



18 March 2023

**Stakeholder Submission
to the UN Human Rights Committee
in Advance of the 44th Session (October-November 2023) of Universal Periodic Review
(4th cycle) of Turkmenistan**

Justice for Journalists Foundation and Turkmen.News are pleased to offer this submission to the 44th Session of the Human Rights Council Working Group for the fourth cycle of the Universal Periodic Review of Turkmenistan.

Justice for Journalists Foundation (JFJ) is a British non-governmental organisation (Registered Charity 1201812) created in 2018. JFJ has been monitoring, analysing, and publicising attacks against media workers¹ that took place since 2017 in 12 post-Soviet states, including Turkmenistan. The monitoring is based on data collected by content analysis of open sources. In addition, expert interviews with media workers are used to monitor cases that have not been publicly reported. All information is verified using at least three independent sources. JFJ also funds journalistic investigations into violent crimes against media workers and helps professional and citizen journalists to mitigate their risks.

Turkmen.News is an independent media and human rights initiative that promotes freedom of speech and the rule of law in Turkmenistan. Besides publishing daily news on political, social and economic developments in the country, Turkmen.News conducts investigations on grand corruption and power abuse, monitors the use of forced labor in Turkmenistan, and brings cases of human rights violations to international platforms.

Executive Summary

The submitting organisations welcome the opportunity to contribute to the fourth cycle of the Universal Periodic Review (UPR) of Turkmenistan. This submission focuses on the persecution of media workers and media outlets since the consideration of Turkmenistan's third periodic report in May 2018 and Turkmenistan's compliance with its obligations enshrined in Articles 7, 9,10,12, 14, 15, 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR).

The submitting organizations will raise concerns in connection to the following issues:

¹ In this submission, the term "media workers" refers to journalists, camerapersons, photojournalists, and other employees and managers of traditional and digital media, as well as bloggers and online activists.

- Persecution of media workers and media outlets;
- Operational Environment, media freedoms and government control;
- Arbitrary arrests and arbitrary detentions of journalists, and allegations of torture and cruel, inhuman and degrading treatment in detention; cases of murder;
- Forced closure and harassment of independent media outlets;
- Legislative restrictions to freedom of expression.

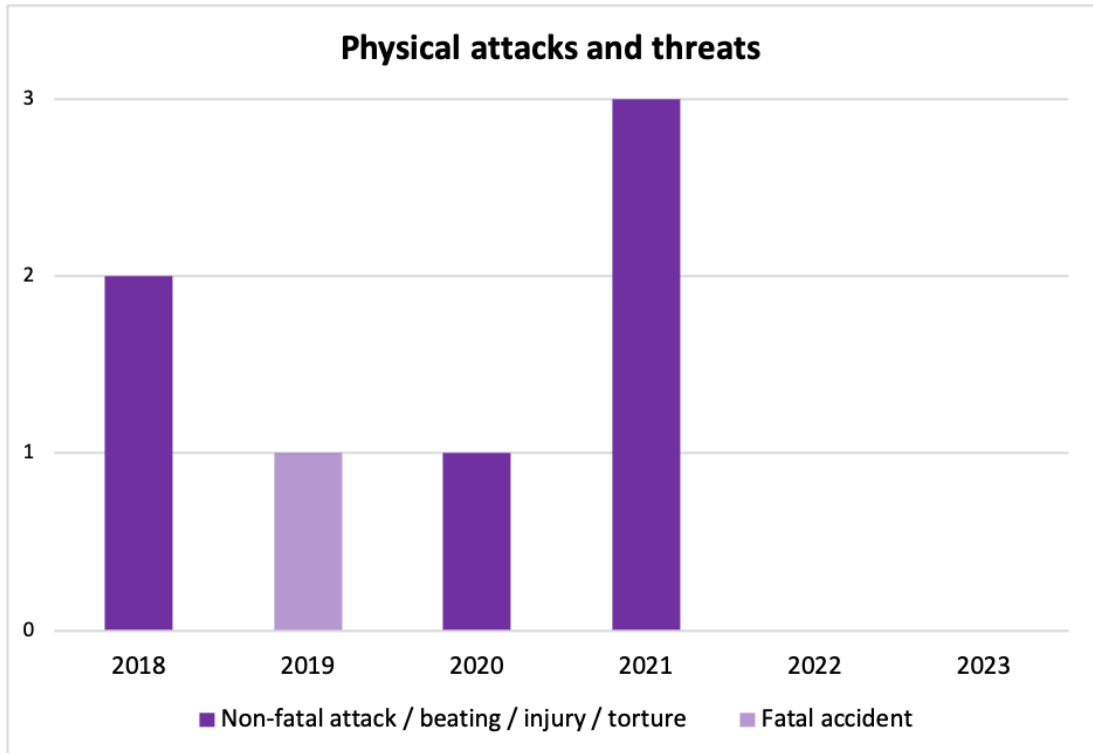
Persecution of media workers and media outlets

