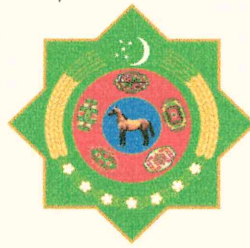


**TÜRKMENISTANYŇ
BIRLEŞEN MILLETLER
GURAMASYNYŇ ÝANYNDAKY
HEMIŞELIK WEKILHANASY**



**THE PERMANENT MISSION
OF TURKMENISTAN
TO THE UNITED NATIONS**

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TKMUN/1663/2016

The Permanent Mission of Turkmenistan to the United Nations presents its compliments to the Secretary-General of the United Nations, and in reference to the note verbale dated 24 May 2016 addressed to the Ministry of Foreign Affairs of Turkmenistan from the Office of the International Committee of the Red Cross (ICRC) in Turkmenistan, regarding the Resolution of the UN General Assembly 69/120 “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts” of 10 December 2014, has the honour to transmit herewith information from the Ministry of Foreign Affairs of Turkmenistan.

The Permanent Mission of Turkmenistan to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 1 June 2016

H.E. Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

c/o:
Office of Legal Affairs
Codification Division
Email: 6thCommittee@un.org



(Translated from Russian)

1. On 24 August 2007, an interdepartmental commission was set up in Turkmenistan to monitor compliance with the country's international human rights obligations. In 2011, by presidential decision, the commission was transformed into the Interdepartmental Commission on Compliance by Turkmenistan with its International Human Rights Obligations and International Humanitarian Law. The Commission is a standing deliberative body responsible for coordinating the work of ministries, State committees, departments and local authorities, enterprises, institutions and organizations to implement the international obligations of Turkmenistan in the field of human rights and international humanitarian law.

2. As part of the Interdepartmental Commission, a working group on the incorporation of the rules of international humanitarian law into national law was set up and started work in January 2012, and a long-term workplan on international humanitarian law was approved. The working group was composed of representatives of the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Defence, the National Presidential Institute for Democracy and Human Rights and the National Red Crescent Society.

3. On 22 December 2012, the National Red Crescent Society of Turkmenistan Act was adopted. This Act establishes the legal framework for the operation of the Red Crescent Society of Turkmenistan, along with its principles, objectives, powers and duties. In accordance with the Act, the Red Crescent Society of Turkmenistan has the following tasks:

- To assist Turkmen authorities in the conduct of humanitarian activities;
- To support the Turkmen authorities in meeting their international commitments under the Geneva Conventions and the additional protocols thereto;
- To assist in providing assistance to victims of emergencies in Turkmenistan;
- Through the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and the national Red Cross or Red Crescent societies of other States, to provide assistance to persons affected by emergencies in foreign countries;
- To disseminate information about international humanitarian law and the principles and objectives of the International Red Cross and Red Crescent Movement;
- To carry out other tasks arising from the principles and purposes of the Movement, consistent with the law of Turkmenistan and with the Charter of the Red Crescent Society.

4. As a party to the principal conventions on human rights and freedoms, Turkmenistan is actively incorporating the rules of international treaties, including those of international humanitarian law, into its national legislation. Thus, on 21 November 2015, the Mejlis (parliament) of Turkmenistan adopted a law amending and supplementing the Criminal Code of Turkmenistan, pursuant to which chapter 21 of the Code, on crimes against the peace and security of humankind, has been supplemented with several new articles, including article 167-6, prescribing liability to a penalty of between 10 and 15 years' deprivation of liberty for criminal violations of the rules of international humanitarian law during armed conflicts, namely:

(a) The use of means and methods of warfare which may be deemed to be excessively injurious or to have indiscriminate effects;

(b) The intentional infliction of extensive, long-lasting and substantial damage to the natural environment;

(c) Attacks on personnel, buildings, equipment, transport facilities and vehicles which, for the purposes of protection, display the distinctive emblems of the Red Cross and Red Crescent;

(d) Starvation of civilians as a method of combat;

(e) Recruitment in the armed forces of children under 15 years of age or permitting them to take part in hostilities;

(f) Recruitment of persons under 18 years of age in armed groups distinct from the national armed forces or their employment in hostilities as members of such armed groups;

(g) Extensive and wanton destruction and appropriation of property, not justified by military necessity;

