



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

Distr.: General  
25 May 2011

Original: English

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**Committee against Torture**  
**Forty-sixth session**

**Summary record of the 997th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 18 May 2011, at 3 p.m.

*Chairperson:* Mr. Grossman

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Initial report of Turkmenistan (continued) (CAT/C/TKM/1; HRI/CORE/TKM/2009)*

1. *At the invitation of the Chairperson, the members of the delegation of Turkmenistan resumed places at the Committee table.*

2. **Mr. Serdarov** (Turkmenistan), answering the Committee's questions on how the independence of the judiciary could be guaranteed if judges were appointed by the President of the Republic, said that judicial staff were selected by a collegium of judges of the Supreme Court and local courts, who examined judicial candidatures and decided which candidates met the necessary standards. The Chairperson of the Supreme Court presented the candidatures to the President of the Republic for selection. The same collegium of judges was also the authority that deemed whether a judge was to be removed from office or not in the event of disciplinary proceedings. That system guaranteed the greatest possible independence of the judiciary and judicial staff. Furthermore, the President of Turkmenistan provided material and financial support to the judiciary to ensure that their work was as effective and efficient as possible. Career development for judges depended on the quality of their work, and promotions were decided by a panel of judges. In criminal and civil proceedings alike, justice was dispensed in a collegial manner. One professional judge and two lay judges sat in courts of first instance. All three of those judges had equal authority.

3. Pursuant to article 6 of the Constitution, in the event of a conflict of interests between domestic legislation and international law to which Turkmenistan was party, international law took precedence. Although there were no examples in practice, the Convention could therefore be applied directly. Efforts were currently under way to educate the judiciary on the provisions of the Convention, and a decision was due to be issued by the Supreme Court on the primacy of international law.

4. Regarding article 2 of the Convention, he said that an order from a superior officer or a public authority could not be invoked as justification for torture. Pursuant to the Criminal Code, a person acting under the orders of a superior in the knowledge that those orders were illegal would be held criminally responsible for his or her actions. An individual who refused to act on orders from a superior on grounds that those orders were illegal could not be punished for disobeying them.

5. Turning to the issue of human rights education in schools, he said that the secondary school curriculum included citizenship and rights, in which children were taught about their personal rights and responsibilities. Constitutional law was taught in a number of higher education institutions, which included education on individual rights and freedoms.

6. Pursuant to a presidential decree issued in 2007, a State commission had been established to consider individual complaints regarding the conduct of law enforcement staff. The commission comprised heads of law enforcement bodies, NGOs, trade unions and youth organizations. The commission met monthly, and all complaints were distributed among its members prior to each session, in order to allow them to consider the complaints and prepare their responses before meeting.

7. Referring to the questions of whether conscientious objection constituted a criminal offence, he said that pursuant to the Constitution, the State guaranteed freedom of religion and belief; religious organizations were separate from the State and did not interfere in State affairs. All male citizens of Turkmenistan, without exception, were obliged to do military service on reaching the age of majority. Military service could therefore not be

refused on grounds of belief. In the few cases that had been heard, conscientious objectors had been punished but had not been obliged to fulfil their military service. Since gaining independence in 1991, Turkmenistan had not participated in any armed conflicts.

8. On individual cases, he said that Pastor Ilmurad Nurliev had been convicted of specific crimes and since the facts of the case had not changed, his conviction would also remain unchanged. The complainant claimed to have been deprived of his right to an interpreter. According to the law, judicial procedures in Turkmenistan were conducted in Turkmen, and any individual subject to legal proceedings who did not speak Turkmen had the right to request an interpreter. The case materials showed that Mr. Nurliev, a Turkmen national, born in Turkmenistan in 1965, and living in a rural area of Turkmenistan where the common language was Turkmen, had not made any such request.

9. **Ms. Berdiyeva** (Turkmenistan) said that the management of the penitentiary system was the responsibility of the Ministry of the Interior and was governed by the new Criminal Code, which had been drafted with assistance from international organizations and adopted by Parliament earlier in 2011. The Code provided that detention conditions must meet international standards. Plans were therefore being developed to construct new penitentiary facilities worth US\$ 70 million, funded from the State budget. An inspection of standards had been conducted at the women's penal colony, as a result of which State resources had been provided for renovation and reconstruction. Two new wings, a canteen and bath house had been built. A decision had been issued to construct a new women's prison, which would be built in line with international standards, providing minimum living space of four square metres per person.

