

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL TKM 1/2024  
(Please use this reference in your reply)

17 September 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 52/4, 51/8 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **ongoing detention of Mr. Mansur Mingelov, as well as allegations regarding his lack of access to adequate healthcare, deteriorating health, restricted communication with his family, insufficient access to food meeting his dietary needs, and pressure faced by him and his family for demanding his rights.**

Mr. **Mansur Mingelov** is a human rights defender from the Baloch minority who exposed human rights violations affecting members of this ethnic minority including torture and ill-treatment.

We previously wrote to your Excellency's Government regarding his alleged detention, ill-treatment, and lack of access to adequate healthcare on 31 July 2018 (UA TKM 1/2018). We regret not having received a response and remain deeply concerned about his situation in light of the serious allegations outlined below.

According to the information received:

*Ongoing detention*

On 10 September 2012, Mr. Mansur Mingelov was sentenced to 22 years in prison after what was reported as an unfair trial, conducted solely because of his peaceful and legitimate human rights work. He was convicted on several charges, allegedly including involving minors in anti-social acts (article 156 of the Criminal Code), distributing pornography (article 164), smuggling (article 254), and the illegal acquisition, storage, and transportation of drugs for the purpose of sale (article 292). These charges were reportedly fabricated. To date, Mr. Mingelov has served over 12 years in prison.

In March 2023, during the UN Human Rights Committee's review of Turkmenistan's implementation of the International Covenant on Civil and Political Rights ("ICCPR"), the Committee called for Mr. Mingelov's release and the State delegation informed the Committee that his pardon was being considered.

In August 2023, the UN Committee on the Elimination of Racial Discrimination reviewed Turkmenistan's compliance with the International

Convention on the Elimination of All Forms of Racial Discrimination and raised concerns about Mr. Mingelov's case. The State delegation responded that his pardon was under consideration by a special pardons commission.

However, Mr. Mingelov remains in detention, and the status of his pardon consideration remains unclear.

*Lack of access to adequate healthcare and deteriorating health*

One month after an X-ray on 26 June 2018 revealed that Mr. Mingelov had pulmonary tuberculosis, he was returned from the hospital to high-security penal colony LB-K/11 in Lebap province without receiving treatment. His condition has deteriorated ever since.

In 2021, he allegedly developed osteomyelitis in his right leg, which had reportedly been broken during his detention in 2012. He was allegedly admitted to the sanitary unit of the penal colony with a diagnosis of "acute osteomyelitis of the distal tibia complicated by tuberculosis, cold abscess, and intoxication." The sanitary unit allegedly lacked the necessary medications, and his family was allegedly not allowed to send them under the pretext of COVID-19 restrictions.

In addition to pulmonary tuberculosis, Mr. Mingelov has allegedly developed severe bone tuberculosis, which affects both of his legs. As a result, he can only stand on crutches and only with assistance. In September 2023, it was allegedly discovered that the bone tuberculosis had also spread to his pelvis and spine. In Turkmenistan, bone tuberculosis at this stage is allegedly considered untreatable. Doctors have allegedly only suggested amputation of his legs. However, since the disease has spread to other parts of his body, the amputation would allegedly not stop it. Furthermore, in June 2024, a doctor from the Ministry of Internal Affairs' medical commission from Ashgabat reportedly told him during examination that both legs were still viable and that with proper treatment abroad, the progression of the disease could be slowed. He refuses the amputation.

In 2020, Mr. Mingelov was transferred from the high-security penal colony LB-K/11 to the MR-B/15 prison hospital in Mary province, where he remains to this day. However, he has been pressured and threatened with being sent back.

Tuberculosis is a ground for the release of prisoners according to the Presidential Decree number 202 dated 11 May 2017. However, according to the information received, Mr. Mingelov has intentionally not been provided with written confirmation of his diagnosis, deliberately obstructing his ability to apply for release on medical grounds. Furthermore, security services officers allegedly threaten Mr. Mingelov, saying they will "find a way to deal with him" if he asserts his rights.

*Communication with family and access to food meeting his dietary requirements*

Mr. Mingelov's mother passed away during his incarceration. He allegedly never saw her due to a lack of visitation authorization and could not attend her funeral. Mr. Mingelov's father is 70 years old. Mr. Mingelov also has two children who are 12 and 22 years old. While other prisoners in the hospital are allowed physical visits with their families in a visiting room, Mr. Mingelov's family can only communicate with him by telephone. Currently, meetings with relatives are allegedly restricted altogether.

In detention, Mr. Mingelov has reportedly lost a lot of weight because, as a vegetarian, he allegedly has difficulty accessing appropriate food. His relatives allegedly face difficulties when trying to deliver food to him: their parcels are either not accepted or delayed, resulting in food spoilage. At the same time, other people's parcels are reportedly received without any problems.