Since consideration of Turkmenistan's previous periodic report in 2018, the developments observed in connection to the environment for media continued to raise concern. In four years, the country has been fluctuating from 180 to 177 (3 positions) in Reporters Without Borders' World Press Freedom Index and currently ranks 177 out of 180 countries as opposed to 178 out of 180 in 2018 during the previous periodic report. Freedom House's Internet Freedom Score for Turkmenistan has deteriorated though, moving from 4 ("not free") to 2 ("not free").

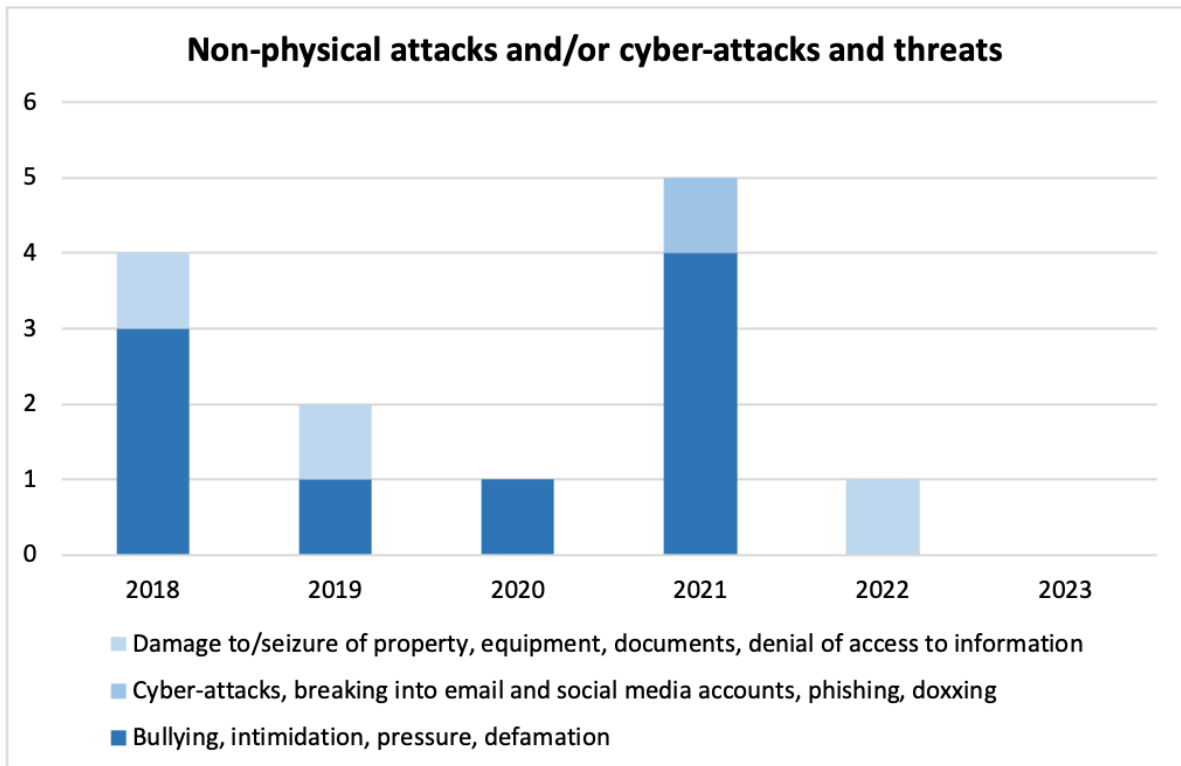
In 2018-2022, Justice for Journalists Foundation documented at least 50 cases of persecution of media workers and media outlets in Turkmenistan, 8 of which were conducted on the territory of Turkey and Russian Federation. 7 of them were physical attacks and threats, 13 – non-physical attacks and threats online and offline, and in 30 instances, judicial and economic means were used to exert pressure. In an overwhelming majority of cases (about 88 %), the perpetrators were representatives of the authorities. The main targets were media outlets that criticise the government, independent media workers, their relatives and loved ones.

