Report on the implementation by Turkmenistan of General Assembly resolution 64/38, of 2 December 2009, on measures to prevent terrorists from acquiring weapons of mass destruction

As an independent and sovereign State, Turkmenistan conducts its domestic and foreign policy on the basis of maintaining peace and stability in Turkmenistan and non-interference in the internal affairs of other States.

In line with its political status of positive neutrality, which is enshrined in the Permanent Neutrality of Turkmenistan Act of 1995, as confirmed by General Assembly resolution 50/80, of 12 December 1995, on the maintenance of international security, section A of which relates to the permanent neutrality of Turkmenistan, the basis of Turkmenistan’s relations with other States is the principle of equality of rights and mutual respect.

Turkmenistan does not participate in any military blocs, unions or inter-State groupings that impose rigid requirements or assume the collective responsibility of its members.

Turkmenistan has undertaken not to start any war or military conflict, participate in any such war or conflict (except in exercise of the right to self defence) or engage in any political, diplomatic or other measures that might lead to war or military conflict.

In the event of armed aggression, Turkmenistan is entitled to request assistance from other States or the United Nations.

Turkmenistan is thus a neutral State but has retained its right to self defence, having defined its main policy platform with its declaration that the territory of Turkmenistan is a zone free of nuclear, chemical, bacteriological or any other form of weapon of mass destruction.

In implementation of its policy platform, Turkmenistan does not and will not possess, manufacture or distribute nuclear, chemical, bacteriological or any other form of weapon of mass destruction. In addition, Turkmenistan is taking action against organized crime and terrorism, which includes not allowing criminals, including terrorists, to acquire weapons of mass destruction.

Under the Anti-terrorism Act of 2003, the overall management of anti-terrorist activities, the provision of the necessary forces, equipment and resources and supervisory activities are the responsibility of the President and the Cabinet of Ministers of Turkmenistan.

The coordination of activities and mutual support from Government bodies engaged in combating terrorism are the responsibility of the State anti-terrorism committee set up by the President.

The State bodies directly involved in anti-terrorism activities within their mandates are the Ministry of National Security, the Ministry of the Interior, the Presidential Security Service, the Ministry of Defence, the State Migration Service, the State Border Service, the State Customs Service, the Office of the Procurator-General and the State Anti-drug Service.

The law enforcement agencies take action against terrorism by carrying out investigative work in accordance with the Criminal Investigation Act of 1994 and the Code of Criminal Procedure of 2009.

Persons participating in terrorist activities under articles 130 (Hostage taking), 173 (Sabotage), 176 (Assault on the President of Turkmenistan), 271 (Terrorism), 272 (Knowingly laying false information concerning a terrorist act), 273 (Organization of or participation in an illegal armed group) and 277 (Theft or seizure of an aircraft, a naval vessel or railway rolling stock) of the Criminal Code of Turkmenistan are liable to criminal prosecution.

Another major feature of the activities of the law enforcement agencies is the organization of system-wide action against the laundering of the assets of crime and the financing of terrorism within Turkmenistan.
and enhanced international cooperation based on unified international standards on harmonizing the
criminal prosecution of such offences and financial monitoring with a view to identifying financial
transactions arising out of such offences.

Under the Prevention of Laundering of the Proceeds of Crime and Financing of Terrorism Act of 2009, a
unified procedure was established to govern the relationship between Turkmen nationals, foreign
nationals and stateless persons permanently resident in Turkmenistan, and also institutions conducting
transactions using money and/or other assets, on the one hand, and State bodies responsible for
supervising the conduct of transactions using money and/or other assets in the territory of Turkmenistan,
on the other, with a view to the prevention, identification or suppression of activities relating to the
laundering of the proceeds of crime and the financing of terrorism.

In accordance with the Regulations on the management of financial monitoring, approved by Presidential
Decree No. 10798 of 15 January 2010, a financial monitoring unit has been set up within the Ministry of
Finance to act as the authorized State body for the prevention of money-laundering.

The activities of the financial monitoring unit are directed at collecting, analysing and transmitting
information relating to money-laundering and the financing of terrorism and at drawing up measures to
prevent the laundering of the proceeds of crime.

Financial transactions and other operations involving money or other assets acquired unlawfully, or the
use of such money or assets for the establishment of an enterprise or any other economic activities, are
liable to criminal prosecution under article 242 of the Criminal Code (Laundering of monetary assets or
other proceeds of crime).

