

(Translated from Russian)

Permanent Mission of Turkmenistan

Information

About Ms. Ogulsapar Karlievna Muradova

On 10 June 2006, the Turkmen citizen Ms. Ogulsapar Karlievna Muradova, [REDACTED], having first entered into a criminal conspiracy with [REDACTED] for the illegal sale of ammunition, sold to [REDACTED] thirty 5.45 mm AK-74 and RPK-74 bullets and six 9 mm cartridges for a Makarov pistol, which had been stored in her home at apartment [REDACTED].

While [REDACTED] was transferring the ammunition he had acquired from Ms. Muradova and [REDACTED], he was apprehended by police officers and, in the presence of official witnesses, one AK magazine and the aforementioned ammunition were found under the driver's seat.

On 25 August 2006, Ashgabat City Court found Ms. Muradova, [REDACTED] guilty of offences listed under article 287 (2) (Illegal acquisition, sale, storage, transport, transfer or carrying of weapons, ammunition, explosives or explosive devices as part of a criminal conspiracy) of the Criminal Code and sentenced Ms. Muradova to 6 years' imprisonment [REDACTED].

The fact that Ms. Muradova was guilty of the offences she was charged with is supported [REDACTED] confession, in which [REDACTED] confirms that [REDACTED] received ammunition from Ms. Muradova [REDACTED], and by the statements of the witnesses [REDACTED], who clarified that when the convicted person was apprehended [REDACTED], and the vehicle was searched, ammunition and other material evidence was found under the driver's seat and seized. The verdict was based on evidence which was examined in court and is undeniably objective.

Both during the pretrial investigation and in court, Ms. Muradova exercised all the rights of an accused person and defendant, including the rights to testify, present evidence, file petitions, have a lawyer and bring complaints against the actions and decisions of investigators, procurators and courts. Ms. Muradova's rights were not restricted and there is no evidence to suggest that they were.

In accordance with articles 209 to 211 of the Code of Criminal Procedure (1961 version), the accused persons [REDACTED], Ms. Muradova [REDACTED] were given access to all the evidence in the case file, as were the lawyers [REDACTED].

In accordance with article 241 of the Code of Criminal Procedure, Ms. Muradova was notified of the guilty verdict in the established manner and time frame; the law does not provide for the notification of other persons, including the lawyer and family members of the accused person.

During the trial, which took place on 25 August 2006, a lawyer from a legal aid office was present to ensure that the rights of the defendant, Ms. Muradova, were upheld. Moreover, in accordance with procedural law, she was afforded the opportunity to defend herself in court.

In accordance with article 13 of the Code of Criminal Procedure, the court justifiably declared it necessary to hold a closed hearing; the verdict was announced publicly.



In accordance with article 327 of the Code of Criminal Procedure, a copy of the verdict was provided to all the convicted persons, including Ms. Muradova, within the time frame prescribed by law, and they exercised their right of appeal.

In accordance with article 81 of the Code of Criminal Procedure, [REDACTED], was justifiably confiscated as an instrument of crime, as was the ammunition.

This court verdict is legal and there are no grounds for quashing it.

On 13 September 2006, Ms. Muradova committed suicide by hanging herself using a white sheet in cell No. 3 in a unit of remand centre AN-D/1 of the Ahal provincial police department.

In accordance with article 120 of the Code of Criminal Procedure, the procurator's office of Gökdepe district in Ahal province conducted an inquiry into the incident, as part of which a forensic medical assessment was ordered to determine the cause of Ms. Muradova's death.

According to the findings of forensic medical assessment No. 17, dated 27 September 2006, the cause of Ms. Muradova's death was mechanical asphyxia due to compression of the airways in the neck. This is confirmed by the ligature mark on her neck and the signs of common asphyxia: enlarged internal organs, the presence of diluted blood in the blood vessels and heart, obvious round patches of livor mortis on the inner thighs with pinpoint haemorrhages on them and bluish discoloration of the extremities.

Owing to the absence of evidence that a crime had been committed, the procurator's office of Gökdepe district decided on 26 September 2006 not to initiate criminal proceedings regarding the death of Ms. Muradova.

Ms. Muradova's body was handed over to her relatives, as described in correspondence between the administration of the facility and the morgue doctor, included in her case file.

Ms. Muradova was never persecuted in Turkmenistan on the basis of race, colour, sex, language, religion, political or other opinion, ethnic or social origin, property or on any other grounds. The initiation of criminal proceedings against her and her prosecution and conviction were tied to the fact that she had committed a criminal offence. She was found guilty of acts characterized as crimes under national law, on the basis of evidence gathered in the course of a criminal investigation.