Family members have also come under pressure for trying to draw attention to Mr. Mingelov's situation and demand his rights.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned about Mr. Mingelov's long-term imprisonment, allegedly in retaliation for his legitimate and peaceful defense of Baloch minority rights, and the fact that he remains in detention, despite assurances from the State delegation during treaty body reviews over a year ago. We are also concerned by allegations that Mr. Mingelov is being prevented from applying for release on medical grounds, which he reportedly qualifies for under the Presidential Decree number 202 dated 11 May 2017. We are alarmed by reports of his deteriorating health and denial of adequate medical assistance for years, restricted communication with his family, and inadequate food meeting his dietary needs. Lastly, we are concerned about alleged pressure on him and his family for drawing attention to his situation and demanding his rights.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 information about the factual and legal basis for the arrests, detention, charging, and sentencing of Mr. Mingelov and explain how these actions comply with Turkmenistan's obligations under international human rights law.
2. Please provide information on any measures that had been taken to release Mr. Mingelov and the concrete status and timeline of his pardon consideration.

3. Please provide detailed information about Mr. Mingelov's diagnosis and the state of his health and indicate what steps have been taken to ensure his rights to life, health, and freedom from torture and other cruel, inhuman, or degrading treatment or punishment, in line with your Excellency's Government's human rights obligations.
4. Please explain what measures have been taken to ensure that Mr. Mingelov's detention conditions meet your Excellency's Government's human rights obligations, including unrestricted communication with his family and access to food meeting his dietary needs.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Ganna Yudkivska  
Vice-Chair on communications of the Working Group on Arbitrary Detention

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

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

Concerning Mr. Mingelov's continued detention, we would like to remind your Excellency's Government about its obligations under article 9 of the ICCPR, acceded to by Turkmenistan on 1 May 1997, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression (article 19), is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic, or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

In relation to Mr. Mingelov's health, we would like to first refer your Excellency's Government to article 6 of the ICCPR, which protects the supreme and non-derogable right to life. The Human Rights Committee in its general comment No. 36 (CCPR/C/GC/36) establishes that this right concerns the entitlement to be free from acts and omissions that are intended or may be expected to cause unnatural or premature death, as well as to enjoy a life with dignity (paragraph 3). This applies to all without any distinction, including persons suspected or convicted of crimes (Id.). States parties have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, including providing them with the necessary medical care and appropriately regular monitoring of their health, since by arresting, detaining, imprisoning, or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their life and bodily integrity (paragraph 25). States parties may not rely on lack of financial resources or other logistical problems to reduce this responsibility (Id.). States parties also have the responsibility to take appropriate measures to address conditions, including the prevalence of life-threatening diseases, such as tuberculosis, that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity (paragraph 26).

In this connection, we would also like to recall your Excellency's Government's obligations under 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 the enjoyment of the highest attainable standard of physical and mental health.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, as an international norm of jus cogens, as reflected, inter alia, in Human Rights Council Resolution 55/12 and General Assembly Resolution 77/209, and enshrined in article 7 of the ICCPR and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acceded to by Turkmenistan on 25 June 1999.

We also stress that attached to the peremptory and absolute prohibition of torture are obligations to investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims. Such investigations are recommended to be carried out in line with the United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Istanbul Protocol" revised 2022 edition).

Concerning detention conditions, we would like to remind your Excellency's Government of article 10 of the ICCPR, which requires that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. In this regard, we would also like to refer your Excellency's Government to the UN Standard Minimum Rules for the Treatment of Prisoners adopted by the General Assembly on 17 December 2015 (the Mandela Rules). We wish to draw your Excellency's Government's particular attention to rules 1, 22, 24-35, 43 (3), and 58, concerning the respect due to the inherent dignity and value of all prisoners as human beings, protection from torture and other cruel, inhuman, or degrading treatment or punishment, food, healthcare services, prisoners' right to have access to their accurate and up-to-date medical files upon request, and communication with family and friends.

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 9 (1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;

- Article 12 (2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We refer your Excellency's Government to the recommendations in the recent report on the long-term detention of human rights defenders (A/76/143), in which the Special Rapporteur on the situation of human rights defenders emphasized that States should immediately and unconditionally release all detained human rights defenders and cease jailing them for their legitimate work (paragraph 158 (a), (b)). States should also stop subjecting them to unfair trials, torture, or cruel, inhuman, or degrading treatment, and ensure their legal rights (paragraph 158 (c)-(e)). Furthermore, adequate care should be provided to detained defenders, including access to family (especially regular access to children for parents), medical treatment, and adequate nutrition (paragraph 158 (j)).

Finally, we would like to remind your Excellency's Government about the Concluding observations adopted on 17 March 2023 by the Human Rights Committee (CCPR/C/TKM/CO/3), in which the Committee recommended Turkmenistan to promptly release Mr. Mingelov (paragraph 43 (d)). Additionally, we draw attention to the Concluding observations adopted on 29 August 2023 by the Committee on the Elimination of Racial Discrimination (CERD/C/TKM/CO/12-13), where the Committee expressed concern about the repression of prominent human rights defenders working to protect ethnic minorities, including Mr. Mingelov (paragraph 19), recommended Turkmenistan to refrain from persecuting and intimidating these defenders (paragraph 20), and welcomed the State party's decision to consider pardoning him (paragraph 27).