In order to protect Turkmenistan from the unlawful import, export or transit of nuclear, chemical,
bacteriological or other forms of weapons of mass destruction and their components, the State Border
Service operates under the Border Forces of Turkmenistan Act of 1998 and the Anti-Terrorism Act of
2003 to combat terrorism by preventing, identifying or suppressing efforts by terrorists to cross the State
border of Turkmenistan or the unlawful conveyance over the State border of weapons or explosive,
poisonous or radioactive substances or other items that may be used for the purposes of committing
terrorist or other offences.

With the support of the Government of Turkmenistan and the National Nuclear Security Administration of
the Department of Energy of the United States of America, border control entry points of the State border
of Turkmenistan are equipped with Ludlum gamma-neutron radiation portal monitors.

The State Customs Service of Turkmenistan takes action against terrorism by preventing the unlawful
transport across the territory of Turkmenistan of weapons, ammunition or explosive, poisonous or
radioactive substances or materials, in accordance with the Customs Code of 1993, the Anti-Terrorism Act
of 2003 and the Customs Service Act of 2010.

In accordance with Presidential Decision No. 1987, of 24 July 1994, annex 1, entitled “List of specific
goods (works, services) whose export and import is permitted only under licence from the President of
Turkmenistan”, as amended and supplemented by Presidential Decision No. 6862 of 30 August 2004, the
export and import of nuclear materials, technologies, equipment and installations, special non-nuclear
materials, radioactive sources of radiation, including radioactive waste, material, equipment, technology
and scientific and technical information that may be used to manufacture weapons or military equipment
and materials, equipment and technology that have peaceful purposes but may also be used in the
manufacture of rockets or nuclear, chemical or other weapons of mass destruction are permitted only
under licence from the President of Turkmenistan.
Under paragraph 16 of the Regulations on the border entry system, as approved by Presidential Decision No. 6382 of 12 September 2003, transit through the territory of Turkmenistan of military loads (military equipment or military property) or dangerous loads (nuclear materials or poisonous, toxic or explosive substances) requires permission from the President.

In line with List No. 2 approved under Presidential Order No. 10716, of 2 December 2009, it is prohibited for individuals to import, export or transport into or out of Turkmenistan arms, ammunition, military equipment, products or materials specially designed for their manufacture, explosive materials, nuclear materials (including materials in the form of fuel assembly units), sources of ionizing radiation and technology or special equipment that may be used to manufacture arms or military equipment.

The Radiation Safety Act, which sets out the legal basis for the provision of radiation safety for the people of Turkmenistan and the environment against the harmful effects of ionizing radiation was adopted on 15 August 2009.

The regulation of radiation safety is the responsibility of the Cabinet of Ministers, local State executive bodies and local government.

One of the principal ways of achieving radiation safety is to prohibit all forms of activity involving the use of sources of ionizing radiation, where the benefits for individuals or society do not outweigh the risk of possible harm caused by doses of radiation exceeding natural background radiation.

Under the Radiation Safety Act, the transport of radioactive waste into Turkmenistan for storage or disposal is prohibited.

State control over and supervision of the provision of radiation safety is carried out by authorized State executive bodies, jointly with local State executive bodies and local government, within their mandates.

When dealing with sources of ionizing radiation, users are required to:
- Observe the requirements of the law and the rules and regulations relating to radiation safety;
- Plan and implement measures to ensure radiation safety;
- Take steps to ensure that radiation in new, modernized production methods, materials and substances and in technological processes and procedures that are sources of ionizing radiation are safe for human health;
- Carry out systematic production controls to monitor the radiation environment in workplaces, in buildings, in the territories of users and in controlled areas;
- Provide timely information to the authorized State bodies conducting State control and supervision of radiation safety, as well as local State executive bodies and local government, concerning dangerous situations, violations of the technological regulations or the import of products that increase background radiation or constitute a threat to radiation safety;
- Take other measures.

In the event of a radiation accident, a user conducting activities using sources of ionizing radiation is required to:
- Ensure that measures are taken to protect the workers or staff and the public from the radiation accident and its consequences;
- Inform the authorized State bodies responsible for State monitoring and supervision of radiation safety, the local State executive bodies, local government and the local population of a radiation accident that may lead to higher levels of radiation;
- Locate the area of radioactive contamination and prevent the spread of radioactive substances into the environment;
- Conduct an analysis and prepare a forecast of the evolution of the radiation accident and changes in the radiation situation following a radiation accident;
- Take measures to normalize the radiation situation in the territory of the user engaged in activities involving sources of ionizing radiation, once the radiation accident has been dealt with;
- Take other measures.