Her right to a fair and public hearing by a competent, independent and impartial tribunal established by law was not violated. All stages in the proceedings against Ms. Muradova, from the initiation of the criminal case to the bringing of charges and the trial, were conducted by the Turkmen investigative and judicial authorities strictly in accordance with the requirements of national criminal law and criminal procedural law.

Throughout the pretrial investigation and the criminal trial, Ms. Muradova was provided with a lawyer and was never coerced by any employees of either law enforcement agencies or the administration of a place of deprivation of liberty into incriminating herself or confessing.

Moreover, Ms. Muradova was never subjected to torture or to cruel, inhuman or degrading treatment or punishment in a place of deprivation of liberty.

While in a place of detention, she was never subjected to discrimination on the grounds of religious, political or other beliefs, ethnic or social origin or social status. The accommodation where Ms. Muradova was held met all health requirements. She was provided with food, drinking water, clothing, a separate bed and bedding and personal hygiene items and had unimpeded access to health care by qualified medical staff.

Although Ms. Muradova was free to complain about the actions of the administration of the correctional facility, she never addressed any complaint to either the administration of the correctional facility or the supervising procurator; she did not breach the detention regulations and so was not subject to disciplinary measures.

Accordingly, the requirements of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, other international instruments and the national legislation of Turkmenistan were fully observed in respect of Ms. Muradova and her rights were not violated.

Information

On the joint communication of the special procedures

Conditions of detention

From 2011 to 2019, the leadership of the Ministry of Internal Affairs introduced major initiatives to improve detention conditions, uphold the rights of convicted persons and prevent torture and other degrading treatment of persons held in places of deprivation of liberty. Such initiatives included building and renovating penal correction facilities, making medical and other special equipment available and training prison staff in the area of prisoners' rights.

Prison conditions have been brought into line with the requirements of the law. Persons serving sentences in correctional institutions are provided with essential amenities. Prisoners' accommodation, sleeping quarters and sanitation and hygiene facilities meet all the relevant requirements and are appropriate to the climatic conditions in Turkmenistan. Sufficient artificial light is provided for prisoners to read or work without injury to their eyesight. By law, the minimum living space per prisoner is 4 m² in correctional colonies, 3 m² in prisons and 5 m² in women's colonies, young offenders' institutions and secure hospitals.

The State regularly allocates funds from its budget for construction work and capital repairs to facilities in the penal system and for the acquisition of medical equipment. In accordance with the construction and repair plan for penal system facilities, capital repairs are ongoing in almost all correctional institutions.

Prisoners are provided with personal hygiene items, food, bedding, medicines and other essentials, as provided for in the daily schedule, in sufficient amounts and of sufficient quality to maintain the health and strength of each inmate. All such items are funded from the State budget.

Pursuant to a presidential decision of 11 April 2014 on standards with regard to the diet and other aspects of the living conditions of persons held in correctional institutions, remand centres and special rehabilitation centres, improved standards have been set for food, clothing and personal hygiene. In accordance with the aforementioned decision, pregnant women, breastfeeding mothers, juvenile prisoners and prisoners who are sick or have a category I or II disability are prescribed diets that comply with higher nutritional standards.

Medical services and various therapeutic, preventive and epidemic control measures are carried out in pretrial detention facilities in accordance with health-care legislation.

The procedures relating to the medical care given to persons detained on remand, specifically, the use of national health-care facilities and the assignment of their personnel to care for such persons, are defined by the Ministry of Internal Affairs jointly with the Ministry of Health and the Medical Industry. Health care is provided to prisoners in the medical units of each penal institution. If specialized medical services are required, prisoners are transferred to central hospital MR-E/15.

To maintain prisoners' health, prisoners are provided with sufficient living space and adequate access to air and light. The levels of lighting, heating, ventilation and general comfort in detention facilities are in keeping with those required to protect prisoners' health. Sufficient artificial light is provided for prisoners to read or work without injury to their eyesight.

Prevention of torture and ill-treatment

Effective measures are being implemented to prevent torture and ill-treatment, and the action taken by units of special institutions to prevent persons deprived of their liberty from being subjected to torture or ill-treatment is being improved. Above all, the obligation of officials to comply with the rules governing the serving of sentences is being enforced, and the supervision of operations and training activities for prisoners has been reinforced.