10. A decision had been taken to improve medical care for detainees, based on monitoring of diagnosis and treatment facilities, and an inventory of medical equipment had been conducted. It had been calculated that equipment to the value of US\$ 2.5 million was required. Calls for tender had been launched and contracts were being concluded with the winning companies for the purchase of equipment that must meet international standards. That equipment would be installed and in use by the end of 2011.

11. By order of the President, regional and municipal monitoring commissions had been established to work with individuals who were on parole or had been released from detention. The commissions comprised representatives of law enforcement bodies, Parliament, trade unions, women's and youth organizations and religious councils. The commissions worked to an annual plan of action, approved by the President of the Republic. The commissions' main activities included monitoring respect for the law in the running of penitentiary facilities, ensuring inmates were gainfully employed, monitoring cleanliness and living standards for detainees and providing vocational training for detainees. The commissions also assisted those released from detention to seek employment as part of their reintegration into society.

12. The Criminal Code provided for the separate detention of adults and minors, and of men and women. There were currently only three girls in juvenile detention, two of whom were likely to be granted amnesty by the President. Prisoners serving their first sentences were held separately from repeat offenders. Women's prisons were staffed by female guards. Prisoners suffering from infectious diseases, such as tuberculosis, were detained separately from other prisoners. Female doctors examined prisoners in women's prisons. Medical assistance in prisons was regulated by law, and a Ministry of Health decree had been issued concerning the eradication of tuberculosis in prisons. A national programme for the prevention and treatment of tuberculosis had been adopted for the period 2008–2015, in the context of which an application had been made for funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria. The implementation of the programme would include providing treatment for prisoners with tuberculosis, and improving the conditions in prison hospitals, particularly with regard to ventilation in wards for tuberculosis patients.

13. All inmates were registered in prison registries, in accordance with the internal regulations of the prison. All persons arrested and detained were registered within 48 hours of detention. Individual registration cards were completed for each detainee. Regarding police activities during remand in custody, she said that the police had the right to detain individuals suspected of having committed a crime for which punishment would require deprivation of liberty. The police officer on duty must report the time, date and conditions of the arrest, and that report must be signed by the arrested individual. The Office of the Prosecutor must be informed of an arrest and remand in custody within 24 hours, and the prosecutor must either order the detention or the release of the individual within 48 hours of receiving that information. Remand in custody therefore lasted no longer than 72 hours.

14. Regarding training for staff of the Ministry of the Interior, a training centre had been established for those wishing to improve their qualifications or retrain. Courses and seminars on human rights standards were held in cooperation with international organizations: the International Organization for Migration ran seminars on dealing with cases of trafficking in persons.

15. Ministerial staff were subject to disciplinary liability and, if they exceeded their authority and violated the rights of citizens, they could face criminal charges under article 182 of the Criminal Code. Following an investigation, anyone found guilty could face measures ranging from a severe reprimand to deletion from the role of honour, detention or dismissal.

16. Criminal proceedings for serious fraud had been instituted against Bazargeldy and Aydjema Berdyev in a case involving the purchase of two new apartments. The investigation was still continuing.

17. **Mr. Serdarov** (Turkmenistan) said that a letter concerning the Berdyev case had been submitted in the course of his delegation's dialogue with the Committee, supposedly signed by the president of the National Institute for Democracy and Human Rights (NIDHR). Enquiries had shown, however, that the reference number of the letter was manifestly false. Clearly the document had been forged with the intention of deceiving the members of the Committee.

18. **Mr. Aydogdyev** (Turkmenistan) said that cooperation with the International Committee of the Red Cross (ICRC) had been going on for some years. It entailed regular visits, meetings and lectures with various organs of Government and civil society, covering such areas as international humanitarian law, the fight against tuberculosis and technical assistance in the reform of the penitentiary system. Work was under way on a memorandum of cooperation with the ICRC.

19. The Turkmen Parliament and a number of ministries were working on the issue of accession to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

20. Farid Tukhbatullin had been granted an amnesty in March 2003 and had since resided in Austria, where he ran a website in English and Russian. In October 2010 he had claimed that the English site had been attacked by hackers, but he had provided no proof and the fact could not be verified. A monitoring of forums on the website had not shown any anomalies. Mr. Tukhbatullin had also claimed to be under threat from the Turkmenistan authorities but had failed to convince others, including the Austrian authorities, of the veracity of his claims. Perhaps he wanted to attract attention but Turkmenistan had no connection with Mr. Tukhbatullin's unfounded allegations.