In planning and taking decisions and measures to ensure radiation safety and in analysing the effectiveness of such measures, State bodies, local State executive bodies, local government authorities and the user must carry out an assessment of the radiation safety situation.

In accordance with the Regulations of the National Board responsible for the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention), annex 1, confirmed by Presidential Decision No. 8086 of 5 October 2006 on implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, responsibility for implementing the Convention was given to the Ministry of Defence. Accordingly, the Ministry set up a coordination centre to implement the Convention and to take joint measures with the Organization for the Prohibition of Chemical Weapons and other States parties to the Convention.

Members of the National Board consist, in addition to the Coordination Centre, of representatives of the Ministry of Energy and Industry, the Ministry of Agriculture, the Ministry of Trade and Foreign Economic Relations, the Ministry of Textile Industry, the joint-stock company Turkmendokun, the joint-stock company Turkmeniod, the industrial paper industry of Turkmenistan, the Turkmenstandartlary service, the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Health and Medical Industry, the Ministry of Defence, the State Border Service, the Ministry of Oil and Gas Industry and Mineral Resources, the State Migration Service, the State Customs Service and the Ministry of National Security, which are all involved in the implementation of the Convention in Turkmenistan.

Where necessary, representatives of other ministries or agencies may be seconded to the staff of the Coordination Centre.

The National Board is chaired by the Ministry of Defence.

Meetings of the Coordination Centre are held when necessary, but not less than once every six months.

Decisions taken by the Coordination Centre are officially recorded and submitted to the heads of the relevant ministries, agencies, enterprises, institutions and organizations.

The Ministry of Defence, in its role as the National Board responsible for implementing the Convention in Turkmenistan, carries out the following functions, among others:
- Takes joint action with the Organization for the Prohibition of Chemical Weapons and States parties to the Convention;
- Coordinates activities with the representatives of State bodies;
- Carries out the procedure for issuing a permit or licence, issued by the President, for the conveyance of chemicals or weapons into, out of or across the territory of Turkmenistan;
- Requires any natural or legal person to provide information concerning the production, use or export or import of chemicals;
- Issues the relevant permits for the design, preparation, assembly, installation, testing, use and repair of equipment and electrical installations for chemical products using chemicals.

In addition, the Ministry of Defence, in carrying out its obligations under the Convention, works jointly with other relevant ministries and agencies to provide support and assistance in carrying out inspections organized by the Organization for the Prohibition of Chemical Weapons and States parties to the Convention in Turkmenistan.
Inspections are carried out in the presence of a support group, the members of which are official representatives of Turkmenistan as the inspected State. The group is made up of representatives of the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Defence, the Ministry of Oil and Gas Industry and Mineral Resources, the State Customs Service and the Ministry of National Security.

When the inspection is completed, a final meeting is held in the presence of the inspection group, representatives of the support group and the management of the premises inspected, with a view to considering the preliminary conclusions of the inspection group, clearing up any uncertainties and submitting preliminary conclusions and lists of any samples, copies of written communications or information or other materials to be removed from the premises.

Upon submission of the Organization’s final report on its inspection, the Ministry of Defence and the management of the premises inspected study the report and take the necessary measures.

The roles of the ministries and agencies of Turkmenistan in implementing the Chemical Weapons Convention are set out in annex 2 to Presidential Decision No. 8680 of 5 October 2006.

The Ministry of the Interior provides the National Board with information concerning chemical substances used for the suppression of mass disorder or mass violations of public order and ensures the security of inspection groups while they are in the territory of Turkmenistan.

The Ministry of Health and Medical Industry is responsible for precautionary and day-to-day supervision of the health aspects of the production and processing of chemicals. It also requests any natural or legal person to provide any information concerning the production, use or export, import or transit of chemicals that may be required for day-to-day or precautionary health supervision or for other purposes.

The State Customs Service, acting jointly with other services working at the State border of Turkmenistan, monitors the import, export or transit of chemicals and prevents any attempts to convey them unlawfully over the State border of Turkmenistan. Where necessary, it provides the National Board with information on the import, export or transit of chemicals.