Under Turkmen legislation, law enforcement officers may be held liable for using violence against or bullying persons involved in criminal proceedings for the purpose of obtaining testimony; they may also be held criminally liable for improper exercise of

authority. Article 227 of the Code of Criminal Procedure prohibits the use during pretrial investigations of violence, threats or other unlawful measures and the endangerment of the lives or health of those involved. In accordance with article 8 of the Penalties Enforcement Code, prisoners have the right to be treated courteously by the facility staff and in a manner designed to instil in them a sense of personal dignity and responsibility. They are not to be subjected to torture or to cruel, inhuman or degrading treatment and, irrespective of any consent they might give, cannot be subjected to medical or other experiments that endanger their lives and health.

Video monitoring and audio recording devices have been installed in remand centres and places of detention, with a view to preventing torture and ill-treatment of detainees and other persons in such facilities. Efforts are also being made to prevent violence in places of deprivation of liberty, pursuant to the Guidelines on the protection and supervision of convicted persons in correctional institutions of the Ministry of Internal Affairs and the Regulations on custody and supervision procedures in remand centres.

Since article 182¹ (Torture) was introduced in the Criminal Code, no cases involving offences of this type have been recorded.

Places of detention are subject to regular monitoring by the **Oversight Commission** of the Penal Correction Department of the Ministry of Internal Affairs, which periodically visits detainees and enquires after their situation and conditions of detention.

The regulations on oversight commissions were approved by a presidential decision of 31 March 2010. These commissions draw up annual plans for visits to places of deprivation of liberty. In 2018 and 2019, six visits were conducted to correctional facilities, remand centres and the special rehabilitation centre.

The oversight commissions, which are independent bodies, monitor the extent to which correctional institutions comply with the law and with the procedures and conditions for the detention of convicts; provide adequate living and sanitation and hygiene conditions; involve convicted prisoners in socially useful work; provide medical care; comply with the legal standards on parole for convicts and the application of milder forms of punishment for part of their sentences; organize and permit visits from relatives or other persons to convicted prisoners; and comply with the procedure whereby prisoners may transmit, receive or send packages, parcels, remittances and correspondence.

In addition, the Ombudsman, the Commissioner for Human Rights, visited young offenders' institution MR-E/13 on 22 December 2018 and women's correctional institution DZ-E/8 on 24 December 2018, to examine and assess detention conditions and whether the rights of the persons deprived of their liberty were observed in those facilities.

At the request of several accredited embassies of European States in Turkmenistan, a visit was organized on 6 November 2018 to the specialized division at correctional institution MR-E/16 of the Ahal provincial police department by a delegation consisting of representatives of several international organizations and the accredited embassies of several European States and the United States of America, including the United Nations Development Programme Country Office, the Organization for Security and Cooperation in Europe Centre in Ashgabat, the United Nations Regional Centre for Preventive Diplomacy for Central Asia and the Embassies of Germany, the United Kingdom of Great Britain and Northern Ireland, France, Italy, Romania and the United States of America, so that they could examine the detention conditions.

Specific training on how to identify signs of torture and ill-treatment is given to staff who deal with detainees or are involved in the investigation and documentation of cases of torture. For instance, regular courses are held for personnel working in correctional institutions run by the Penal Correction Department of the Ministry of Internal Affairs and its local units on the international conventions and treaties to which Turkmenistan is a party and also on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Code of Conduct for Law Enforcement Officials and the Principles of Medical Ethics relevant to

the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, among other instruments.

Pursuant to the Penalties Enforcement Code, the following **disciplinary measures**, which include the temporary denial of contact between detainees and their families, may be taken against prisoners who breach the regulations:

- (1) A reprimand;
- (2) Withdrawal of the right to receive parcels and packages for up to one month;
- (3) Cancellation of the next long or short visit;
- (4) Withdrawal of the right to have telephone conversations for up to one month;
- (5) Placement of persons held in correctional colonies in a punishment cell for up to 15 days;
- (6) Transfer of male prisoners who persistently breach the regulations to a special cell in ordinary or strict regime correctional colonies, to solitary confinement for up to three months in special regime correctional colonies or to a strict regime for between two and six months in prisons;
- (7) Transfer of prisoners held in the ordinary accommodation of special regime colonies to special cells in the same colony;
- (8) Transfer of female prisoners who persistently breach the regulations to a special cell for up to one month.

It should be noted that the Government has organized more than 10 visits to places of deprivation of liberty in the past few years for representatives of international organizations and foreign embassies.