21. Citizens could not be deprived of their citizenship or of the right to change citizenship. In Turkmenistan it was not one person but an entire mechanism of ministerial agencies that administered issues related to citizenship. Being internally displaced had no

effect on citizenship. There were no internally displaced people in Turkmenistan, but in any case no one could be deprived of their citizenship because of a change in their place of residence within the country.

22. Turkmenistan had increased its cooperation with the international community and with human rights bodies, supplying information on individual cases and extending invitations to special rapporteurs. It had opened its permanent mission to the United Nations Office in Geneva on 7 April 2011. Over the last four years, Turkmenistan had almost completely fulfilled its reporting obligations to treaty bodies. Turkmenistan's advances in the field of human rights had been possible thanks to legal reforms, including a new version of the Constitution, a new Code of Criminal Procedure and the creation of the Interdepartmental Commission on Human Rights.

23. **Mr. Bayramov** (Turkmenistan) said that Turkmenistan had legal assistance treaties with Georgia, Uzbekistan and Iran, and extradition treaties with the Russian Federation, Kazakhstan, Belarus, Ukraine and Uzbekistan. It had also acceded to the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters. Legal assistance was refused if it contradicted Turkmen legislation or if it prejudiced national security or neutrality.

24. In accordance with those treaties, Turkmenistan could extradite people from its territory at the request of the competent authorities of a foreign State. Extradition was imposed for crimes attracting penalties of not less than 1 year's imprisonment. According to article 7 of the Constitution, Turkmen citizens who had committed crimes abroad could not be extradited. However, requests from foreign States to investigate a Turkmen citizen for a crime committed abroad would be considered by the Procurator General's Office and, if a crime had been committed, proceedings could begin against that citizen on the basis of information provided by the foreign State, in accordance with the Turkmen Code of Criminal Procedure.

25. A foreign citizen or stateless person in Turkmenistan who had committed a crime abroad could be extradited to face criminal charges. Such a request would be considered by the Procurator General's Office. Extradition could be refused in certain circumstances, such as if the individual concerned had been granted asylum in the country or if the action involved was not a crime under Turkmen law. Turkmenistan had extradited one person in 2009, three in 2010 and none so far in 2011.

26. Ensuring that places of detention complied with the law was the responsibility of the Procurator General's Office, which monitored conditions in sites of preventive and corrective detention, the rights and duties of detainees, and the legitimacy of punitive measures not involving detention. No cases of illegal detention had been detected. No less than 450 checks on legality had been carried out in places of detention in 2010; 23 protests had been recorded, 70 people investigated and a number of sanctions applied.

27. The Military Procurator's Office was responsible for the pretrial investigations of incidents occurring in the armed forces. If it was found that a crime had been committed, criminal proceedings could be instituted against the person concerned. The Military Procurator's Office had looked into the death of the soldier Batyr Polupov. It had concluded that it was a suicide and that no crime had been committed. No torture or other degrading treatment had taken place in that case.

28. Leonid Komarovski, a national of Moldova and a citizen of the United States, had been arrested in 2002 on a charge of involvement in a plot to assassinate the Turkmen President. While in custody he had met regularly with the United States Vice Consul in Turkmenistan, and had been given access to legal and medical services. He had not been tortured or forced into making a confession. No complaint had ever been received from Mr.

Komarovski or from the Consul. He had been released on 24 April 2003 and had left the country the same day.

29. On 7 October 2008 the Supreme Court had sentenced Gulgeldy Annaniyazov to 11 years in prison. He had received legal and medical services throughout the proceedings and had never been tortured or forced to admit his guilt. No complaints had been lodged during his period of custody.

30. In January 2003 Annakurban Amanklychev had been sentenced to 5 years imprisonment for assuming a false identity and taking bribes. He had been pardoned by presidential decree in November 2003. In December 2002 Sapardurdy Khajiev had been sentenced for the illegal acquisition and marketing of drugs. He too had been pardoned by presidential decree in November 2003. In June 2006 Mr. Khajiev and Mr. Amanklychev had been found guilty of the illegal sale of weapons and sentenced to 7 years in prison. They had both been provided with legal services throughout the proceedings, and had never been forced to testify against themselves. They had not been tortured. Bisengul Begdesenov, a businessman born in 1956, had been accused of swindling and taking bribes. He had been found guilty on 13 May 2007 and sentenced to 10 years' imprisonment.