The Ministry of National Security takes part in inspections on premises that are liable to inspection and in the meetings of inspection groups and observers. It is also involved in checking the equipment of inspection groups.

The State Border Service works jointly with the State Customs Service and other relevant services to prevent the unlawful import or export of chemicals through the State border of Turkmenistan.

The Ministry of Oil and Gas Industry and Mineral Resources and the Ministry of Energy and Industry collect essential information on the chemical industry in Turkmenistan with a view to preparing reports on premises to be inspected, takes part in checking equipment and materials for inspection groups at the point of entry, accompanies inspection groups to the site to be inspected and provides assistance to the Ministry of Defence in organizing training for the staff of premises that are required to submit themselves to inspection.

The Health Code of Turkmenistan was adopted on 21 November 2009 and came into force on 1 January 2010.

The aim of Turkmen health legislation is to ensure the health and medical welfare and radiation safety of the public and to maintain and improve health levels.
The most important tasks for the health legislation of Turkmenistan are to establish the social and legal conditions and guarantees required to ensure the health and welfare of the public and the legal regulation of a proper environment for human health, disease prevention and health protection.

State regulation of the provision of public health and welfare is the responsibility of the Cabinet of Ministers, the State Epidemiology Service of the Ministry of Health and Medical Industry, local State executive bodies and local government, within their mandates.

Legal and natural persons are required to observe health rules, standards and obligations relating to the health and welfare of the public in the production, storage, preparation, utilization, decontamination and disposal of chemical or biological substances or materials.

Chemical or biological substances and other products that are potentially dangerous for humans may be imported into the territory of Turkmenistan, or produced, transported, stored, prepared or utilized only on the basis of State registration.

Legal and natural persons may also use machines, mechanisms, facilities, devices or apparatus, or to engage in the production, use, transport, storage or disposal of radioactive substances, materials and wastes that have a physical effect on humans only where an epidemiological report has been issued.

State executive and administrative bodies and legal and natural persons are required to observe the rules of radiation safety and the rules governing work with radioactive substances and other sources of ionizing radiation. They are also required to ensure radiation safety in the extraction, reception, preparation, use, processing, transport, storage, utilization or disposal of radioactive substances and other sources of ionizing radiation.

The criteria for the safety of work involving sources of ionizing radiation, including marginally acceptable levels of risk, are set out in the health regulations.

Legal and natural persons engaged in work involving the use of radioactive substances or equipment (facilities, devices or machinery) that are sources of ionizing radiation are required to hold the necessary documents authorizing such activities, as issued by the relevant State agencies responsible for monitoring and control.

All incidents involving the violation of regulations governing radiation safety or health regulations governing work with radioactive substances and other sources of ionizing radiation are subject to special investigation with the compulsory participation of officials responsible for State health inspections.

State executive and administrative bodies, local State executive bodies, local government and legal and natural persons are required to ensure the prompt implementation of measures to prevent the emergence and spread of infectious illnesses, including illnesses caused by radiation, and to eliminate such illnesses if they occur.

All cases of infectious illness and mass non-infectious illness or poisoning must be registered by the health authorities of the area in which the illness or poisoning appears, recorded in an official State report and monitored by the agencies of the State Epidemiology Service of the Ministry of Health and the Medical Industry of Turkmenistan.

In order to prevent illegal crossings of the State border of Turkmenistan, including by individuals and groups of persons with terrorist links, such crossings are punishable under article 214 (Illegal crossing of the State border of Turkmenistan) of the Criminal Code of Turkmenistan.
Articles 254, 287, 288 and 291 of the Criminal Code establish criminal liability for the movement across the customs border of Turkmenistan of toxic, poisonous, radioactive or explosive substances, weapons, explosive devices, firearms or ammunition, nuclear, chemical, biological or other weapons of mass destruction or materials or equipment that may be used in the manufacture of weapons of mass destruction and the movement of which across the customs border of Turkmenistan is subject to special regulations, and for the illegal manufacture, acquisition, sale, storage, transportation, transfer, conveyance, theft or extortion of firearms, the component parts of such firearms, ammunition, explosive substances or explosive devices.

