

HUMAN RIGHTS WATCH

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Berlin, November 13, 2008

Dear Chancellor Dr. Merkel,

The forthcoming official visit to Germany of the delegation from Turkmenistan led by President Gurbanguly Berdymukhamedov is a key opportunity to reiterate European concerns about the egregious human rights violations in Turkmenistan.

Turkmenistan has important gas reserves that Europe hopes will someday supply the planned Nabucco pipeline. But Turkmenistan also has one of the most repressive governments in the world. The hydrocarbon wealth controlled by this government should not eclipse the importance of good governance, government accountability and human rights in EU member states' relationships with third party governments.

In recent years, Germany took the lead on developing and implementing European Union's Strategy for Central Asia and on promoting business cooperation with Turkmenistan in particular. Germany is well placed to also take the lead in ensuring that potential business deals are consistent with European values and standards. Taking into account the respect that Germany enjoys in the region as a serious partner, it has a special responsibility to encourage Turkmenistan to start a meaningful human rights reform and could expect the cooperation of Turkmen government in this field.

Good governance, government accountability, and human rights are key EU values in and of themselves, and they are also essential for ensuring that Turkmenistan's people have a way to scrutinize how the government uses its massive hydrocarbon wealth. Unfortunately, this is utterly lacking in today's Turkmenistan.

President Berdymukhamedov has taken several initiatives to reverse some of the ruinous social welfare policies of his predecessor, Saparmurad Niazov, who ruled Turkmenistan for 21 years until his death in 2006. He has improved the country's reporting to UN human rights bodies, and facilitated a visit by a key UN human rights monitor on freedom of religion. But aside from releasing a handful of political prisoners and partially dismantling Niazov's grotesque personality cult, the government has taken no significant steps to improve the human rights situation.

As described in the attached fact sheet, draconian restrictions on freedom of expression, association, movement, religion and belief remain in place in Turkmenistan. Hundreds of people, perhaps more, languish in Turkmen prisons following unfair trials on what would appear to be politically motivated charges. So great is the risk of torture and ill-treatment in Turkmenistan's criminal justice system that the European Court of Human Rights issued a ruling last month amounting to a de-facto ban on extraditions to the country.

Independent nongovernmental organizations (NGOs) and media cannot function due to government threats and harassment. The vacuum of human rights monitoring in Turkmenistan was highlighted by a June 2008 European Court of Human Rights decision, which held that a Turkmen businessman living in Russia could not be extradited to Turkmenistan, in part as there was no monitoring capacity to ensure that he would not be illtreated. Domestic and international organizations, including the International Committee of the Red Cross or intergovernmental agencies, still do not have access to Turkmen prisons. The lack of pluralism in Turkmenistan's political system underpinned a decision by the European Bank for Reconstruction and Development not to conduct public sector lending to Turkmenistan, and subject all private sector lending to close scrutiny in order to ensure the government or individual government officials would not benefit from such lending.

The system of restrictions on foreign travel inherited from the Niazov era remains in place and while several individuals previously barred from foreign travel have been able to travel, others continue to be arbitrarily forbidden from traveling abroad.

The European Parliament has acknowledged many of these problems. In February 2008 it adopted a resolution on Central Asia that upholds a number of specific criteria, set out by the parliament's International Trade Committee in November 2006, that the Turkmen government should meet before the EU can sign an Interim Trade Agreement. While applying these criteria is not legally binding in member states' bilateral relations, Human Rights Watch urges you to act in the spirit of common European values by making clear that Germany supports the European Parliament's benchmarks and by urging the Turkmen government to take urgent measures to meet them.

The criteria include:

- "allowing the International Committee of the Red Cross to work freely in Turkmenistan;"
- "realigning the educational system with international standards;"
- "releasing all political prisoners and prisoners of conscience,"
- "abolishing governmental impediments to travel abroad," and
- "allowing free access of independent NGOs and permitting the UN human rights bodies to operate freely in the country to monitor such progress."

Turkmenistan has not fulfilled any of these requirements yet, and as detailed in the attached fact sheet, has taken only minor steps regarding three of them.

We ask that during the forthcoming meetings, you and other German government officials make clear that Germany endorses these benchmarks and urge the Turkmen leadership to fulfill them. We ask that you press for the release of Valery Pal, Gulgeldy Annaniyov, Annakurban Amanklychev, Sapardurdy Khajiev and Mukhametkuli Aymuradov political prisoners whose cases are described in the fact sheet. We ask especially that you press for informal travel bans to be lifted, particularly as regards the cases described in the attached fact sheet.

By making clear to the Turkmen leadership that human rights and the rule of law is a priority that affects all aspects of German policy towards Turkmenistan and is an integral part of energy security considerations you would contribute to efforts to make Turkmenistan a more suitable partner for further engagement.

We thank you for your attention to the concerns in this letter and wish you a successful meeting.

Sincerely,



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CC: Dr Frank-Walter Steinmeier, Federal Minister for Foreign Affairs