The graphs below illustrate the consistent distribution of cases over the years and the most widely used types of persecution within each category:

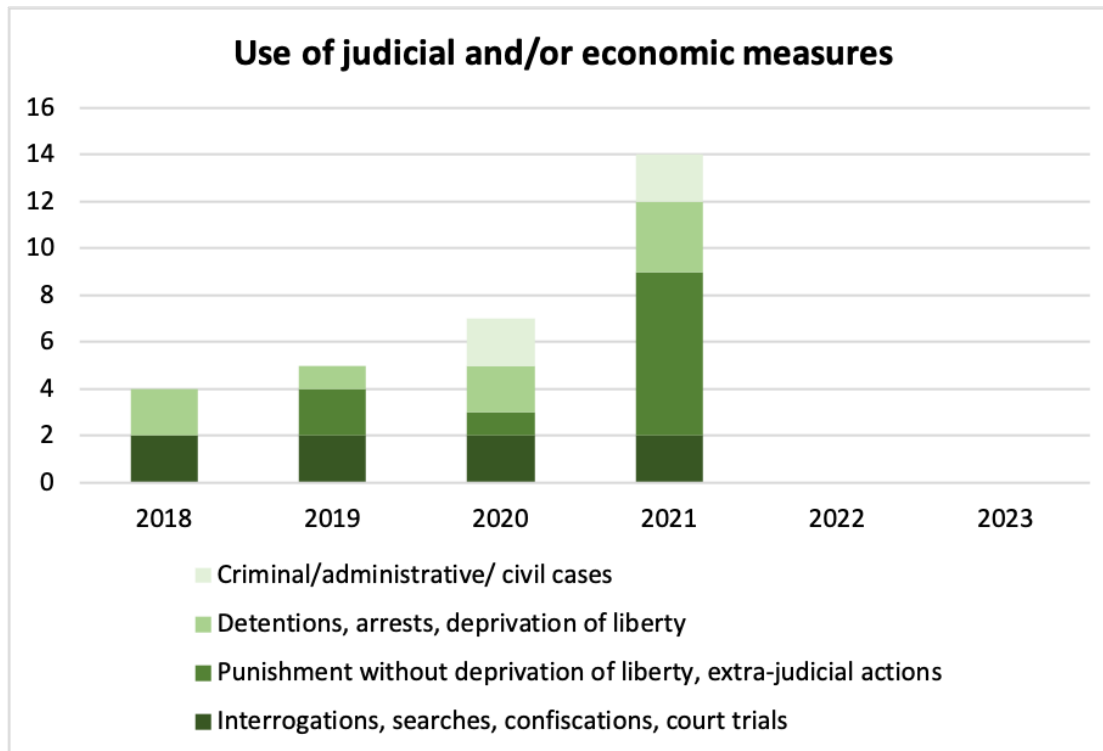
- a) Physical attacks and threats to life, liberty and health



b) Non-physical attacks and/or cyber-attacks and threats



c) Use of judicial and/or economic measures



Operational Environment, media freedoms and government control

Relevant Recommendation from the last round of UPR:

112. Take concrete measures to protect and respect individuals' rights to exercise freedom of religion or belief and freedom of expression, including on the Internet, social media and in traditional media, including by preventing harassment of journalists operating in the country (United Kingdom of Great Britain and Northern Ireland);

116.63 Effectively implement the provisions of the Media Law that safeguard media pluralism and prohibit censorship (Estonia); (A/HRC/39/3/Add.1 - Para. 5)

116.66 Respect the right to freedom of expression, allow the media to operate without any interference and provide an enabling and protective environment where journalists and activists can exercise their human rights without reprisals (Austria);(A/HRC/39/3/Add.1 - Para. 5)

