

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 34/18, 33/9, 34/5, 34/6 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the continued detention, ill-treatment and lack of access to adequate healthcare of Mr. **Mansur Mingelov**.

Mr. Mansur Mingelov is a human rights defender who belongs to the Baloch minority.

According to the information received:

Mr. Mingelov was first detained on 6 June 2012, in relation to the activities of his brother who was arrested the previous day on charges of drug dealing. Mr. Mingelov was questioned and forced to witness his brother being tortured. Mr. Mingelov was also physically assaulted by the authorities. He was subsequently sent to a drug rehabilitation facility for 15 days, reportedly to conceal the injuries he sustained from the beatings. Mr. Mingelov was offered drugs twice during his time at the facility.

After being released on 22 June 2012, Mr. Mingelov wrote letters to the Prosecutor-General's Office and to President Gurbanguly Berdimuhamedow, appealing to them to denounce the use of torture by the State Service for Security Protection of a Healthy Society (State Drugs Control Service).

Over the course of the next month, Mr. Mingelov began collecting evidence and documenting cases of torture that had been carried out by the authorities on

members of the Baloch minority in Mary province. Mr. Mingelov sent copies of the testimonies in the form of compact disks, to Turkmen authorities and foreign diplomats. Such testimonies alleged that law enforcement officials had tortured detainees by beating them with plastic bottles and legs of chairs, by applying electric shocks, by pulling the scrotum with pliers, and by using chisels in an attempt to damage detainees' bones. Two police officers were subsequently dismissed as a result of these testimonies.

On 2 August 2012, Mr. Mingelov was arrested after leaving the United States Embassy in Ashgabat and was charged with producing and distributing pornography, contraband and drugs, under articles 156, 164, 254 and 292 of the Criminal Code. One month later, he was sentenced to 22 years in prison following what was reported to be an unfair trial. In particular, evidence proving that Mr. Mingelov was not in the country when some of the alleged offences took place was ignored, and some witnesses were allegedly forced to sign statements in Turkmen, which they did not understand. Moreover, Mr. Mingelov reported seeing his state-appointed lawyer only twice during the trial.

On 10 June 2018, Mr. Mingelov requested that he be taken to LBK/11 prison's medical unit as a result of an increasing pain in his chest and symptoms usually linked to high-blood pressure. Although he remained in the medical unit for three days, he was not given any medication to treat either symptom.

On 22 June, Mr. Mingelov's health further deteriorated. He continued suffering from chest pains and high fever. The staff in the prison's medical unit refused to treat Mr. Mingelov without a negotiated bribe, blaming the lack of equipment and medication in the unit. This is despite the fact that on 2 June, some of Mr. Mingelov's family members had delivered medical supplies to the prison, which included antibiotics, vitamins, antihistamines, drip solution, and disposable gloves. Mr. Mingelov remained in the prison's medical unit for five days without receiving any treatment. According to his family, he lost a significant amount of weight during this time.

Mr. Mingelov's health continued to deteriorate and on 26 June he was taken to Mary City's prison hospital where an X-ray revealed that he had tuberculosis (TB). That day, doctors proceeded to pump nearly half a litre of fluid from Mr. Mingelov's pleural cavity, which helped reduce his temperature and enabled him to regain his appetite.

As of 23 July, Mr. Mingelov remains in the prison hospital, but is reportedly no longer receiving treatment for his condition, as the doctor that had initially treated him was transferred to a hospital in another region. Prison medical staff responsible for providing him with healthcare are allegedly refusing to do so. Mr.

Mingelov's pleural effusion has not been drained since he was first admitted on 26 June and he is again suffering from a high fever and increasingly reduced mobility.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern at the criminal conviction of Mr. Mingelov and his continued imprisonment, which appears to be based on an unfair trial conducted exclusively because of his peaceful and legitimate attempt to expose human rights violations affecting members of the Baloch minority including torture, by the State Service for Security Protection of a Healthy Society. Grave concerns are also expressed at the allegations of prison medical staff's denial to provide adequate healthcare, which may undermine his health, and possibly threaten his life, and may well amount to cruel, inhuman or degrading treatment.

