

**Permanent Mission of Turkmenistan
to the United Nations**

866 UN Plaza,
Suite 424
New York, NY 10017

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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 latter's note LA/COD/4 dated 9 April 2010, has the honour to transmit herewith information from the Government of Turkmenistan, for inclusion in the report of the Secretary-General regarding the General Assembly resolution 63/126 of 11 December 2008 entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

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, 7 June 2010

Translated from Russian

Annex 1

Under article 15 of the Act of Turkmenistan on the status of diplomatic missions of Turkmenistan abroad, the heads and members of diplomatic missions of Turkmenistan abroad and members of their families, as well as the administrative and technical staff and members of their families, enjoy the privileges and immunities provided for under the Vienna Convention on Diplomatic Relations of 1961, provided no other bilateral arrangement between Turkmenistan and the

The head of mission and members of the diplomatic staff of the mission enjoy personal inviolability. They may not be subjected to detention, search or arrest, and they enjoy freedom of movement in the territory of Turkmenistan, with the exception of areas where entry is regulated by laws of Turkmenistan (article 17 of the Act of Turkmenistan on diplomatic missions of foreign States in Turkmenistan).

Under article 18 of the Act, the head of mission and the diplomatic staff of the mission enjoy immunity from the criminal, civil and administrative jurisdiction of Turkmenistan. However, such persons may be subject to the jurisdiction of Turkmenistan with the clear express consent of the accrediting State to that effect.

Immunity from civil jurisdiction does not extend to situations where the head of mission or members of the diplomatic staff of the mission enter into civil or legal relations as private individuals.

The head of mission and the diplomatic staff of the mission are not obliged to testify as witnesses and, if they agree to give testimony, they are not obliged to appear before a court or present themselves to investigative bodies.

The Criminal Code of Turkmenistan adopted on 18 April 2009 makes provisions for the immunity of diplomatic staff. Article 198 of the Criminal Code of Turkmenistan provides that the head of mission and members of the diplomatic staff of the mission are not obliged to testify as witnesses and, if they agree to give testimony, they are not obliged to appear before a court or present themselves to investigative bodies.

(8) heads of diplomatic missions and members of the diplomatic staff posted to third States who are in transit through Turkmenistan, along with members of their families who are accompanying them, travelling separately or returning to their country;

(9) other persons in conformity with norms set by the international treaties to which Turkmenistan is party (article 522 of the Criminal Procedure Code of Turkmenistan).

Under article 523 of the Criminal Procedure Code:

(1) The persons specified in article 522, paragraphs 1 and 5-8, of the Criminal Procedure Code and covered by provisions of international treaties to which Turkmenistan is party enjoy personal inviolability. They may not be detained or be held under arrest, except in cases where this is required in order to execute a legally enforceable judgement handed down against them.

(2) The persons specified in article 522, paragraphs 2-4, of the Code may be detained or held under arrest, unless instruments to which Turkmenistan is party provide otherwise, only in order to execute a legally enforceable judgement issued by a court in connection with the commission of a serious or very serious crime.

(3) A preliminary investigative body, prosecutor or court, having detained or held under arrest persons specified in parts 1 or 2 of the article, must without delay inform the ministry of foreign affairs of the country in question of that fact by telephone, telegraph or other means of rapid communication through the Ministry of Foreign Affairs of Turkmenistan.

Persons specified in article 522, paragraphs 1-3 and 5-8, of the Criminal Procedure Code have the right not to provide testimony as a witness or victim and, if they choose to testify, to do so without appearing before an investigator, prosecutor or court.

In the event that these persons provide testimony at the preliminary investigation stage as witnesses or victims but do not appear at the court session, the court may divulge their testimony.

The heads and other officials of consulates are not entitled to refuse to give testimony as witnesses or victims, except where the testimony relates to the performance of their official functions. In the event that officials of the consulate refuse to provide testimony as witnesses, coercive procedural measures are not to be applied against them. If the testimony is extremely important in a particular case, the matter can be resolved through the diplomatic channel.

If the consent to testify referred to earlier in the article is obtained, the summons given to the person in question is not to contain any mention of coercive measures that could be applied should the person in question fail to appear before the body summoning him.

Persons who enjoy immunity are not required to hand over to investigating bodies, prosecutors or courts correspondence or documents relating to the performance of their official duties (article 524 of the Criminal Procedure Code).

Under article 7, part 5, of the Criminal Code of Turkmenistan in its new redaction of 14 May 2010, issues relating to the criminal liability of diplomatic representatives of foreign States and other persons enjoying immunity who have