116.68 Include a ban on censorship in the Constitution and expand the definition of the ban on censorship in the Law on Mass Media to include every person who makes public communications, in accordance with its international obligations (Sweden);(A/HRC/39/3/Add.1 - Para. 6)

116.71 Take positive steps to protect and promote the freedoms of expression and assembly, including by enforcing legal provisions that safeguard media pluralism and prohibit censorship and by ending forced mobilization of residents for participation in government-organized mass

events (Australia); (A/HRC/39/3/Add.1 - Para. 6)

The Mass Media Act of 22 December 2012² enshrines the fundamental principles of State policy on the media, under which the media in Turkmenistan are free. However, the government of Turkmenistan continues to hold a tight control over newspapers, radio, television and the internet. Citizens have limited access to information sources on the web facing different forms of punishment if they try to use a VPN. Most of the conventional VPNs are blocked, a very small portion of the society has access to custom-built VPNs, which work until the following wave of blocking from Turkmenistan's Cybersecurity Department.³

The government propaganda is being channeled through the major state-run media, including Neytralnyy Turkmenistan, Turkmenistan, Watan, Edebiyat we Sungat, Nesil, Galkynysh; Turkmen TV, Turkmen Radio, Turkmen Dovlet Habarlary, Orient.tm, turkmenportal.com and a few other. Independent or opposition media, including Turkmen.News, Chronicles of Turkmenistan, Radio Free Europe/Radio Liberty and Gundogar.org operate from abroad.

The publications are controlled by the government and receive special authorization before going to press. All independent reporters, stringers and sources send information overseas anonymously due to fear of criminal prosecution, torture, prison term or even death. They work undercover, and the authorities subject their families to heavy pressure.

During the pandemic, the isolated country's state media avoided any mention of mere existence of the COVID 19, and the Ministry for National Security (MNS) blocked all websites that provided people with information that counters the state narrative. Turkmen authorities purchased special equipment to block VPNs to the greatest extent possible, and the police reportedly were checking people's phones. The Ministry of National Security continued to block websites from outside the country, leaving only people with VPNs able to access information from foreign sources. In response, Turkmen authorities reinvigorated their campaign to eliminate the use of VPNs. Meetings are regularly held with school and university students during which officials warn them against "inappropriate" use of the web. Students are explicitly told not to visit websites that "disparage" Turkmenistan. Officials threaten them with serious consequences, including with future career problems, if they use any means (VPNs) to access such websites.

Arbitrary arrests and arbitrary detentions of journalists, and allegations of torture and cruel, inhuman and degrading treatment in detention, cases of murder

Relevant Recommendation from the last round of UPR:

² <https://cis-legislation.com/document.fwx?rgn=57214>

³ <https://eurasianet.org/turkmenistan-internet-welcome-or-no-vpns-allowed-here>

116.75 Release immediately and unconditionally all persons imprisoned as a result of peaceful exercise of freedom of expression, collection and distribution of information, and journalistic activity (Norway);

116.77 Ensure that human rights defenders and journalists are able to conduct their work and activities freely online and offline, and release all prisoners of conscience (Slovenia);

116.79 Stop threats to, physical attacks against and arbitrary detention and conviction of human rights defenders and individuals for exercising their freedoms of expression and assembly (Norway) (A/HRC/39/3/Add.1 – Para. 5)

116.80 End the arbitrary detention and harassment of, as well as travel bans and other acts of intimidation against journalists, media workers and human rights defenders (Germany); (A/HRC/39/3/Add.1 – Para. 5)

116.81 Release all human rights defenders and journalists, and guarantee an independent media free from undue influence or interference (Czechia);(A/HRC/39/3/Add.1 – Para. 5)

116.90 Remove criminal penalties restricting freedom of opinion and expression (Mexico).(A/HRC/39/3/Add.1 – Para. 6)

Independent online news outlets such as Turkmen.News, Hronika Turkmenistana and RFE/RL are forced to operate from abroad and remain blocked inside Turkmenistan. Such outlets generally rely on networks of undercover correspondents who are frequently jailed for extended periods when their work is discovered, while relatives of journalists who have fled abroad are harassed by law enforcement officers.

