consideration to illustrate ongoing areas of concern related to the extracts for follow-up. We focus on paragraphs 9, 14 and 15 and hope that this information is of use to the Committee.

## **TORTURE AND ILL-TREATMENT**

Amnesty International has received credible allegations of torture and other ill-treatment committed against human rights defenders, journalists, members of certain religious minorities, conscientious objectors, and those labelled as "traitors to the motherland" in connection with the alleged assassination attempt on former President Saparmurad Niyazov in November 2002.

The few remaining civil society activists in Turkmenistan report that people suspected of committing criminal offences are routinely subjected to torture and other ill-treatment throughout the country. Perpetrators include police, officers of the Ministry of National Security and prison personnel.

Torture appears to be used to extract confessions and other incriminating information and to intimidate detainees. Methods of torture and other ill-treatment reported to Amnesty International have included the administration of electric shocks; asphyxiation applied with a plastic bag or forcible wearing of a gas mask to which the air supply is cut; rape; forcibly administering psychotropic drugs; beating with batons, truncheons, or plastic bottles filled with water; punching; kicking; depriving the detainee of food and drink; and exposing them to extreme cold while removing warm clothes.

Impunity for torture and other ill-treatment is the norm in Turkmenistan, with complaints by victims rarely being pursued. A non-governmental source in Turkmenistan told Amnesty International that only individuals who have "influential friends or relatives" are able to have their claims of ill-treatment investigated.

## **FUNDAMENTAL LEGAL SAFEGUARDS (PARA 9)**

***(b) Ensure that minors have a lawyer and their parents or legal guardians present at every phase of a proceeding, including during questioning by a police officer***

Speaking to the Human Rights Committee in March 2012, the Deputy Minister of Foreign Affairs of Turkmenistan Vepa Hadjiev noted that Turkmenistan was currently working on a blueprint for improving juvenile justice, together with UNICEF<sup>1</sup>. However, there are few details currently available on the level of progress.

A planned visit to a juvenile detention facility by a delegation from the International Committee of the Red Cross (ICRC) in May 2012<sup>2</sup>, is a promising step in this regard. Turkmenistan must be encouraged to use this visit as a stepping stone to closer co-operation with international organizations on the monitoring of prison conditions for all detainees, including juvenile offenders.

However, until independent organizations are allowed to monitor detention facilities, it remains difficult to gain accurate up-to-date information on procedural violations and address them effectively.

***(c) Ensure that all detainees, including minors, are included in a central register of persons deprived of liberty and that the register can be accessed by lawyers and family members of those detained and others as appropriate;***

Amnesty International remains concerned about the conditions of several individuals (see below for details), who are the victims of enforced disappearance or who are held in incommunicado detention. There are reports of lawyers, family members and organizations finding it very difficult to obtain access to and information about these individuals.

## **MONITORING AND INSPECTION OF PLACES OF DETENTION (PARA. 14)**

***(a) To establish a national system that independently, effectively and regularly monitors and inspects all places of detention without prior notice***

Access to detention facilities for independent organizations remains tightly controlled by the authorities. A Department of the General Prosecutor's office oversees the penitentiary system. The Committee may wish to draw attention to the necessity of providing access to all detention facilities in the country. Some prisons, such as the Ovadan-Depe prison, reportedly have a reputation for especially harsh treatment, therefore international governmental and non-governmental organizations should have the right to choose the detention facilities they can visit and not be limited to facilities chosen by the authorities.

When appearing before the Human Rights Committee in March 2012, the delegation of Turkmenistan noted that a commission responsible for reviewing complaints from prisoners was set up by Presidential Decree on 31 March 2010, comprised of representatives from non-governmental organizations, unions, democratic parties and local authorities.<sup>3</sup> Given the inhospitable environment in Turkmenistan for independent NGOs

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<sup>1</sup> Human Rights Committee, "*Human Rights Committee notes Turkmenistan's 'New willingness' to improve human rights record, but says gap remains between legal framework, implementation*", General Assembly, Human Rights Committee, 104<sup>th</sup> Session, 16 March 2012, at <http://www.un.org/News/Press/docs/2012/hrct743.doc.htm>, accessed 21 May 2012 (UN HRC, 104<sup>th</sup> Session).

<sup>2</sup> UN HRC, 104<sup>th</sup> Session.

<sup>3</sup> UN HRC, 104<sup>th</sup> Session.

and political parties, Amnesty International is concerned about the independence of this commission from government influence, adding to the fact that the remaining members are from government bodies.

The lack of a truly independent national monitoring system is compounded by the fact that Turkmenistani legislation does not include a definition of torture. Amnesty International considers that the Turkmenistani authorities should establish an independent monitoring system for detention facilities as a matter of priority.