31. **Mr. Arniyazov** (Turkmenistan) said that the registration of non-governmental organizations was regulated by Turkmen law. There were more than 200 registered non-governmental organizations, and applications were increasing, showing that civil society in Turkmenistan was very active.

32. Turkmenistan had six bar associations as well as a number of private legal firms and independent lawyers. The latter could be citizens or permanent residents of Turkmenistan. To become a lawyer a person needed to acquire a licence. Licences were issued to individuals possessing the appropriate higher education and at least two years' experience of legal activity. A lawyer could not work for the State except in teaching, creative or research work. Persons with a criminal record could not be lawyers, nor could people who had been expelled from the bar association or stripped of their licence.

33. Lawyers in Turkmenistan enjoyed various rights. They had the right to gather information, and the law obliged organizations to provide lawyers with the information they requested. They were guaranteed confidentiality and had no limits on the number or duration of visits to their clients in detention. They could act within or outside the country so long as they did not breach domestic law or international treaties. They were guaranteed freedom of movement and could not be forced to reveal any information acquired in the course of their duties. Lawyers and their families enjoyed State protection and interfering in their activities was penalized under Turkmen legislation.

34. Lawyers had to act in good faith, and to provide their services to citizens free of charge in the circumstances stipulated by law. They had to upgrade their knowledge and qualifications in compliance with legislation and ethical norms. Efforts were under way with the European Union to bring domestic law into line with international legal standards; to that end foreign legal experts were currently working with the staff of the Ministry of Justice.

35. **Ms. Gaer** (First Country Rapporteur) complimented the State party on its extensive legal reforms. However, the Committee would appreciate more factual information about the implementation of the new or amended legislation.

36. The delegation had so far failed to provide statistics on the occupancy of certain prisons that were allegedly overcrowded. According to the Norwegian Helsinki Committee, the occupancy rate at Dashoguz women's prison colony had risen to almost 300 per cent of the prison's capacity. Describing the rising trend in the percentage of women prisoners as

an unusual phenomenon, she asked for statistics on the total number of prisoners and the types of crimes for which they were incarcerated.

37. She was seriously concerned about the cases of allegedly disappeared persons and the rumours that some of them had died in custody. The President had stated that Mr. Shikhmuradov, the former Minister for Foreign Affairs, was still alive, but his whereabouts were unknown. She asked who conducted autopsies when detainees died and whether the report was independently confirmed. Who received the body of a deceased relative and could a private autopsy be arranged?

38. According to the delegation, Gulgeldy Annaniyazov had been convicted of illegally crossing the border and was serving an 11-year prison sentence. She failed to understand how a Turkmen national could be prosecuted for returning to his country after enjoying refugee status abroad. She asked where he was being detained, who had access to him and whether there had been any independent confirmation of his whereabouts. Would the Turkmen authorities permit an independent monitor, such as a United Nations special rapporteur or a representative of a respected international NGO, to meet with Mr. Annaniyazov?

39. She requested information concerning the whereabouts of Batyr Berdyev, a former Ambassador to the Organization for Security and Co-operation in Europe (OSCE), who had allegedly been detained and had subsequently disappeared, and of Ovezgeldz Ataev, a former Speaker of Parliament, who would have succeeded the late President under the former Constitution. It was particularly surprising that many of the missing persons had formerly been high-ranking officials who were well known to the general public.

40. The United Nations Special Rapporteur on torture had sent a communication to the Turkmen authorities identifying 62 people who had been prosecuted in connection with the 2002 alleged assassination attempt on President Niyazov. She asked whether the State party had responded to his request for information. Even if accused or convicted persons had committed heinous crimes, article 2.2 of the Convention stipulated that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, could be invoked as a justification of torture.

41. She appreciated the information provided by the delegation about the chain of command for complaints, particularly the fact that the State Commission established by the President met on a monthly basis to review complaints. However, the Committee would welcome statistical data and more specific information regarding the subject matter of complaints and the type of action taken, such as the number of officers who had been reprimanded, demoted or imprisoned. She also enquired about the procedure to be followed in cases where the Commission determined that a complaint was valid.