- For example, reporter Mr. Nurgeldi Halykov convicted in September 2020 on trumped-up charges of fraud is a correspondent for the independent, Netherlands-based news website Turkmen.News. Mr. Halykov was arrested the day after he forwarded his employer a photo of a sensitive World Health Organization mission to Turkmenistan, and was sentenced to four years in prison for allegedly failing to return a debt. Mr. Halykov's employer believes security services discovered Mr. Halykov's wider work for Turkmen.News during interrogation and eventually jailed him for an extended period on fabricated charges. The outlet reported that Mr. Halykov was forced to admit to the fraud charges after being threatened with more serious fabricated charges of rape if he did not comply.
- In July 2020 opposition media reported that Mr. Merdan Jorayev, living and working in Turkey, began criticizing the government on TikTok. On April 20, local authorities in Turkmenabat, Lebap Province, reportedly interrogated Jorayev's sister, Ms. Aziza Hemrayeva, and warned her to tell Mr. Jorayev not to speak on the internet. On May 4 and May 11, Ms. Hemrayeva was summoned to the local police station and warned that her family would suffer if Mr. Jorayev did not stop criticizing the government. Mr. Jorayev also received threats from individuals located in Istanbul. On April 14, the migration service in Istanbul summoned Ms. Dursoltan Taganova (without her lawyer) to discuss her residence permit. Two unknown men questioned Ms. Taganova about her petition, place of residence, relatives, and her activities and speeches on the internet. The men said her activities could harm bilateral relations with Turkey and threatened that continuing her work could lead to difficulties while resident in Turkey. On April 20, CT reported that Turkish authorities began pressuring

Turkmen activists, including Ms. Taganova, for criticizing the government via the internet.

The government restricted the ability of Turkmen journalists to travel abroad. The country's borders have remained closed to commercial traffic since March 2020 (borders were reopened in the summer of 2022), limiting movement of media and Turkmen citizens alike. During the pandemic individual Turkmen citizens have been allowed to leave provided they receive permission from the Ministry of Health-led Extraordinary Committee for Countering the Spread of Disease.

- On March 11, 2019, one of the few Turkmen journalists to work openly for an independent media outlet, Ms. Soltan Achilova, was about to take a flight to Tbilisi, the capital of Georgia, to attend an international seminar when officials stopped her at Ashgabat airport and told her she was forbidden to leave the country. Travel bans are often imposed on dissidents in Turkmenistan, one of the worlds most closed countries. She was told by the authorities that she was forbidden from leaving the country but was not provided with an explanation. She is one of the few publicly known independent journalists still based in Turkmenistan. Ms. Achilova, who was 69 years old at the moment of travel ban, has been allegedly physically assaulted and threatened by the authorities. She has been the victim of a dozen physical attacks in the past two years and was assaulted three times in the space of a just few days in November 2016.

Turkmen authorities continue the practice of harassing exiled journalists' family members impeding all Turkmen journalists based abroad to report on what is happening in the country.

- Mr. Devlet Bayhan, an activist who is based in Germany and runs a video blog critical of the government, told TIHR that national security officials visited and threatened his relatives in the city of Mary several times during the year. According to the report, the mother of Mr. Sultan Ovezov, who lives in Turkey, was subjected to intimidation after her son participated in several online conferences organized by Turkmen activists based abroad to discuss human rights issues in Turkmenistan. Unlike many other participants, Mr. Ovezov exposed his face during the conferences, making it easy for Turkmen authorities to identify him. Security service and plain clothes officers harassed Mr. Ovezov's mother, who lives in Turkmenabat, Lebap Province. Without introducing themselves, they asked her about her son, his whereabouts and civic engagement and demanded that he return to the country.
- Officers of the Ministry of National Security have "harassed and threatened" the relatives of two journalists – Mr. Rozybai Jumamuradov and Mr. Devlet Bayhan - on a number of occasions. Mr. Jumamuradov, a former correspondent of RFE/RL in Turkmenistan who currently resides in Turkey, is an outspoken critic of the government. He is a reporter working with Hronika Turkmenistana. Mr. Bayhan is based in Germany, where he says he is applying for refugee status. He collaborates with Hronika Turkmenistana and runs a video blog critical of the Turkmen authorities. In one episode on May 4, Turkmen security services in Lebap region summoned Mr. Jumamuradov's nephew, cursed and shouted at

