



HELSINKI COMMISSION HEARING

UNITED STATES COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

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Hearing on "The State of Democratization and Human rights in Turkmenistan"

March 21, 2000

Ladies and gentlemen, esteemed senators and members of Congress -- I would like to express my most sincere gratitude for your concern into the status of human rights in Turkmenistan, and for the result of that concern, today's hearing in the U.S. Congress. I am very grateful for the invitation to this hearing. It is a great honor for me to testify before the Congress of a great power that fights for democracy and human rights in every country.

Having received independence after the collapse of the Soviet Union, Turkmenistan did not proceed on a path towards democratic changes and the creation of a civil society. It continued to enforce old methods of authoritarian control that reached the level of absurdity, making the entire government system and civil society depend on the whims and caprices of one person: President S. Niyazov.

Since May 18, 1992, Turkmenistan's constitution has not been in compliance with democratic and human rights principles. It contains a number of articles that are contrary to its first article that states that: "Turkmenistan is a democratic and law abiding state." Let us refer to some of them.

Article 19 of the constitution states: "The realization of human rights and freedoms should not violate rights and freedoms of other people, moral principles and order or be harmful to the state's security." The Turkmen government interprets this article in a manner that allows them to repress dissidents and opposition leaders that support human rights, freedom of speech, freedom of association (meetings) and demonstrations.

Article 55 states: "A citizen of Turkmenistan can become president if he is of Turkmen origin, not younger than 40 years of age and resides in Turkmenistan..." Turkmenistan is a multiethnic state. Close to 30% of its population are people of other nationalities. This article limits the rights of other nationalities to assume the highest

governmental duties. Also, a significant number of Turkmen emigrated and reside outside Turkmenistan in various parts of the world. Among them there are many worthy people that can contest for the position of Turkmenistan's president.

Article 13 states: "The state language in Turkmenistan is Turkmen." This article could have been lawful and appropriate if it reflected the actual situation in Turkmenistan today. First, today's government corpus does not speak Turkmen well. Second, the Turkmen language is lagging behind in its development due to the fact that for many years, it has not been used for clerical and office procedures. Because of these reasons, the Turkmen language cannot serve all the needs of the state, and in fact, Russian remains the state's language. The government uses Article 13 to promote nationalistic policies. This article creates tension and fosters distrust between Turkmen and non-Turkmen citizens and puts them in an unequal position.

And finally, Article 45 and all of Chapter 2 of the constitution, entitled "Khalk Maslakhati Turkmenistana", call Khalk Maslakhati (Peoples' Council) the highest representative organ of public governance in Turkmenistan. They diminish and almost eradicate the role and functions of the Parliament, through which the people may have been able to participate in the government.

The constitution itself foresees the violations of political and civil rights of Turkmen people.

One has to note while talking about the constitution, that not one of its articles is being abided by. There are hundreds of examples of how the articles of this principle law of the country are being violated. There are specific examples of violations of people's civil and political rights. There are also many cases of the infringement of property and religious rights. In recent years, many families were forced to move from their houses for the reason that their houses were located in areas needed for the construction of some important governmental structure – a road or a president's palace. The government ignores all of the constitution's articles that guarantee political freedoms. For example, Article 28 grants the right to citizens to create political parties and civil organizations. However, there is a law, adopted by the Parliament in 1990, that a party can be officially registered only if 2/3 of the Parliament's members vote for it. There is another requirement for the registration imposed upon party founders, which is to provide signatures and addresses of 1000 people wishing to join this party. These two requirements make it almost impossible to create alternative parties or organizations in Turkmenistan.

But even this constitution, far from perfection and accepted by Niyazov, presents a threat to his dictatorship, inasmuch as the Turkmen opposition, international human rights organizations and the democratic powers of the West call on Niyazov to abide by the constitution. That is why he decided to adopt an alternative constitutional document: "Rukhnama". Now the Rukhnama will have more meaning for Turkmen than the constitution. The constitution will fulfill the role of a screen for communication with the outside world, while people in Turkmenistan will be forced to abide by the Rukhnama. With the help of the Rukhnama, Niyazov wants to legitimate prohibition of freedom of thought, freedom of speech and freedom of association. The significance of this action for Niyazov's regime can be comparable to the establishment of Peoples' Council. Legally it is a useless organ that

duplicates functions of the Parliament. By creating the Peoples' Council, Niyazov totally diminished the role of the Parliament. He would like to do the same to the constitution with the Rukhnama. In a manner similar to how the Peoples' Council stands above the parliament, he would like to see the Rukhnama above the constitution. Niyazov presents the Rukhnama as a democracy manual for Turkmens. This raises the question: what does Niyazov propose to give non-Turkmens in place of democracy? What should non-Turkmens -- who make up a big part of the population -- use as a guide for their lives?

The Rukhnama is seen as a sacred and prophetic document. Each prophet always had his sacred book. Every day, Niyazov's propaganda machine instills in peoples' minds the idea that Niyazov-Turkmenbashi (the father of all Turkmen) is the 13th prophet. One should not exclude the possibility that some day it will be announced in Turkmenistan that the Rukhnama was sent to earth by god through Turkmenbashi -- his messenger.

There are many people in Turkmenistan today that are being persecuted for political reasons. The government takes away jobs from liberal thinking citizens. They take away their apartments, destroy their houses, fire their relatives from their jobs and expel their children from schools. Many people who do not agree with Niyazov's politics were sent to prisons and mental hospitals. They live under constant government control or house arrest.

