

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

Ref.: AL TKM 1/2025  
(Please use this reference in your reply)

7 March 2025

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; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9 and 52/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged attempts to poison Ms. Gurbansoltan Achilova and her children, the involuntary hospitalisation of both her and Ms. Maya Achilova that prevented their travel to Geneva for the Martin Ennals Award ceremony, and Ms. Gurbansoltan Achilova's ongoing harassment, which includes alleged surveillance, alleged monitoring of her online communications and calls, alleged failure to provide alternative housing or financial support after the demolition of her house, and alleged lack of an effective investigation into the attacks on her son's car.**

**Ms. Gurbansoltan (Soltan) Achilova** is an independent journalist and woman human rights defender. She has been reporting on social and political life of Turkmenistan since 2007, with a focus on persons in poverty and socioeconomic vulnerability. In 2021, she became a Martin Ennals Award finalist in recognition of her contribution to the defence of human rights.

**Ms. Maya Achilova** is Ms. Gurbansoltan Achilova's daughter.

We previously wrote to your Excellency's Government on 19 June 2020 (AL TKM 1/2020) regarding the retaliation against Ms. Gurbansoltan Achilova's independent journalistic work, in the form of repeated assault, harassment, arbitrary detention, threats and theft, as well as the refusal to compensate her for the demolition of her house or provide her with alternative accommodation. We regret not receiving a reply to communication AL TKM 1/2020.

We also wrote to your Excellency's Government on 11 January 2024 (AL TKM 1/2023) regarding the customs authorities' prevention of Ms. Gurbansoltan Achilova and Ms. Maya Achilova from travelling through Ashgabat airport to Geneva, Switzerland, to participate in an event in the context of the Geneva Human Rights week and to engage with representatives of the Office of the UN High Commissioner for Human Rights. We acknowledge the reply from your Excellency's Government dated 26 February 2024 and particularly the assurances that they will be able to leave the

country without hindrance, and we are gravely concerned given the allegations below.

According to the information received:

In the morning of 20 November 2024, Ms. Gurbansoltan Achilova was scheduled to travel to Geneva for the Martin Ennals Award ceremony, accompanied by Ms. Maya Achilova, as she is 75 years old and requires assistance.

#### Poisoning attempts

Between 10 and 16 November, unknown individuals allegedly distributed food sadaqah (an Islamic charitable tradition), including juice, which Ms. Gurbansoltan Achilova allegedly accepted but set aside. Around the same time, a man allegedly visited her, seeking help with publicising violations of his rights and later offering juice, which she also allegedly put aside. On 18 November, the same man allegedly returned with approximately five samosas as a thank-you gift. Ms. Gurbansoltan Achilova allegedly placed them on the table for a guest who was visiting at the time. The guest allegedly ate one samosa and, within 15 minutes, allegedly experienced severe symptoms, including fainting, loss of speech, and facial distortion, requiring urgent intensive care.

Upon inspecting the juice she had set aside from the unknown individuals and the man, Ms. Gurbansoltan Achilova allegedly found that all five packs had been punctured, with at least one containing an oily substance and four – an unusual sediment.

The poisoning attempts were allegedly targeted at Ms. Gurbansoltan Achilova, her son who lives with her and Ms. Maya Achilova who usually visits daily, in retaliation for Ms. Gurbansoltan Achilova's work and to prevent her from travelling to Geneva.

#### Involuntary hospitalisation and home "disinfection"

In the morning on 20 November 2024, the phones of Ms. Gurbansoltan Achilova and several family members were allegedly disabled.

At 6.30 a.m., as Ms. Gurbansoltan Achilova was preparing to leave for the airport, several ambulance cars arrived. Four individuals in doctor's uniforms allegedly claimed she had a suspected infectious disease and needed urgent hospitalisation. They allegedly twisted her arms, leaving a bruise, and forced her into the ambulance. She was allegedly not allowed to call her relatives or take her mobile phone. They also allegedly confiscated her apartment keys, commenting, "Why do you need a key in the other world?" Ms. Gurbansoltan Achilova was taken to an infectious disease hospital, where she was allegedly told her hospitalisation was linked to her guest's health condition and the need to examine those in contact with the guest.