him, and threatened to imprison him and his parents because of their contacts with Mr. Jumamuradov, the journalist said. Two of his relatives were fired from their jobs in early April in retaliation for his activism, he said, and officers warned one of his family members, whose son serves in the army, that he might not return alive unless Mr. Bayhan quit his activities. On a number of occasions officers of the Ministry of National Security harassed and threatened the relatives of Mr. Rozybai Jumamuradov, a reporter working with the independent Vienna-based news site Hronika Turkmenistana, and Mr. Devlet Bayhan, a journalist who also collaborates with the same outlet.

Turkmenistan has never conducted an effective investigation into Ms. Ogulsapar Muradova's death. Ms. Muradova was arrested along with two other activists -- her brother Mr. Sapardurdy Khajiev and journalist Mr/ Annakurban Amanklychev -- as well as her three children. Her children were released two weeks later. Ms. Muradova, Mr. Khajiev, and Mr. Amanklychev were initially accused of espionage. But at a closed trial on August 25, 2006, they were sentenced to up to seven years in prison on charges of illegally possessing ammunition.

- RFE/RL correspondent Mr. Ogulsapar Muradova was one of the few journalists in Turkmenistan who dared to report about human rights abuses in the secretive, authoritarian state. Ms. Muradova paid the ultimate price for her work. She was arrested on trumped up charges on June 18, 2006. Amid allegations and signs that she was tortured while in custody, she died in prison three months later at the age of 58 in September 2016. In March 2023 Turkmenistan reported to the UN human rights committee on this case. The State was not at fault for Ms. Murodova's [TYPO IN LAST NAME] death. An independent State commission was set up to investigate her death. A statement was released by a group of prominent Western States recognising that her death was not suspicious. The State did not recognise the need to investigate further. the Ministry of Internal Affairs had set up surveillance cameras in prisons to monitor the security of inmates. The Ministry also ensured that pretrial detention centres were equipped with audio-visual recording equipment.⁴

Recommendation:

- Release immediately and unconditionally Mr. Nurgeldi Halykov, who was sentenced on charges that are believed to be in retaliation for his reporting;
- Conduct a thorough investigation in the case of murdered journalist Ms. Muradova in custody;
- Stop threats to, physical attacks against and arbitrary detention and conviction of journalists; end the arbitrary detention and harassment of, as well as travel bans and other acts of intimidation against journalists and media workers , including family

⁴ <https://www.ohchr.org/en/news/2023/03/dialogue-turkmenistan-experts-human-rights-committee-praise-measures-review-judicial>

members of bloggers and journalists Mr. Bayhan and Mr. Jumamuradov.

Forced closure and harassment of independent media outlets, blocking of websites

Relevant Recommendation from the last round of UPR:

116.70 Cease blocking access to Internet sites and social media networks (Sweden); (A/HRC/39/3/Add.1 - Para. 5)

116.65 Ensure unobstructed Internet access and cease censorship of online media, including of foreign websites and communication applications. This includes the repeal of all provisions from the Law on the Regulation of the Development of the Internet and the Provision of Internet Services that require State licencing of the activities of Internet providers (Netherlands); (A/HRC/39/3/Add.1 - Para. 5)

116.60 Take concrete measures to protect and respect individuals' rights to exercise freedom of religion or belief and freedom of expression, including on the Internet, social media and in traditional media, including by preventing harassment of journalists operating in the country (United Kingdom of Great Britain and Northern Ireland);(A/HRC/39/3/Add.1 - Para. 6)

116.62 Take measures to fully realize freedom of expression, including on the Internet and social media (Republic of Korea);(A/HRC/39/3/Add.1 - Para. 5)

116.64 Ensure freedom of expression and access to information, and stop interfering with access to the Internet as well as censorship of online and print media (Germany);(A/HRC/39/3/Add.1 - Para. 5)

The reporting organizations remain concerned about the laws and practices restricting freedom of opinion and expression, including absence of genuinely independent media, undue restrictions on access to the Internet and disproportionate limitations of online media.

Self-censorship is widespread in local media and that the importation and sale of foreign newspapers were restricted. It reported that campaigns by the authorities to dismantle private satellite dishes had restricted access to information from foreign television and radio channels. The Human Rights Committee recommended that Turkmenistan ensure the development of an independent media, including an enabling environment for their establishment and operation free from undue influence or interference.

The Government's control over the Internet has increased with the adoption of a law on internet in 2015. The Internet access remained restricted and that its speed was slow and the prices were high. Moreover, foreign media and websites of non-governmental organisations had been blocked. Access to social media and online communications applications were restricted and proxy sites used to circumvent the restriction were regularly blocked.

Recommendations

- Enforce, in practice, the provisions of the law on media, safeguarding media pluralism, prohibiting censorship and allowing media to operate without government interference, and refrain from any form of intimidation and retaliation against social media users and others who seek to obtain or disseminate independent and alternative information about the situation in the country;
- End the practice of dismantling satellite dishes to ensure that residents can have unimpeded access to foreign sources of information, and promote unobstructed internet access and refrain from arbitrarily blocking access to news, social media and other websites;
- Enforce, in practice, the provisions of the Media Law that safeguard media pluralism and prohibit censorship and allow media to operate without government interference;
- End the practice of forcibly dismantling satellite dishes and ensure that residents can have unimpeded access to foreign sources of information;
- Promote unobstructed internet access and refrain from arbitrarily blocking access to news, social media and other websites;
- Refrain from any form of intimidation and retaliation against social media users, RFE/RL listeners and others who seek to obtain, exchange or disseminate independent/alternative information about the situation in the country.

Legislative restrictions to freedom of expression

Relevant Recommendation from the last round of UPR:

116.67 Adopt measures, including through amending relevant laws, to ensure that the Internet, television, radio and print media serve as a channel for receiving and transmitting independent public interest information in the country (Slovakia); (A/HRC/39/3/Add.1 - Para. 5)

116.72 Revise laws and practices in order to guarantee the full enjoyment of freedom of expression and freedom of assembly and ensure that any restrictions comply with the International Covenant on Civil and Political Rights (Latvia); (A/HRC/39/3/Add.1 - Para. 5)

116.69 Decriminalize defamation, and include it in the Civil Code in accordance with international standards (Estonia); (A/HRC/39/3/Add.1 - Para. 5)

116.82 Revise laws and policies to ensure an enabling environment for human rights defenders, an independent media and a robust civil society (Canada); (A/HRC/39/3/Add.1 - Para. 5)

Under article 30 of the Act, journalism is a free profession and is not subject to licensing. Journalists have the right to seek, request, receive and impart information; to have access to documents and materials, with the exception of portions containing State, trade or other legally protected secrets; to visit the locations of emergencies and to be present at mass public gatherings; to disseminate reports or content prepared by them under their own byline, under a pseudonym or without a byline; to set out their personal opinions and assessments under their byline in reports and content intended for circulation; to form trade unions and participate in their activities; and to exercise other rights provided for by law.

Article 42 of the constitution of Turkmenistan enshrines the rights of freedom of speech and freedom to seek, receive, and distribute information. Turkmenistan's mass media law forbids media censorship, interference in the activities of the media, and monopolization of the media by natural or legal entities, and guarantees citizens' access to foreign news media. Most foreign media and social media networks have long been inaccessible. A government campaign to block whole servers hosting the VPNs (virtual private networks) that citizens use – at risk of prosecution and official harassment – to circumvent this stifling censorship has reportedly led to "near complete" internet shutdowns on several occasions this year. Turkmen.news reported that local authorities blocked VPNs, Zoom, and PayPal websites.

Recommendations

- Ensure freedom of expression and media freedom by aligning all national legislation with international standards;
- Revise the defamation articles in the Criminal Code and the Code of Administrative Offenses to ensure that legislation is consistent with best practices and international standards in the area of freedom of expression;
- In particular, reform defamation laws in accordance with Article 19 of the ICCPR;
- Adopt measures, including by amending relevant laws, to ensure that the Internet, television, radio, and print media serve as a channel for receiving and transmitting independent information of public interest in the country;
- Decriminalize defamation and include it in the Civil Code in accordance with international standards.