(h) Making non-defended localities and demilitarized zones the object of attack;

(i) Making protected cultural properties the object of attack or destruction or their wide-scale looting, and the perpetration of acts of vandalism against these cultural properties without any military necessity;

- (j) The use without any military necessity of cultural properties under enhanced protection or of localities directly adjacent to them to maintain hostilities, and making such properties or the localities immediately adjacent to them the object of attack;
- (k) Violating truces or agreements on the cessation or suspension of hostilities or local agreements on the removal, exchange or transport of the dead and wounded left on the battlefield;
- (l) Attacks on the civilian population or on its individuals;
- (m) Indiscriminate attacks affecting the civilian population or civilian facilities, where it is known in advance that these will cause excessive civilian casualties or inordinate damage to civilian facilities;
- (n) Attacks on facilities regarded as dangerous, in full awareness that these will cause excessive civilian casualties or inordinate damage to civilian facilities;
- (o) Attacks on persons, when the perpetrators of the attacks are aware that the persons attacked are no longer directly involved in the hostilities;
- (p) Relocation of a group of the country's own civilians to occupied territory;
- (q) Unjustifiable delay in the repatriation of prisoners of war or civilians;
- (r) The use in armed conflict of other means and methods of warfare prohibited by an international treaty to which Turkmenistan is a party.

5. In addition, this chapter of the Criminal Code is also supplemented by article 167-7, which establishes liability for inaction or the issuance of a criminal order in time of armed conflict. In particular, the first part of this article provides for the punishment in the form of deprivation of liberty for a term of between 7 and 15 years for deliberate failure during armed conflict by supervisors or officials acting within their authority to take all possible measures to prevent the preparation or counter the perpetration by their subordinates of the offences referred to in the second part of articles 167-4, 167-5 and 167-6 of this Code, while the second part provides for punishment in the form of deprivation of liberty for between 10 and 25 years for the issuance by supervisors or officers of orders to their subordinates to leave no survivors or of any other

knowingly criminal orders or instructions aimed at the commission of the offences referred to in the first part of this article.

6. On 5 August 2015, in the offices of the Red Crescent Society of Turkmenistan, an event was held to present the compendium of international treaties relating to humanitarian law, namely, the Geneva Conventions and their additional protocols, translated into Turkmen. A campaign was organized by the International Committee of the Red Cross and the Ministry of Foreign Affairs and facilitated by the Red Crescent Society of Turkmenistan.

7. On the initiative of the Turkmen authorities, the fundamental instruments of international humanitarian law were translated into Turkmen, providing a tangible embodiment of the mission of the International Committee of the Red Cross in Turkmenistan. There is unanimous agreement that this will have a positive impact on the dissemination among the public at large of the principles enshrined in the Geneva Conventions and their additional protocols.

8. It also serves once again to reaffirm the readiness of Turkmenistan now and in the future to respect the provisions of humanitarian law in fulfilment of the ideals of peace and strengthened security. Further encouragement may be drawn from the extensive work being carried out by the Red Crescent Society of Turkmenistan to disseminate knowledge of international humanitarian law. On the Society's initiative training courses and workshops are being organized and training manuals prepared for secondary school teachers. The Society is also making a significant contribution to the work of the Interdepartmental Commission on Compliance by Turkmenistan with its International Human Rights Obligations and International Humanitarian Law.

9. On 18 August 2015, an amended version of the Turkmen act on the use and protection of the symbols of the Red Crescent and Red Cross was adopted. The act establishes the procedure and rules for the use and legal protection of the symbols of the Red Crescent and Red Cross and, in accordance with the Geneva Conventions of 12 August 1949 and their additional protocols of 8 June 1977, it applies to:

- Emblems of the red crescent and the red cross;
- The names "Red Crescent" and "Red Cross";
- Distinctive signs used to identify medical units and ambulances.

10. In March 2016, Turkmenistan adopted a plan of action for the period 2016-2017 on the application of international humanitarian law, setting out legislative and practical measures for the incorporation of international humanitarian law into national legislation and the wider dissemination of knowledge about international humanitarian law among public servants and various groups of the population.

11. As part of that plan of action and of the internal action plan of the Red Crescent Society of Turkmenistan, 132 workshops and meetings have been held to familiarize public servants and representatives of civil society organizations with international humanitarian law.