These allegations, if proven to be accurate, would amount to a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Turkmenistan adhered on 25 June 1999. In addition, article 7 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Turkmenistan on the 1 May 1997, provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Moreover, the allegations appear to constitute a violation of articles 10, 14, and 19 of the ICCPR, which guarantee that all persons deprived of their liberty shall be treated with humanity and respect, that everyone is entitled to a fair hearing with legal assistance of their own choosing and to have their conviction reviewed by a higher tribunal, and that everyone shall have the right to impart information of all kinds.

The allegations also seem to contravene article 12 of the International Covenant on Economic, Social and Cultural Rights, acceded to by Turkmenistan on 1 May 1997, which establishes the right to physical and mental health and States' obligation to refraining from denying or limiting equal access for all persons, including prisoners or detainees, to health services. The revised UN Standard Minimum Rules for the Treatment of Prisoners, or the Mandela Rules (rules 22–26; 52; 62; and 71, para. 2), which were unanimously adopted by the General Assembly in December 2015, further establish States' responsibility to provide healthcare for prisoners, including treatment for tuberculosis and other infectious diseases (Rule 24.2). They also reiterate the duties (Rule 30) as well as the ethical and professional standards of health care professionals towards all persons in the community and their particular duty to treat and prevent diseases (Rule 32 (a)).

The allegations also appear to contravene Principle 1, 3, 6, 11 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which state that all persons under any form of imprisonment shall be treated in a humane manner, that there shall be no derogation from any of the human rights of imprisoned persons, that no imprisoned person shall be subjected to inhuman treatment, and that a judicial authority shall be empowered to review the continuance of detention.

Furthermore, we are drawing your Excellency's Government's attention to the fundamental principles set forth in the UN Declaration on Human Rights Defenders; in particular, articles 1, 2 and 6 which state that everyone has the right to promote and to strive for the protection and realization of human rights, that each State has a prime responsibility and duty to protect, promote and implement all human rights, and that everyone has the right to obtain and hold information about all human rights, to freely to publish, impart or disseminate to others information on all human rights.

Finally, the protection of the rights of persons belonging to minorities is protected under article 27 of the ICCPR and the 1992 United Nations Declaration on the Rights of Persons Belonging to national or Ethnic, Religious and Linguistic Minorities. In particular, the 1992 UN Declaration refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with Turkmenistan's international human rights obligations under the conventions it has ratified.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the factual and legal basis for the conviction of Mr. Mingelov, and how this is in conformity with Turkmenistan's international human rights obligations as set forth, inter

alia, in the norms and standards referred to above, in particular articles 9 and 14 of the ICCPR relating to fair trial rights.

3. Kindly provide information on the measures taken to ensure the physical and mental integrity of Mr. Mingelov, including specific measures to ensure his access to adequate healthcare in conformity with article 12 of ICESCR and the Mandela Rules.
4. Please provide information about the measures taken to ensure that health care professionals within prisons comply with the ethical and professional standards as those applicable to all people in the community.
5. Kindly indicate the measures taken by Turkmenistan to ensure that the SDG Goal 3.3. relating to end tuberculosis by 2030 is particularly implemented in prison-contexts.
6. Please provide detailed information about the measures taken by Turkmenistan to effectively protect, in law, procedures and practice, individuals from ill-treatment and torture while in police custody.
7. Please indicate what measures have been taken to ensure that human rights defenders in Turkmenistan are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.
8. Please indicate what measures are in place to ensure the rights of the Baloch minority are fully respected in Turkmenistan.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We are considering to publicly express our concerns in the near future as, in our view, the information in our possession appears to be sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the human rights implications of these allegations. Any public statement on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Dainius Puras

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

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Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment