



# HELSINKI COMMISSION HEARING

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UNITED STATES COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

## Testimony :: Cassandra Cavanaugh

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Democratization and Human Rights in Turkmenistan

Commission on Security and Cooperation in Europe of the United States

House of Representatives Hearing

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Human Rights Watch is grateful to Chairman Smith and the other Commissioners for the opportunity to participate in this important hearing on what the commission accurately named the “most repressive of the New Independent States.”

Every year since 1993, the U.S. State Department's Annual Report on Human Rights has begun with the same sentence: " Turkmenistan, a one-party state dominated by its president and his closest advisers, made little progress in moving from a Soviet-era authoritarian style of government to a democratic system." Yet, despite the U.S. government's yearly acknowledgement of the Niyazov government's dismal human rights record, the U.S. continues to support the dictatorship in order to secure its participation in a Trans-Caspian gas pipeline. Indeed, this hearing comes at time when Turkmenistan has been in the news, not for its devolution into a North Korea-style dictatorship-for-life, but because it has challenged the terms of its participation in the gas pipeline. This singular pursuit of a pipeline has led to the unfortunate situation in which U.S. policy towards Turkmenistan since its independence has been driven energy interests to the detriment of all other goals, including the promotion of human rights and democracy. Yet anyone who follows developments in the country might easily have predicted that the government's utter disrespect for the rule of law has implications for international involvement in its energy sector, as well as for its political fate.

Human Rights Watch has reported on human rights in Turkmenistan since 1990. Early in 1999, after several years of being denied visas, U.S. diplomatic pressure helped to secure an official government invitation for Human Rights Watch to meet with Turkmen officials and to carry out research. Our visit was cut short

when Turkmen state security officials detained and summarily deported our colleague Alexander Petrov, deputy director of Human Rights Watch's Moscow office and a Russian citizen, late on the night of February 2. Subsequent efforts to gain entry to the country have not been successful, yet we continue to monitor the situation through interviews with Turkmen both in the country and abroad.

### Human Rights in Turkmenistan

The catalogue of human rights abuses in Turkmenistan is extensive and well-documented, and amounts to a total lack of basic civil and political freedoms. It is a country without an independent press, without political parties, and where the price of a critical opinion voiced aloud can be prison. The all-powerful state security service ensures that no Turkmen citizen can exercise their right to freely associate, breaking up the tiniest private gathering of persons suspected of critical ideas. When Human Rights Watch traveled to Turkmenistan, the few dissident intellectuals in the country were warned not to meet with our delegation before we even arrived, and those who did were immediately debriefed and threatened by state security forces. In one instance, a security agent enforcing the house arrest of one dissident, Durdymurad Khojamammedov sat listening during our interview as an on-the-spot censor. For those who fall afoul of security officials or police, the right to fair trial is utterly lacking. Credible reports document the routine use of torture to extract confessions; the accused are routinely deprived of all due process rights. All judges are appointed by President Niyazov.

Though at the end of 1999 Turkmenistan abandoned its use of the death penalty, the most basic right, the right to life to life, remains under threat. Unthinkable prison conditions and the ghastly overcrowding and brutality prevalent in prisons and places of pre-trial detention make any period of arrest tantamount to a possible death sentence, according to eye-witness testimony. Of all the post-Soviet states, Turkmenistan has placed the most draconian restrictions on the rights of its ethnic Russian minority, slashing access to employment, education and information, in addition to impeding their efforts to emigrate.

Finally, in Turkmenistan alone of all other New Independent States, neither Turkmen citizens nor international monitors can effectively monitor the observance of human rights. State-sponsored repression makes the formation of local human rights groups impossible; the imposition of a strict visa regime even for CIS citizens has kept international human rights NGOs out of the country since the spring of 1999.

### Turn for the Worse in 1999

In 1999, the unimaginable happened, and Turkmenistan's bad human rights situation worsened further still. In preparation for December parliamentary

elections in which all candidates would be pre-approved by the President, Turkmenistan arrested two government critics who had voiced their intention to run for office. Both men, former education official Ayli Meredov and Dr. Pirikuli Tangrykuliev, were convicted of criminal offenses; while Meredov was immediately amnestied, Tangrykuliev was sentenced to eight years in prison. In September, the political prisoner Khoshali Garaev, aged thirty-seven, was reported dead after being placed in solitary confinement by prison authorities, who unconvincingly claimed Garaev committed suicide but refused the family's request for an independent investigation.

The anti-religious assault became more vicious. State authorities stepped up their harassment of mostly Protestant activists, and even bulldozed churches and temples. Members of outlawed religious congregations who are foreign nationals have been assaulted, detained and deported, while Turkmen nationals face even more severe consequences: Shagildy Atakov was sentenced to four years in prison for his religious activity; he is now reportedly being held in solitary confinement in the punishment cell of the labor camp where he is serving his sentence. Pressure on exiled dissidents, political and religious prisoners via attacks on their family members has increased. Family members have been dismissed from their jobs, blacklisted from institutions of higher learning, and banished to internal exile; their homes, businesses and other property have been confiscated. Finally, on the eve of the new year, the Turkmen legislature flaunted its OSCE commitments to implement democratic reform when it confirmed the long-anticipated removal of term limits, effectively designating Saparmurad Niyazov as Turkmenistan's president for life. On January 5, longtime democratic activist Nurberdi Nurmamedov, leader of the never-registered political party Agzybirlik (Unity) was arrested on spurious criminal charges in retaliation for his criticism of this move.

### U.S. Policy

The U.S. has pursued a two-track policy towards Turkmenistan, and those tracks run in opposite directions. On the one hand, diplomats in Ashgabat relay criticism of Turkmenistan's abuses, and direct assistance to strictly apolitical local non-governmental organizations. On the other, the US. carries out aggressive diplomacy to promote the trans-Caspian pipeline, steadfastly rejecting any suggestion that the two tracks should be linked. The chronology of economic assistance provided through the U.S. Export-Import Bank, almost entirely for Turkmen government-controlled projects, which has now reached a total of \$313,409,764, clearly shows which track enjoys the right-of-way:

In 1995, desperate citizens staged a peaceful demonstration against the previous year's falsified parliamentary elections and presidential referendum in the capital Ashgabat. Scores were arrested, beaten, and eye-witnesses reported that many demonstrators died in detention. As many as thirty demonstrators and other activists were sentenced to prison. At the same time, Turkmenistan received

over seventy-eight million dollars in loan guarantees through Ex-Im Bank. In 1996, Turkmenistan committed three government critics to psychiatric hospitals without medical necessity, and received one hundred nine million dollars in new loan guarantees.

In 1997, Turkmenistan began to outlaw and harass many religious congregations other than the dominant Sunni Islam and Russian Orthodoxy, after introducing restrictive new amendments to its law on Religion late in the previous year. The U.S. provided over one hundred thirty-three million dollars in new loan guarantees through Export-Import Bank.

In 1998, the pattern continued. On March 10, preceding Niyazov's visit to the United States, the Export-Import Bank awarded U.S.\$96 million three U.S. companies in order to sell natural gas compression equipment and other services to Turkmenistan. Later, President Niyazov released some political prisoners on the eve of his April meeting with President Clinton, but continued to beat, harass and arrest others. One political prisoner died in custody under suspicious circumstances. During his April visit, government officials reported having raised human rights issues privately with Niyazov. At the same time, the U.S. awarded companies grants—using public funds—to get a foothold in Turkmenistan. During a meeting between Presidents Clinton and Niyazov on April 23, the U.S. government's Trade and Development Administration (U.S.T.D.A.) awarded a \$750,000 grant to conduct a pipeline feasibility study for a proposed \$2.8 billion pipeline in Turkmenistan. After the deal was signed, the White House issued a press release stating, "Turkmenistan is committed to strengthening the rule of law and political pluralism, including free and fair elections for parliament and the presidency in accordance with international standards...." But when reporters asked Niyazov about the government's attitude toward opposition parties, he said, "We do not have any opposition parties—you are ill-informed. We have none." As we have seen recently, rather than holding democratic elections, President Niyazov has been declared "President-for-Life."

In 1999, no new loan guarantees were provided through the Export-Import Bank, though economic assistance continued in other guises. More disturbingly, even as Turkmenistan jailed more government critics, the U.S. government's two-track diplomacy continued to undercut its message on human rights. Six days after the sentencing of Turkmen dissident Pirikuli Tangrykuliev to eight years imprisonment on August 14, U.S. Secretary of Energy Richardson, John Wolf, the special advisor to the president and secretary of state for Caspian Basin Energy Diplomacy and J. Joseph Grandmaison, the director of the U.S. Trade and Development Agency met with President Niyazov to discuss the proposed trans-Caspian gas pipeline and to release a U.S. \$150,000 grant so that the Turkmen government could "formulate documents" related to the project. The U.S. government waited until August 23--three days after Richardson left the country—to issue a condemnation of Tangrykuliev's conviction. On January 18, as Special Advisor Wolf was again meeting with President Niyazov, Turkmen

officials charged Nurberdi Nurmamedov's 25-year old son Murad as an accomplice to his father's crimes. Nurmamedov and his son were sentenced on February 25, but the State Department waited to condemn the sentence for nearly three weeks, issuing a statement only last Friday, March 17, after a flurry of meetings between Ambassador-at-Large Wolf and senior Turkmen officials on the fate of the pipeline agreement.

## Recommendations

Clearly, any U.S. criticism of Turkmenistan's human rights abuses is belied by continued U.S. taxpayer-funded support for the Turkmen government. In the absence of concrete consequences for Turkmenistan's egregious failure to uphold its international and bilateral commitments, the government of President Niyazov has no incentive whatsoever to reform.

Human Rights Watch strongly urges that conditionality for any form of non-humanitarian assistance to Turkmenistan, particularly new Ex-Im credits for any purpose, must be strict. Currently, they are weak, and even minimal human rights considerations required by Ex-Im Bank policy, for example, are seemingly ignored. Two years ago we examined the policy that obliges the State Department to conduct a human rights "impact assessment" for the Export-Import Bank of the United States whenever financing of more than \$10 million is under consideration. The assessment is supposed to examine "the general status of human rights and the effect of the export on human rights in the importing country." We filed a Freedom of Information Act request for the review of a 1998 financing package to Turkmenistan: a \$96 million loan guarantee extended to three U.S. companies for gas pipeline refurbishment. In this case, the human rights assessment did not seem to have examined the impact of extending funds on human rights and clearly did not account for the government of Turkmenistan's appalling human rights record, a situation regularly noted in the State Department's own human rights country reports. Rather, the assessment was minimal and consists of a State Department official's signature of approval beside the words "Human Rights."

Language in the FY 2000 Foreign Operations Appropriations Act requires the creation of a mechanism to assess the human rights implications of all Export-Import Bank projects and to monitor the human rights impact. The Ex-Im Bank was given 120 days following the passage of the Act to report to Congress on the implementation of such a system, we hope that they will do so in a timely manner and place a priority on implementation in regards to projects involving Turkmenistan. Similarly, provisions of the 1998 Religious Freedom Act, which provide for a broad array of possible measures to be taken against governments which brutally persecute religious believers, should also be invoked against Turkmenistan.

There are many reasons, aside from the demands of U.S. law, that economic

assistance to Turkmenistan should be conditioned upon respect for human rights and democratic reforms. Such conditionality is the necessary first step in promoting real political and economic reform, of critical importance not only to Turkmenistan but to U.S. strategic interests as well. Given the fact that Turkmenistan's hydrocarbon resources are controlled by an abusive, undemocratic government, which operates with a total lack of transparency, fostering pipeline construction alone will not lead to the creation of democratic states. Nor will it lead to the long-term stability in the region, particularly when public funds are indiscriminately extended to such an abusive government. In the absence of democratic institutions Turkmenistan's post-Niyazov era will likely be marked by vicious internecine battles to control state resources. Without a redoubled effort to ensure adherence to the rule of law and respect for human rights, including clear and verifiable human rights conditionalities on financing it is unclear how the situation will improve. Rather than make energy interests and human rights mutually exclusive goals, we urge you to ensure that human rights are not sidelined in favor of pipelines; and believe that creating democratic institutions, fostering the rule of law, and ensuring respect for human rights are good for the strategic and energy interests of the U.S. government, and a responsible use of taxpayer funds.