With the facilitation of human rights organizations such as Amnesty International and Human Rights Watch, many people left the country. They now reside in Sweden, Norway, USA and other countries. According to some sources, there are 200,000 migrants from Turkmenistan in Russia -- 30% of whom are Russian-speaking Turkmen.

Repression in Turkmenistan is not ending, but only becoming more severe every day. Turkmenistan today is like one big prison for people residing there. People live in complete isolation from the rest of the world. People cannot enter or leave the country freely. No one feels free and secure in that country. However, the international community does not show concern about the violations of human rights and basic rules of democracy in Turkmenistan. During the rule of Bush and Baker, the American government regarded the observance of human rights, democratization of civil society, freedom of speech and support of market economy as prerequisites for cooperation with the newly independent states. Deputy Secretary of State Strobe Talbott confirmed on July 23, 1997, that democratic progress was still the most important purpose for cooperation. Nowadays it seems to be forgotten. Geopolitical, oil and gas interests have overridden democracy. It seems that the West does not notice what is actually happening in Turkmenistan, while Niyazov remains to be one of the worse of known dictators. Investments in Turkmenistan continue -- an example being the Transcaspian Project.

Niyazov's internal politics are based on three main components: corruption, flunkeyism and repression. Niyazov controls the economy and people through the mechanisms of corruption. None of the former members of Niyazov's government machine, that today has several hundred people, will go against the system that Niyazov created. They are afraid to lose their illegitimately gained capital. Even if they wanted to oppose the regime they are not able to do it. Niyazov, who has damaging information on almost all former government officials, holds them on a hook. They are not allowed to leave the country without his permission.

Flunkeyism has reached a level of national politics in Turkmenistan. No issues in the country are resolved without praising Niyazov. No one, regardless of their post, is allowed to express their personal opinion. This right belongs exclusively to Niyazov and no one can violate it. Last fall during negotiations between Niyazov and the Russian delegation headed by I. Ivanov the Minister for Foreign Affairs, Turkmenistan's Foreign Minister B. Shikhmuradov gave his opinion on one of the issues being discussed. This displeased Niyazov. Fearing Niyazov's anger, Shikhmuradov was forced to fall on his knees, crawl to Niyazov and kiss his hands and feet, asking for forgiveness, all in front of the Russian delegation.

The third component of internal politics is repression and the promotion of fear. During the time of Turkmenistan's independence tens of thousands of people were forced at some stage into Niyazov's prisons. People that went through this experience said that almost everyone got imprisoned for criticizing the government and as a result of slander. According to Niyazov's own words, the number of people who were amnestied in the last eight years comes to more than 100,000 people. However, not one political prisoner was amnestied. Liberal thought is being persecuted in Turkmenistan in the cruelest way. The government organizes killings of the people who disagree with Niyazov's politics. Two political prisoners – Charimurad Gurov and Khoshali Garaev – were viciously murdered in Turkmenistan's prisons. Before that, two dissidents – writer Akmurad Shirov and poet Bapba Gyeklen – disappeared in strange circumstances. They punished a correspondent, Sosnina, from one of the leading newspapers in the country, for critical reporting. Today, prisoners of conscience in Turkmen prisons include Mukhammetkuli Aimuradov, Pirimkuli Tangrikuliev, and Nurberdi Nurmammedov. President Niyazov recently punished the religious leader and Koran translator Khodjakhmet Orazklich Akhun because he dared to criticize Niyazov on Radio Liberty for acts not corresponding to the canons of Islam. Niyazov destroyed his house and mosque with a bulldozer, burned all of his translations of the Koran, and sent him and Khodjakhmet Akhun and his entire family into exile to a region in Turkmenistan without water. The last example of unlawfulness is the trial of Nurberdi Nurmammedov, representative of the opposition "Agzibirlik," who criticized the parliamentary elections and the extension of Niyazov's presidential term to life. The trial took only one day – February 25, 2000. They did not allow foreign observers or friends of Nurmammedov into the courtroom. According to the lawyer from Moscow, hired by the Moscow Helsinki group and the OSCE, there is no basis for a crime. On top of that, all witnesses at the trial denied their previous evidence. Despite this, Nurmammedov was sentenced to 5 years in prison. They accepted the attorney's complaint to the court of appeals under consideration, but did not invite him to the next trial, which took place on March 15, 2000. That trial upheld the previous decision. All these people suffered only because they wanted democracy and freedom of speech in Turkmenistan. That was their only crime.

Given the inhumanity of today's regime in Turkmenistan, on behalf of the Turkmen

opposition, I call on the U.S. government to impose political and economic sanctions on Turkmenistan with the goal of forcing him to respect human rights and democratic values in Turkmenistan. Only the U.S. can have an impact on the situation in Turkmenistan.

Apart from that, it is essential to improve the work of the Turkmen service of Radio Free Europe/Radio Liberty. This radio program is the only source of information for Turkmens, although the intellectual and professional level of the programs is low. It wouldn't be bad to organize programs in Russian, as there are many Russian-speaking listeners. It would also be good to create a Turkmen service for the radio program "Voice of America."

There are many supporters of democracy in Turkmenistan. But they do not even have the means to distribute information to people with the goal of explaining the advantages of a democracy and a lawful state.