At around 6.15 a.m., Ms. Maya Achilova and her husband, who was meant to drive them to the airport, allegedly set off. As soon as they reached the main road, a traffic patrol allegedly stopped them and began delaying them with a series of checks – documents, alcohol testing, and checking whether the car had been involved in any recent offences. Ms. Achilova allegedly tried to call her mother, but both her phone and her husband’s had allegedly been disabled. She then allegedly attempted to take a taxi, but the officer allegedly ordered drivers to move on. Deciding to walk, she was allegedly followed by an inspector who allegedly tried to stop her, despite her not being the driver under scrutiny. Then, another patrol car allegedly arrived, and an inspector allegedly joined the one who was already following her. Eventually, they allegedly left, allowing her to take a taxi. By the time she arrived, her mother had already allegedly been taken to hospital, and two men – one in plain clothes and the other in a doctor’s uniform – were allegedly attempting to unlock the door using the confiscated key. After she allegedly asked them what they were doing and requested the return of the key, they allegedly quickly left.

Around 8 a.m., Ms. Maya Achilova and her husband were allegedly forcibly hospitalised near Ms. Gurbansoltan Achilova’s home. Three security service officials were allegedly present and helped the paramedic to force Ms. Achilova and her husband into the ambulance. Ms. Achilova allegedly fell to the floor of the ambulance after being shoved. One of the officials allegedly accompanied them to the hospital.

The key to Ms. Gurbansoltan Achilova’s apartment was allegedly returned to her around 9 p.m. that day. The same evening, Ms. Maya Achilova’s phone allegedly started working again.

Ms. Gurbansoltan Achilova, Ms. Maya Achilova, and Ms. Maya Achilova’s husband were involuntarily hospitalised for six days, until the human rights event had concluded. For the first three days of their hospitalisation, they were allegedly not provided with food, water, soap, towels, or toilet paper. According to Ms. Gurbansoltan Achilova’s and Ms. Maya Achilova’s medical documents, they were not diagnosed with any infectious disease. Ms. Maya Achilova’s husband and Ms. Gurbansoltan Achilova’s guest were also allegedly not diagnosed with any infection.

On 25 November 2024, shortly before their release – when it should have already been clear that there was no infection – Ms. Gurbansoltan Achilova’s apartment was allegedly “disinfected,” leaving it in disarray. The guest’s home was also allegedly “disinfected.”

### Ongoing harassment

Surveillance of Ms. Gurbansoltan Achilova, along with monitoring of her online communication and phone conversations, allegedly continues. There has also allegedly been no effective investigation into the incidents on 11 April 2017 and 26 September 2024, when the windows of her son’s car were smashed, despite her alleged reports to the police and provision of video evidence. Ms. Gurbansoltan Achilova has allegedly still not received alternative housing

or financial support following the demolition of her home in 2006.

While we do not wish to prejudge the accuracy of these allegations, we express our grave concern regarding the reported attempts to poison Ms. Gurbansoltan Achilova and her children.

We also remain deeply concerned that, despite your Excellency's Government's assurances, Ms. Gurbansoltan Achilova and Ms. Maya Achilova remain unable to travel. Their forced hospitalisation on the day of their planned departure strongly suggests a deliberate attempt to prevent them from attending the Martin Ennals Award ceremony.

We are further concerned by reports of excessive force used against Ms. Gurbansoltan Achilova and Ms. Maya Achilova during their hospitalisation and by the allegations that they were not provided with food, water, and basic sanitary necessities for three days. Additionally, we are seriously concerned about the alleged "disinfection" of Ms. Gurbansoltan Achilova's home in her absence, which could have been aimed at accessing confidential journalistic information.

We remain concerned with allegations of persistent harassment Ms. Gurbansoltan Achilova endures, including surveillance, monitoring of her online communications and calls, the non-provision of alternative housing and financial support following the demolition of her home, and the failure to conduct an effective investigation into attacks on her son's car.

We are greatly concerned that the poisoning attempts, as well as the travel ban and other measures imposed against Ms. Achilova, including the pattern of repeated harassment and intimidation, already addressed in our previous communications, appears to be a direct act of retaliation for her journalistic and human rights work.

Beyond these serious concerns, we once again emphasise the chilling effect such actions have on all those who seek to exercise their right to free expression and engage in legitimate human rights work.

