

Turkmenistan

Paragraph 1 of Security Council resolution 1540 (2004)

The Constitutional Law of Turkmenistan on the permanent neutrality of Turkmenistan and the Foreign-policy concept of Turkmenistan as a neutral State, adopted by the Khalk Maslakhaty (People's Council) of Turkmenistan on 27 December 1995, states that "Turkmenistan shall not possess, produce or spread nuclear, chemical, bacteriological or other types of weapons of mass destruction or help to create new types or technologies for their production".

Paragraph 2 of Security Council resolution 1540 (2004)

Article 271 of the Penal Code of Turkmenistan, on terrorism, adopted on 12 June 1997, states the following:

"(1) Terrorism, that is, causing an explosion or committing arson or other actions which create the danger of loss of life, cause considerable property damage or result in other dangerous consequences for society, if these actions are committed for the purpose of breaching public security, frightening the population or influencing decision-making by the authorities, as well as the threat to commit such actions for these purposes, shall be punished by imprisonment for 5 to 10 years.

(2) The same acts committed:

(a) Repeatedly;

(b) With the use of firearms;

(c) By a group of persons acting on the basis of prior agreement, shall be punished by imprisonment for 8 to 15 years.

(3) The acts provided for under paragraphs 1 and 2 of this article which cause the death of a person or are committed by an organized group or a criminal association, shall be punished by imprisonment for 10 to 20 years."

Article 1, paragraph 4, of the Act of 15 August 2003 on combating terrorism contains the following definition of the term "terrorists act": "A terrorist act is the direct commission of a terrorist offence in the form of an explosion, arson, or the use or threat of the use of nuclear explosive devices; radioactive, chemical, biological, bacteriological, explosive, toxic, noxious or poisonous materials and so forth"

Paragraph 3 (c) of Security Council resolution 1540 (2004)

In accordance with article 254 of the Penal Code on smuggling,

"(1) Smuggling, that is, the transport in large quantities across the customs border of Turkmenistan of goods or other objects in respect of which special regulations have been established governing transport across the customs border of Turkmenistan, except for the goods and objects indicated in paragraph 2 of this article, which is carried out without the knowledge of or in concealment from customs control or with the fraudulent use of documents or customs identification methods or which is accompanied by a failure to declare goods or a false declaration, shall be punished by a fine of 25 to 50 times the average monthly wage or by corrective work for up to two years or imprisonment for up to three years with or without confiscation of property.

(2) The acts provided for under paragraph 1 of this article are those carried out:

(a) Repeatedly;

(b) By a group of persons acting on the basis of prior agreement or by an organized group;

(c) By a public servant using his official position or by a person exempt from customs control;

(d) With the use of force against a person conducting customs control; Shall be punished by imprisonment for two to five years.

5S/AC.44/2004/(02)/2

(3) Transport across the customs border of Turkmenistan of narcotics; psychotropic, virulent, toxic, poisonous, radioactive or explosive substances; arms; explosive devices; firearms or ammunition; nuclear, chemical, biological and other types of weapons of mass destruction; materials and equipment which may be used to create weapons of mass destruction and in respect of which special regulations have been established governing transport across the customs border of Turkmenistan; strategically important raw materials; valuable cultural objects in respect of which special regulations have been established governing transport across the customs border of Turkmenistan, if these acts are committed without the knowledge of or in concealment from customs control or with the fraudulent use of documents or customs identification methods or are accompanied by a failure to declare goods or a false declaration of goods, shall be punished by imprisonment for three to eight years with or without confiscation of property.

(4) The acts provided for under paragraph 3 of this article are those committed:

(a) Repeatedly;

(b) By a group of persons on the basis of prior agreement or by an organized group;

(c) By a public servant using his official position or by a person exempt from customs control;

(d) With the use of force against a person conducting customs control; shall be punished with imprisonment for five to ten years with or without confiscation of property."

Turkmenistan is a party to the following multilateral international legal documents:

- The Nuclear Non-Proliferation Treaty (23 September 1994);
- The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (23 September 1994);
- The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (24 November 1995);
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (18 June 1996);