42. Noting that the President had granted a large number of amnesties, she asked whether an amnesty had ever been granted to a detainee who had filed complaints. Was it true that one of the conditions for an amnesty agreement was that no further complaints about conditions of detention could be filed? She asked whether any accused person had ever been acquitted because his or her confession had been obtained through torture.

43. Turning to the case of Bazargeldy and Aydyemal Berdyev, she said that she had seen photographs of Ms. Berdyev, who had suffered a miscarriage while in prison. She asked whether an investigation had been conducted into the couple's allegations that the miscarriage had been due to torture and ill-treatment. They had been rearrested just before the arrival of a delegation from the European Parliament. She asked where they were currently being held and what safeguards were in place to prevent torture or ill-treatment.

44. The Human Rights Committee had concluded that the *Leonid Komarovski v. Turkmenistan* communication (No. 1450/2006) was admissible and that various articles of

the International Covenant on Civil and Political Rights had been violated. She asked whether the Turkmen authorities had acted on any of the Committee's recommendations, namely to institute criminal proceedings, to compensate the complainant, and to issue a public retraction of the criticism made in an article concerning him.

45. The delegation had implied that the fears of Farid Tukhbatullin were entirely unjustified. The Committee would nonetheless appreciate firm reassurances from the delegation that the human rights defender would not be harmed by any agent of the Government of Turkmenistan. She noted that the principal witness against Pastor Ilmurad Nurliev had actually been in prison when the alleged offence of swindling had taken place and that a number of defence witnesses had not been permitted to testify. The Committee wished to know whether an independent monitor could verify the conditions in which he was being held and whether he had enjoyed basic legal safeguards, including the right to legal assistance of his own choosing.

46. The delegation had provided information about the human rights defenders Annakurban Amanklychev and Sapardurdy Khajiev. She asked where they were currently being held. Ogulsapar Muradova, who had been arrested at the same time, had died two months later. Had there been an autopsy and any investigation into her family's allegations that Ms. Muradova had been ill-treated and tortured?

47. According to the delegation, police officers were not only being re-educated but also undergoing a process of requalification. She asked whether that process included the consideration of any complaints of torture, ill-treatment or abuse of power lodged against them and, if so, whether they were required to participate in a special training programme.

48. **The Chairperson** (Second Country Rapporteur) said that the Committee rejected as a matter of principle statements to the effect that terrorists were not entitled to communicate with anyone, especially when a long period had elapsed since the alleged terrorist plots or activities. The failure to inform families of the whereabouts of such persons could be deemed to constitute inhuman treatment or even torture. Was it true that the whereabouts of Annakurban Amanklychev and Sapardurdy Khajiev remained unknown almost six years after their arrest? Was it true that the family of Boris Shikhmuradov, who had been sentenced to 25 years' imprisonment in a closed trial in 2002 and whose sentence had later been extended to life imprisonment, had received no news concerning him since 2002?

49. Noting that the State party was prepared to cooperate with special procedures of the Human Rights Council on modalities for compliance with human rights treaties, he asked whether the modalities would include visits by special rapporteurs to Turkmenistan.

50. Amnesty International had reported that women detained on misdemeanour charges had been raped by detention officials at the Ministry of Internal Affairs in Ashgabat in 2007. Had the State party sought to ascertain whether the allegations were founded?

51. **Ms. Belmir** said that while she appreciated the delegation's replies to some of her questions about the structure of the justice system, she wished to emphasize that the manner in which the system functioned was of cardinal importance. The Committee had been informed of a number of shortcomings in that regard. She had also asked whether ethnic minorities had access to positions in the justice system. While she was pleased to hear about the improvement in relations between the State party and the International Committee of the Red Cross (ICRC), she drew attention to information from the United Nations General Assembly and the Special Rapporteur on torture concerning lack of access to Turkmen prisons in 2005.

52. **Mr. Bruni** welcomed the information that a superior order perceived as entailing an act of torture should be categorically refused. He wondered, however, what steps were being taken to implement that principle in practice. For instance, could a subordinate who



refused to carry out an order submit a request for immediate transfer to another unit or appeal to a higher authority? He expressed reservations about the obligation to register arrests within 48 hours, since the arrestee would be at risk of torture during the period between the arrest and registration. How was a person's psychological and physical integrity guaranteed during the intervening period?