We call on your Excellency's Government to immediately end all acts of reprisal and intimidation against human rights defenders, to guarantee the safety of Ms. Gurbansoltan Achilova and her family, and to allow her to travel freely and safely in order to fulfil her legitimate commitments and activities as a human rights defender, accompanied by Ms. Maya Achilova or another person of her choosing as necessary. Furthermore, we call for an immediate, thorough, and impartial investigation into the allegations outlined above and accountability for those responsible.

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 any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, which may have been carried out in relation to the allegations of poisoning attempts directed at Ms. Gurbansoltan Achilova and her family in November 2024, as well as attacks on her son's car on 11 April 2017 and 26 September 2024. If no investigation has taken place, or if it has been inconclusive, please explain why and how this is compatible with your Excellency's Government international human rights obligations.
3. Please provide full details of any protective measures put in place to ensure the physical and psychological security and integrity of Ms. Gurbansoltan Achilova and her family.
4. Please indicate how your Excellency's Government will ensure safe passage for of Ms. Gurbansoltan Achilova and Ms. Maya Achilova, or another person of her choosing, to other countries for participation in future human rights events.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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

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

Balakrishnan Rajagopal  
Special Rapporteur on adequate housing as a component of the right to an adequate  
standard of living, and on the right to non-discrimination in this context

## Annex

### Reference to international human rights law

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

Firstly, with regard to Ms. Gurbansoltan Achilova's work, we would like to refer your Excellency's Government to the right to freedom of opinion and expression, enshrined in article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), acceded to by Turkmenistan on 1 May 1997. This article requires the States parties to guarantee the right to freedom of expression, including the right to seek, receive, and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include, *inter alia*, journalism and discussion of human rights (para. 11). This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3) of the ICCPR. This means that they must (1) be "provided by law"; (2) be necessary for respect of the rights or reputations of others or for the protection of national security or of public order (*ordre public*), or of public health or morals; and (3) conform to the strict tests of necessity and proportionality (para. 22). Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated (Id.). Article 19 (3) may never be invoked as a justification for the muzzling of any advocacy of human rights (para. 23). The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant (para. 35). The Human Rights Committee stated that the restrictions must be "the least intrusive instrument among those which might achieve their protective function". (para. 34).

Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including, *inter alia*, such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19 (Id.). The Human Rights Committee also explicitly noted that the penalisation of a media outlet or journalist solely for being critical of the government or the political social system espoused by the government can never be a necessary restriction of freedom of expression (para. 42). It is the States parties' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). All such attacks should be vigorously investigated in a timely fashion, the perpetrators be prosecuted, and the victims receive appropriate forms of redress (Id.).

With regard to the alleged poisoning attempts, we call the attention of your Excellency's Government to article 6 of the ICCPR, which guarantees the supreme and non-degorable right to life. As interpreted by the Human Rights Committee in general comment No. 36 (CCPR/C/GC/36), States parties must respect the right to life and have the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life (para. 7). States parties must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities, whose

conduct is not attributable to the State (Id.). The duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence, including human rights defenders and journalists (para. 23). Investigations into alleged violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible, and transparent. Where it is found that a violation has taken place, there must be full reparation provided, including adequate compensation, rehabilitation, and satisfaction in view of the particular circumstances of the case (para. 28). States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future (Id.).

With regard to Ms. Gurbansoltan Achilova's and Ms. Maya Achilova's continuous inability to travel, we would like to refer to the obligations under article 12 of the ICCPR, which guarantees the right to freedom of movement. According to article 12 (2) and 12 (3), everyone shall be free to leave any country, including his or her own, and this rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals, or the rights and freedoms of others, and are consistent with the other rights recognised in the ICCPR. As interpreted by the Human Rights Committee in general comment No. 27 (CCPR/C/21/Rev.1/Add.9), freedom to leave the territory of a State may not be made dependent on any specific purpose or on the period of time the individual chooses to stay outside the country (paragraph 8). Likewise, the right of the individual to determine the State of destination is part of the legal guarantee (Id.). The Committee emphasised that States should always be guided by the principle that the restrictions must not impair the essence of the right and the relation between right and restriction, between norm and exception, must not be reversed (para. 13). It also stated that it would be a clear violation if this right was restricted by making distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (para. 18).

