



STATEMENT
UPR Pre-session on Turkmenistan
29 August 2023, Geneva
Delivered by International Partnership for Human Rights (IPHR)

This statement is delivered on behalf of International Partnership for Human Rights (IPHR), a Brussels-based NGO, and the Turkmen Initiative for Human Rights (TIHR), an exile-based NGO in Vienna, two organisations which have cooperated on monitoring and documenting fundamental rights in Turkmenistan for more than a decade. We have repeatedly provided joint submissions for UN human rights reviews, including in the framework of the UPR.

The statement highlights our concerns about Turkmenistan's ongoing campaign against dissent both in- and outside the country, with a focus on the use of arbitrary detention, politically motivated imprisonment, and torture and ill-treatment as part of this campaign.

During the 2018 UPR, Turkmenistan received important recommendations with respect to addressing problems of **arbitrary detention, politically motivated prosecution, and imprisonment** of individuals for their legitimate exercise of fundamental freedoms. However, five years later, this pattern continues. Thus, anyone who criticises government policies, stands up for their rights or is in contact with exile-based opposition groups risks persecution, including arrest, prosecution and imprisonment on politically motivated charges. Since the last UPR, the Turkmenistani authorities have in fact further increased pressure on "inconvenient" individuals in response to growing expressions of discontent with the government, in particular through social media platforms, and have imprisoned several people on charges believed to have been initiated in retaliation for their legitimate civic engagement. The trials in these cases have typically been held behind closed doors, in violation of basic fair trial guarantees.

In their widening crackdown on dissent, the Turkmenistani authorities have also gone after outspoken activists based abroad, above all in Turkey, including by seeking their detention and return to Turkmenistan. In a recent and alarming development, in May

2023, an activist was reported to have been deported from Turkey to Turkmenistan for the first time. Information obtained by human rights defenders indicates that he has been prosecuted and imprisoned upon return – in apparent retaliation for his vocal criticism of the government on social media. We fear that other similar cases might follow.

In an ongoing practice, the Turkmenistani authorities have also attempted to shut up activists, especially those based abroad, by targeting their relatives, including children, who have been detained, questioned and warned of serious repercussions unless the activists stop criticising the authorities.

Given the closed nature of Turkmenistan's prison system, it is very difficult to obtain information about the use of torture. Nevertheless, available information, in particular reports from former detainees, indicate that **torture and ill-treatment remain widespread** and that **those imprisoned on politically motivated grounds are especially vulnerable to prohibited treatment**. Although torture is criminalised, the practice remains largely perpetrated with impunity due to the lack of effective measures to investigate allegations of such treatment and hold the perpetrators accountable. As the judiciary is heavily dependent on the executive, "confessions" obtained under duress are believed to be routinely used as the basis for guilty verdicts against defendants in criminal cases. Torture is also used in prisons, including in the notorious Ovadan Depe facility, known for accommodating individuals convicted in politically motivated cases.

The **lack of independent and effective monitoring of detention facilities** remains a key problem with respect to preventing torture and ill-treatment. Contrary to UPR recommendations received in both 2013 and 2018, Turkmenistan has not ratified the OPCAT or established an independent national preventive mechanism under it. The national bodies with a mandate to monitor detention conditions, including government supervisory commissions and the Ombudsperson's office are not independent and, judging from the information provided by the authorities, only occasionally carry out visits to detention facilities. The International Committee of the Red Cross (ICRC) does not currently have access to monitor the country's detention facilities.

It is of serious concern that **practices of incommunicado detention and enforced disappearances** continue, with dozens of cases of disappearances of individuals imprisoned in politically motivated cases believed to be ongoing, as documented by the Prove They Are Alive NGO campaign. Incommunicado detention has also been used in recent cases of individuals detained in retaliation for their legitimate exercise of fundamental freedoms.

We urge the permanent missions to use the upcoming UPR to prominently raise concerns about the pattern of persecution of critical voices in Turkmenistan and the abuse of the criminal justice system for this purpose. Key recommendations to the Turkmenistani authorities are to:

- Stop persecuting citizens because of their civic engagement and criticism on issues of concern to them; ensure that no one is detained, declared wanted, prosecuted, or imprisoned on such grounds; and promptly release anyone currently behind bars in retaliation for their civic activities and expressions of discontent.
- Take concrete measures to strengthen the independence of the judicial system and prevent it from being exploited to pursue politically motivated cases, in particular by ensuring that the procedures for the selection, appointment, promotion and removal of judges are in compliance with relevant international standards and that any restrictions on fair trial guarantees are fully compliant with Turkmenistan's international obligations, as recommended by the UN Human Rights Committee.
- Ensure that any allegations of torture and ill-treatment are promptly, thoroughly, and impartially investigated, and the perpetrators prosecuted and penalised under the relevant Criminal Code provision.
- Ratify the OPCAT and establish an effective national system for independent and regular monitoring of all places of detention; and grant the ICRC unhindered access to monitor detention facilities in accordance with its standard procedures.
- Put an end to the practices of prolonged incommunicado detention and enforced disappearances and provide information about the fate and whereabouts of all alleged victims of these practices documented by independent NGOs.

We thank you for your attention and encourage you to check out IPHR's and TIHR's full UPR submission, which provides more information on the issues summarised today, as well as other key issues of concern to us.