53. The Committee had received a great deal of information about serious problems in the prison system, such as overcrowding, degrading treatment, corruption and lack of public oversight. The delegation had provided encouraging information about future projects. It was to be hoped that they would result in full compliance with the State party's obligations under the Convention. He joined Ms. Belmir in requesting further information about the allegedly persistent denial of ICRC access to prison inmates.

54. **Ms. Sveaass**, welcoming the information concerning commission visits to the country's prisons, asked whether the resulting reports were published. She asked whether Turkmenistan was considering the possibility of ratifying the Optional Protocol to the Convention. She wished to hear more about action to address the problem of hazing and other forms of violence and ill-treatment within the armed forces. She also enquired about the killing of the military conscript Rashid R. She asked the delegation to describe Turkmen asylum procedures. Lastly, was there any provision for compensation of victims of torture and ill-treatment in detention?

55. **Mr. Serdarov** (Turkmenistan) said that the number of detainees in Turkmenistan was not increasing. In particular, there had been no increase whatsoever in the number of women detainees. A number of former criminal offences were now characterized as administrative offences. In addition, the investigative authorities frequently closed criminal proceedings in the case of petty offences. As a result, there was now a downward trend in the number of people receiving sentences.

56. Replying to questions about the fate of Ms. Ataeva, he said that she had been released under a clemency decree issued by the President of the State party to mark International Child Protection Day on 1 June 2009. She had been serving a sentence for an offence without political overtones, which had been the object of a fair trial. The 62 people convicted in connection with an attempted assassination had been tried for particularly serious crimes aimed at bringing about forcible change in the State party's constitutional structure and had been convicted in strict accordance with the provisions of the Criminal Code and Code of Criminal Procedure.

57. Complaints lodged with the State Commission covered a broad range of issues, including access to housing and unemployment, that went well beyond the actions of law enforcement agencies. The President of the Supreme Court also sat as Deputy Chairman on the Commission. All complaints were forwarded to the competent bodies and their responses were monitored. The Supreme Court could request that those bodies re-examine complaints if it found that their initial handling of them had been unsatisfactory. The State Commission could also launch its own investigations. Individuals who had admitted their guilt in cases before the Commission could request clemency. In the previous few years, 48 acts of clemency had been decreed by the President. In the latest such decree, issued on 17 May 2011, approximately 1,500 people had been released from detention. Under amnesties declared prior to 2009, prisoners who were released had been required to sign statements to the effect that, if they were subsequently convicted of other offences, they would have to serve the relevant sentence as well as the remaining portion of sentences they had been serving prior to their release. That practice had since been dropped. Presidential decrees of clemency contained a clause obliging local bodies to help released prisoners to find employment and the Commission sometimes received complaints from former prisoners who had failed to do so.

58. With regard to errors of justice, he said that judges who deliberately violated procedure, failed to notify a person in due time of a certain procedure or falsified court records were liable to sanctions and put their prospects of career development in jeopardy. With regard to guarantees of protection for persons who refused to carry out illegal orders, article 42 (para. 4) of the Criminal Code established that refusal by a person to obey an illegal order relieved that person of any criminal responsibility and ensured that he or she would suffer no consequences from such acts of disobedience.

59. **Ms. Berdiyeva** (Turkmenistan) said that the female prison population in the State party was 2,213, although she expected many of those to be released under the President's latest decree of clemency. At any rate, there were plans to build a new women's prison colony in order to increase living space for female prison inmates and improve their conditions of detention. A decision on what to do with the old prison facilities would be taken once the new building was operational.

60. **Mr. Aydogdyev** (Turkmenistan), replying to questions from Ms. Gaer, said that the State party had had nothing to do with threats to the life of Mr. Tukhbatullin. The Committee had considered the case of Mr. Komarovski in the absence of representatives of the State party. While the State party might not agree with his published views, it respected freedom of the press. He said that he would provide the Chairperson with written records demonstrating that Mr. Amanklychev and Mr. Khajiev had received regular visits from family members since their imprisonment, thereby contradicting claims that their whereabouts were unknown. Valeri Pal had received a prison term in March 2008 and had then been released under an amnesty in October of the same year. He was able to move freely within and outside the country.