***(b) To grant, as a matter of great urgency, access to independent governmental and non-government organizations, in particular ICRC, to all detention facilities in the country***

Amnesty International hopes that the visit of ICRC delegates to an occupational therapy centre for detainees on 16 July 2011, followed by a subsequent visit by delegates on 6 April 2012 to the construction site of a new prison and the following day visit to a prison under the jurisdiction of the Ministry of Internal Affairs<sup>4</sup> are indicative of a new willingness on the part of the Turkmenistani authorities to start collaborating more closely with international organizations. A planned visit by an ICRC delegation to a juvenile detention facility in May 2012 suggests that the relationship between the ICRC and the authorities is developing.

However, the ICRC has not been granted full access to all prisons and the invitation to visit detention facilities has not been extended to other organizations. The Committee should encourage the government of Turkmenistan to collaborate more closely with the ICRC, grant full access to all detention facilities and to begin collaborating with other national and international organizations.

***(c) To strengthen further the cooperation with United Nations human rights mechanisms, in particular by permitting visits from the Special Rapporteur on torture and the Working Group on Arbitrary Detention, in conformity with the terms of reference for fact-finding missions by special rapporteurs and special representatives (E/CN.4/1998/45), as soon as possible.***

The Deputy Minister of Foreign Affairs of Turkmenistan Vepa Hadjiyev informed the Human Rights Committee that Turkmenistan was considering inviting the UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health and on the Right to Education to visit the country. However, to this day, only the Special Rapporteur on Freedom of Religion or Belief has been able to visit the country since its independence in 1991.

Concerns over torture and cruel and inhuman treatment or punishment need to be addressed immediately. Visits by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Working Group on Arbitrary Detention are vital to address this area of great concern on Turkmenistan's human rights record. As Vepa Hadjiyev gave no indication of the Turkmenistani authorities' engagement with these specific mechanisms and denied the existence of any cases of torture in Turkmenistan<sup>5</sup>, Amnesty International believes that the Committee should urge the government of Turkmenistan to seriously engage with all UN human rights mechanisms and to ensure it fulfils its international obligations.

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<sup>4</sup> ICRC, "Turkmenistan: ICRC visits prison", 13 April 2012, at <http://www.icrc.org/eng/resources/documents/news-release/2012/turkmenistan-news-2012-04-09.htm>, accessed on 21 May 2012.

<sup>5</sup> UN HRC, 104<sup>th</sup> Session.

## ENFORCED DISAPPEARANCES AND INCOMMUNICADO DETENTION (PARA.15)

*(b) As a matter of priority, to inform the relatives of those who have been detained incommunicado of their fate and whereabouts, and facilitate family visits*

*(c) To take prompt measures to ensure prompt, impartial and thorough investigations into all outstanding cases of alleged disappearances, to provide remedy as appropriate and to notify relatives of the victims of the outcomes of such investigations and prosecutions*

*(d) Inform the Committee of the outcomes of the investigations into the aforementioned cases of Mr. Annaniyozov, Mr. Ataev, Mr. Shikhmuradov, Mr. Berdyev and those imprisoned in connection with the 2002 assassination attempt on the former President.*

Amnesty International remains concerned about the continuing enforced disappearance of dozens of people convicted in 2002 and 2003 in unfair trials in connection with the alleged assassination attempt on the then President Saparmurad Niyazov in November 2002. Some of those convicted in unfair trials between December 2002 and January 2003, including **Boris Shikhmuradov**, a former Foreign Minister of Turkmenistan, his brother **Konstantin Shikhmuradov**, and **Batyr Berdyev**, former representative of Turkmenistan to the OSCE remain forcibly disappeared. Neither family members nor lawyers have been able to visit or learn of their fate or whereabouts.

However, when addressing the Human Rights Committee on 16 March 2012, the Deputy Minister of Foreign Affairs of Turkmenistan, Vepa Khadjiev, revealed that **Ovezgeldy Ataev**, former speaker of parliament had been released after serving five years in jail. Ovezgeldy Ataev's wife, **Guzel Ataeva** had also been released, but Amnesty International has no information on their current whereabouts, or their treatment whilst in detention.

Amnesty International has called on the Committee to urge the Turkmenistani authorities to provide more information on individuals Vepa Hadjiev reported as having been released and on those who continue to be held in incommunicado detention. A central register for detainees accessible to families and lawyers, as recommended by the Committee (section 9c), could address these concerns.

Amnesty International has called on the Turkmenistani authorities to ensure that the arrests, trials and detention of Ovezgeldy Ataev and Guzel Ataeva are promptly, impartially and thoroughly investigated and their current whereabouts are revealed. In addition, the Turkmenistani authorities should investigate the disappearances of Boris and Konstantin Shikhmuradov and Batyr Berdeyv. Amnesty International urges the Committee to underline why such investigations are vital in addressing some of the gravest allegations being faced by the Turkmenistani authorities.