

**NATIONS UNIES
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**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

REFERENCE: UA G/SO 218/2 G/SO 214 (56-23) Health (2002-7)
TKM 1/2011

26 August 2011

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 14/11, and 15/22.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the case of **Pastor Ilmurad Nurliev** (aged 45), a member of the Christian Svet Miru Church, and the harassment faced by members of this church.

According to information received:

From March 2010 until September 2010, members of the Svet Miru church have reportedly been harassed by the police. It has been alleged that the police forced members of the Svet Miru Church to submit written accusations against Pastor Ilmurad Nurliev. Despite the refusal of many to do so, two women allegedly succumbed to the pressure of the police and subsequently signed a letter accusing Pastor Ilmurad Nurliev of swindling large sums of money. It has been alleged that these women were threatened and intimidated to sign the letter.

On 27 August 2010, Pastor Ilmurad Nurliev was arrested under article 228, Part 2 of the Criminal Code, for swindling a group of people, repeated swindling or large scale swindling of money. On 29 August 2010, 15 church members signed an appeal to the Prosecutor's Office testifying to Pastor Nurliev's innocence. Moreover, in late September, Ms. Maya Nurlieva, wife of Pastor Nurliev, tried to lodge a further complaint, signed by more than 20 church members, which was not accepted. It has been alleged that the case against Pastor Ilmurad Nurliev has been pursued in order to stop him from following Christian activities.

On 21 October 2010, Pastor Ilmurad Nurliev was convicted on charges of swindling approximately 500 USD. He was given a four year sentence, which he reportedly has to serve in the general regime labour camp in Seidy. Reportedly, Pastor Nurliev was unable

to lodge an appeal within 10 days of 21 October 2011, as the written verdict was not provided to his lawyer, or his wife.

Furthermore, Pastor Nurliev also had to pay a fine of 560 USD as compensation. Although denying the abovementioned charges, it has been reported that the family of Pastor Nurliev paid the necessary compensation, as he may be eligible for prisoner amnesty. However, Pastor Nurliev has not received this amnesty to date.

On 16 December 2010, Pastor Ilmurad Nurliev was transferred to the labour camp, six kilometers away from the town of Seydi in the Lebap region, where he was reported to be held in quarantine for the first 10 days, despite requests to be transferred to Mary Town in order to be closer to his wife, daughter and two grandchildren.

In February 2011, it is reported that Ms. Maya Nurlieva was not allowed to see her husband and give him food. Pastor Ilmurad Nurliev is a diabetic and reportedly has no access to medical treatment. Furthermore, prison authorities have denied Pastor Nurliev a Bible.

The Svet Miru church has also been repeatedly denied registration since 2007. In addition, since October 2007, and prior to his conviction, Pastor Ilmurad Nurliev has been unable to leave the country, and has been on an alleged the black list for an exit visa. In 2008, he was also fined for his Christian activities.

Serious concern has been expressed that the arrest, conviction and the treatment of Pastor Nurliev is due to the furtherance of his religious activities, with a view to curtailing the religious freedom of members of the Svet Miru Church community. Additional concern is expressed that Pastor Nurliev is unable to access medical facilities, goods and services for his diabetes.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Pastor Nurliev is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR), and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

Furthermore, while we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case of Pastor Ilmurad Nurliev.

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in Turkmenistan, in accordance with the articles 18 of the UDHR and of the ICCPR. The General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end "(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom

of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated; (b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; (e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private; [...] (i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected; (j) To ensure that all public officials and civil servants, including members of law enforcement bodies and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided; [...] (l) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and culture of the various religious minorities existing within their jurisdiction; (m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief'.

We also wish to draw the attention of your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights, which your Excellency's Government acceded to on 1 May 1997, which specifically provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on part of all States Parties to ensure that health facilities, goods and services are available and accessible without discrimination to everyone, especially the most vulnerable or marginalized sections of the population, including those held in detention.

We also refer to the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. Rule 22(2) provides that, "Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers". Furthermore, rule 25(1) provides that, "The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed."

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?
3. Please provide information concerning the legal grounds for the arrest and detention of Pastor Nurliev and how these measures are compatible with international norms and standards as stated, *inter alia*, in the UDHR and the ICCPR.
4. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to this case.
5. What steps has the Government taken to ensure that Pastor Ilmurad Nurliev receives the medical treatment and medication he requires?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Anand Grover
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health