61. With regard to special rapporteurs, he said that all aspects of their mandates were being studied. The State party was still learning about the workings of the Committee and other human rights mechanisms and stood ready to cooperate with them fully. The State party had made significant progress in human rights and all other areas of life in the previous four years, and it was also gradually broadening its cooperation with the International Committee of the Red Cross. Indeed, it had consulted the ICRC on best practice for the planned construction of the new women's prison colony. Eventually, the State party aimed to work with the ICRC in accordance with its full mandate. Lastly, he asserted that no obstacles were placed in the way of members of ethnic minorities in their career advancement in either the public or private sectors.

62. **Mr. Serdarov** (Turkmenistan) emphasized that members of minorities had equal access to job opportunities. Like anyone else, they had to meet the relevant professional requirements and nothing stood in the way of them becoming, for instance, judges if they fulfilled the appropriate criteria.

63. **Mr. Hudaynazarov** (Turkmenistan) said that, as a result of the policies of the State party's President, international law was being incorporated into domestic legislation. With regard to the criminalization of torture, he said that article 23 of the Constitution guaranteed that no one could be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The State party's legislation in that respect was exemplary, because the relevant international standards were enshrined in the Constitution. However, a bill would be presented to Parliament in the current year to amend the Criminal Code with a provision criminalizing torture, in accordance with article 1 of the Convention. The amendment would respect the standards of international law and would be based on examples set by other countries.

64. In addition, a new penal enforcement code, the provisions of which on the admissibility of torture and other forms of ill-treatment with regard to prisoners were in keeping with international standards, would enter into force in July of the current year.

Departmental regulations were being brought into line with the new code and staff were receiving appropriate training. The code went beyond the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners and guaranteed the protection of prisoners and detainees from torture, violence or any other cruel or degrading treatment. Discrimination against convicted persons on the basis of race, colour, language, creed, political or other convictions, national or social origin, or social status was inadmissible.

65. Persons in detention had the right to medical care in either inpatient or outpatient facilities, depending on the place of detention. They also had the right to receive medical examinations. The right of prisoners to legal representation and to meet lawyers or other legal professionals of their choice in private was guaranteed under article 8 of the new penal enforcement code. Detainees could request the presence of legal counsel from the moment they were charged and at any time throughout the period of their detention.

66. With regard to the placement of different categories of detainee in separate facilities, article 51 of the Criminal Code stipulated that male and female prisoners must be housed separately. Similarly, minors were separated from adults, and first offenders from multiple offenders. Serious repeat offenders were kept separate from all other detainees. There were also separate facilities for military offenders and detainees with infectious diseases. Women's prisons were supervised by female warders. Minors were housed in specific education institutions in which there was no risk of cruel, inhuman or degrading treatment being inflicted on them. Nor were they subject to search or investigation measures that could adversely affect their physical or mental health.

67. **Mr. Nazarov** (Turkmenistan) said that preparing the State party's initial periodic report had been an arduous task. An interdepartmental commission had been established for that purpose in 2007 and it was hoped that there would be no delays in the submission of future reports. The State party had acceded to more than 120 international treaties, 40 of them in the area of human rights. The process of accession was complex and took time, but the current meeting with the Committee would doubtless provide further stimulus for the State party to consider the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. With regard to the possibility of the State party accepting visits by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, he said that progress was being made but that Turkmenistan was a young State that needed more time. The delegation hoped that the Committee would demonstrate understanding in that regard. A visit by the Special Rapporteur on the right to education was being planned and the Special Rapporteur on the freedom of religion or belief had already been made welcome in the State party. A delegation of members of the European Parliament had also visited Turkmenistan, as had a former High Commissioner for Human Rights.

68. **Mr. Annamuradov** (Turkmenistan) said that the rights of persons with disabilities were fully guaranteed by the Constitution. The State Commission was in the process of drafting a report on the State party's compliance with the Convention on the Rights of Persons with Disabilities in legislative and regulatory terms and the Government was working with the European Union and OHCHR on the methodology for preparing its initial report to the Committee on the Rights of Persons with Disabilities.

69. **The Chairperson** (Second Country Rapporteur) thanked the delegation for providing information on Mr. Amanklychev and Mr. Khajiev but regretted that no such information had been forthcoming on the whereabouts of Mr. Shikhmuradov, Mr. Berdyev or Mr. Akmuradov.

70. Mr. Serdarov (Turkmenistan) thanked the Committee for its support of reforms in the State party and said that the Committee's recommendations would provide further impetus for implementation of the Convention in Turkmenistan.

*The meeting rose at 6.05 p.m.*