With regard to involuntary hospitalisation and force used, we would like to refer your Excellency's Government to article 9 of the ICCPR, which guarantees everyone the right to liberty and security of person.

As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the right to security of person protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained (para. 9). For example, officials of States parties violate the right to personal security when they unjustifiably inflict bodily injury (Id.). States parties must take both retrospective measures, such as enforcement of criminal laws, in response to past injury, and measures to prevent future injury (Id.). For example, they must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders and journalists (Id.).

The Committee also reiterated that deprivation of liberty must not be arbitrary and must be carried out with respect for the rule of law (para. 10). Involuntary hospitalisation and transportation are both examples of deprivation of liberty (para. 5). 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 (para. 12). According to the Committee’s interpretation, the term “arrest” refers to any apprehension of a person that commences a deprivation of liberty, and the term “detention” refers to the deprivation of liberty that begins with the arrest and continues in time from apprehension until release (para. 13). According to the same general comment (para. 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, is arbitrary. Arrest or detention on discriminatory grounds is also in principle arbitrary (Id.). 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.

With regard to conditions during the hospitalisation, we would like to further refer your Excellency’s Government to article 10 of the ICCPR, which states that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The Human Rights Committee, in general comment No. 21, emphasised that this right applies to people held in hospitals (para. 2). Treating all persons deprived of their liberty with humanity and with respect for their dignity is a fundamental and universally applicable rule and the application of this rule, as a minimum, cannot be dependent on the material resources available in the State party (para. 4).

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, 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, which Turkmenistan acceded to on 25 June 1999.

With regard to the allegations of other harassment, we would like to remind your Excellency’s Government of its obligations under article 17 of the ICCPR, according to which everyone has the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, as well as to unlawful attacks on their honour and reputation, and the right to the protection of the law against such interference or attacks.

We would also like to refer to your Excellency’s Government’s attention to article 11 of the International Covenant on Economic, Social, and Cultural Rights, acceded to by Turkmenistan on 1 May 1997, which recognizes the right of everyone to an adequate standard of living, including food and housing. The Committee on Economic, Social, and Cultural Rights (CESCR), commenting on the right to adequate housing in its general comment No. 4, stressed that the right to housing should not be interpreted in a narrow or restrictive sense, such as merely having a roof over one’s head; rather, it should be seen as the right to live somewhere in security, peace, and dignity. In the same general comment, the CESCR also stressed that the right to adequate housing cannot be viewed in isolation from other human rights contained in the two International Covenants and other instruments: “[t]he full enjoyment of other

rights - such as the right to freedom of expression, [...] is indispensable if the right to adequate housing is to be realized and maintained by all groups in society". We wish to recall that, as clarified by the CESCR in its general comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to noninterference with privacy, family and home and the right to the peaceful enjoyment of possessions. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties shall ensure, prior to carrying out any evictions, that all feasible alternatives are explored in consultation with the affected persons. Demolitions must never lead to homelessness of the evicted persons by ensuring there is provision of adequate alternative housing facilities, resettlement and compensation for lost property.

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 Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and strive for the protection and realisation 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 6(a)-(c), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms; to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 11, which states that everyone has the right to the lawful exercise of his or her occupation or profession; and
- 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.

Finally, in connection with allegations above, we would also like to refer your Excellency's Government to the Special Rapporteur on the situation of human rights defenders' report on the death threats and killings of human rights defenders (A/HRC/46/35), in which she suggests ways to protect and support human rights defenders to prevent their killings. Likewise, we would like to draw your Excellency's Government's attention to the report on women human rights defenders (A/HRC/40/60), in which the Special Rapporteur highlighted additional gendered risks and obstacles women human rights defenders face, including the targeting of their family members and loved ones (paragraph 41). The Special Rapporteur recommended the States, *inter alia*, to: protect the rights of women defenders, including by taking a public stand against all State and non-State actors who violate these rights, ceasing all attacks and threats against women defenders, and investigating all that occur, ensuring that impunity does not prevail (paragraph 108 (a)); ensure that women defenders enjoy a safe and enabling environment to exercise their rights, considering their specific and diverse needs (paragraph 108 (b)); assess protection practices for women defenders against the seven principles underpinning good protection practices (which include protection of family members and loved ones) and examine ways of strengthening those practices (paragraph 108 (h)).