Articles 283, 284, 285, 302 and 312 of the Criminal Code establish criminal liability for the illegal acquisition, storage, use, transfer or destruction of radioactive materials; the violation of regulations governing the storage, use, registration and transportation of radioactive materials or other regulations governing the handling of such materials; the theft or extortion of radioactive materials; the illegal manufacture, processing, acquisition, storage, transportation or transfer for the purpose of sale or the illegal sale of potent or toxic substances other than narcotic drugs or psychotropic substances; the violation of regulations governing the manufacture, acquisition, storage, registration, supply, transportation or transfer of potent or toxic substances other than narcotic drugs or psychotropic substances, if such violation involves the theft of those substances or results in significant damage; and, the transportation, storage, disposal or use, in contravention of established regulations, of substances or waste materials that pose a danger to human life, are harmful to human health or have the potential to cause death or significant damage to human health or to the environment.

Article 224 of the Code of Criminal Procedure of 2009 establishes that the national security agencies of Turkmenistan are responsible for the preliminary investigation of cases relating to offences provided for in articles 254, 271, 273 and 276 of the Criminal Code, while the internal affairs agencies of Turkmenistan are responsible for the preliminary investigation of cases relating to offences under articles 283, 284, 285, 286, 287, 288, 291, 302 and 303 of the Criminal Code and the agencies of the Office of the Prosecutor-General of Turkmenistan are responsible for the investigation of cases relating to offences under article 312 of the Criminal Code.

In order to prevent the commission of terrorist acts, by such means as early warning mechanisms, among others, procedures are in place for international cooperation with the law enforcement agencies of other States and with international organizations engaged in combating terrorism and for the provision of assistance to other States in the criminal prosecution of persons involved in the financing or support of terrorist activities. Such assistance includes the handover of available evidence required for such prosecutions and also for the criminal prosecution in Turkmenistan of persons involved in terrorist activities in cases in which terrorist acts have been planned or carried out beyond the borders of Turkmenistan but may cause damage to Turkmenistan, as well as in other cases provided for in international agreements to which Turkmenistan is party.

In accordance with articles 542-562 (Provision of legal assistance in criminal cases) of the Code of Criminal Procedure of Turkmenistan and with international agreements to which Turkmenistan is party, those State executive and administrative bodies engaged in activities to combat terrorism are responsible for carrying out, within their respective areas of competence, requests by the competent authorities of other States to conduct activities in connection with criminal proceedings relating to terrorist activities or to confiscate property. Such activities include forensic examination, the questioning of suspects, accused persons, witnesses, victims and other persons, searches, seizures, the handover of material evidence, the furnishing and transmission of documents, the submission of requests for information required and the extradition of persons for criminal prosecution. An extradition request may be refused if the person subject to extradition is a national of Turkmenistan.

However, if the law enforcement agencies of Turkmenistan receive, through official channels, materials relating to a criminal case in which a national of Turkmenistan is accused of committing an offence
provided for in the Criminal Code of Turkmenistan, including a terrorism-related offence, and if that person has not previously been convicted in another State, he or she may face criminal prosecution in Turkmenistan.

In order to expand and strengthen international cooperation in combating organized crime, including terrorism, Turkmenistan has signed the following multilateral and bilateral international legal instruments relating to the provision of judicial assistance in criminal cases:

2. Agreement between Turkmenistan and Georgia on mutual legal assistance in civil and criminal cases (1996);
3. Agreement between Turkmenistan and the Republic of Uzbekistan on judicial assistance and legal relations in civil, family and criminal cases (1996);
4. Agreement between Turkmenistan and the Republic of Armenia on judicial assistance and legal relations in civil, family and criminal cases (2000);

A key area of such cooperation is joint action to eradicate the root causes of terrorism. In that regard, the coordinated efforts of States to eliminate sources of tension between countries and to resolve regional crises and conflicts that foster terrorism and other forms of violence are of particular importance. This is an area of cooperation to which particular attention is given, in view of its primary importance in ensuring global and regional security. Only through joint efforts can the ideological foundations of and social basis for terrorist movements be eliminated and support for such movements reduced.

Turkmenistan, as a sovereign member of the international community and recognizing the universally accepted norms of international law, has manifested its determination to combat terrorism and to prevent the proliferation of and access to weapons of mass destruction by acceding to the following international treaties and agreements:

1. Comprehensive Nuclear-Test-Ban Treaty (1996);
2. Treaty on the Non-Proliferation of Nuclear Weapons (1968);
3. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972);
4. Convention on the Physical Protection of Nuclear Material (1980);
5. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989);
6. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993);
7. International Code of Conduct against Ballistic Missile Proliferation (2002);
8. Amendment to the Convention on the Physical Protection of Nuclear Material (2005);