Brussels, 30th March 2016

Re: EU-Turkmenistan Partnership and Cooperation Agreement

Dear Members of the European Parliament,

We are writing to you prior to consideration of the European Union-Turkmenistan Partnership and Cooperation Agreement (PCA) by the Committee on Foreign Affairs on 4 April 2016 to urge you to defer approval of the agreement until such time as the government of Turkmenistan meets the human rights benchmarks established by the European Parliament.

For nearly 15 years, the EU’s PCA with Turkmenistan, one of the most closed and repressive countries in the world, has been appropriately delayed over grave human rights concerns. Consequently, in its April 2009 resolution on the EU-Turkmenistan Interim Trade Agreement (ITA), the European Parliament set out specific human rights benchmarks the Turkmen government would need to meet before the PCA could be ratified. They include:

- the unconditional release of all political prisoners;
- the removal of obstacles to free travel;
- free access for the International Red Cross and other independent monitors; and
- improvements in civil liberties, including for nongovernmental organizations (NGOs) in Turkmenistan.

The Parliament’s Foreign Affairs Committee reiterated these requirements in 2011, stressing that “protecting human rights is a prerequisite for closer ties with the EU.”

Since 2012 the Turkmen government has taken a number of steps that the EU considers to be aimed at improving compliance with international human rights standards. However, as noted in the attached annex, the government has made no substantial progress toward key benchmarks. It refuses to acknowledge the forced disappearance for many years of more than a hundred people—many of whom are former public figures—in the prison system, and it continues to arrest and imprison people on politically motivated grounds. Several thousand people, mostly relatives of imprisoned or exiled critics of the government, remain banned from travel abroad in order to intimidate and prevent them from seeking justice for their loved ones. Turkmenistan remains closed to independent human rights scrutiny, and at least 12 United Nations special procedures that have requested invitations from the government to visit the country have not received them. Independent human rights groups cannot operate in Turkmenistan. The government allows no media freedoms, and has in the past year destroyed private satellite dishes, further isolating people in Turkmenistan from alternative sources of information. These conditions are detailed in the attached annex.

The EU contends that the PCA will facilitate efforts to promote human rights in Turkmenistan by broadening the scope of cooperation and opening up new channels for dialogue. Similar arguments were used to justify the ratification of the ITA. However as described in the attached annex, the Turkmen government has not taken concrete steps—

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1 AFET Press Release, Human Rights, 20.04.2011 Turkmenistan: protecting human rights is a pre-requisite for closer ties with the EU.  
directly affecting the lives of individuals—that meet the human rights benchmarks. The Turkmen authorities could take these actions now, in the context of existing channels of human rights dialogue, visits of the EU special representative, and inter-parliamentary cooperation. What is hindering them is surely not the lack of channels.

Instead, the government’s persistent refusal to take concrete steps that would meet the benchmarks suggests that the steps it has taken amount to little more than a cynical exercise aimed at diverting attention from the government’s unwillingness to make genuine improvements in the lives of the Turkmen people. By ignoring this untenable situation and by failing to prioritise human rights improvements in Turkmenistan, the European External Action Service (EEAS), the Commission, and EU member states send mixed signals to authorities of Turkmenistan on the terms and conditions the EU would engage.

As the EU has acknowledged, the government of Turkmenistan has a strategic interest in intensifying relations with the EU and therefore in concluding the PCA. To move forward on the PCA before the Turkmen government makes specific improvements would squander one of the key levers of influences the EU can have on human rights in Turkmenistan.

The European Parliament now has a unique opportunity to ensure an EU policy toward Turkmenistan that stays true to the core values and principles that underpin its relations with partner countries. To fully seize this opportunity, we urge you to defer decision on the PCA until there has been measurable progress in the areas covered by the Parliament’s benchmarks. Details on these steps can be found in the attached annex.

- **End all enforced disappearances** and incommunicado detention by allowing access to and contact with all persons in custody for their families; legal counsel and international humanitarian agencies; provide information about the disappeared on the basis of the list of the disappeared documented by NGOs;

- **Release**, in particular, Gulgeldy Annaniyazov and Saparmamed Nepeskuliev and all others imprisoned as a result of peaceful dissent or journalism immediately and unconditionally;

- **Ensure freedom to travel abroad** for everyone, including those currently banned from leaving the country;

- **Invite the 12 UN special procedures** whose requests for invitations have not been granted, and facilitate a visit by the Special Rapporteur on Torture;

- Remove restrictions on independent human rights monitoring by NGO and international monitors, allow independent human rights NGOs to register to work without fear of retribution; and

- **Stop the satellite dishes destruction campaign** and allow people to maintain private satellite dishes.

Turkmenistan’s government should not be awarded for reforms that in essence amount to window-dressing. Proceeding with a decision under the current circumstances could only be interpreted as a colossal capitulation to an abusive government and would also risk bringing
into question the Parliament’s credibility and effectiveness as a positive force for the promotion and protection of human rights.

The Parliament’s track record on ensuring a principled EU policy toward Turkmenistan has been laudable. We sincerely hope that we can count on your leadership to ensure it stays that way. Turkmenistan’s countless victims of repression and abuse deserve nothing less.

We thank you for your attention to our concerns and would be happy to discuss these issues further.

Sincerely,

International Partnership for Human Rights (IPHR)
Turkmenistan Initiative for Human Rights (TIHR)
Human Rights Watch (HRW)
Christian Solidarity Worldwide (CSW)
International Federation for Human Rights (FIDH)
Centre for the Development of Democracy and Human Rights, Russia
Freedom Files, Russia
Memorial Human Rights Center, Russia
Norwegian Helsinki Committee
Crude Accountability
“Prove They Are Alive!” campaign
Promo LEX Association, Moldova
Moscow Helsinki Group, Russia
Helsinki Citizens' Assembly – Vanadzor, Armenia
Public Foundation Golos Svoboby, Kyrgyzstan
Public Verdict Foundation, Russia
Helsinki Committee of Armenia
Barys Zvozskau - Belarusian Human Rights House, Belarus/Lithuania
Bir Duino, Kyrgyzstan
Kazakhstan International Bureau from Human Rights and Rule of Law
SOVA Center for Information and Analysis, Russia
ARTICLE 19 (UK)
UNITED for Inter-Cultural Action (The Netherlands)
Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMDPL, Ukraine)
Kharkiv Regional Foundation "Public Alternative" (Ukraine)
Center for Civil Liberties (Ukraine)
Belarusian Helsinki Committee
Regional Center for Strategic Studies (Azerbaijan)
Office of Civil Freedoms (Tajikistan)
Annex

Human Rights in Turkmenistan

1. **Benchmarks set out in the April 2009 European Parliament resolution on the EU-Turkmenistan Interim Trade Agreement (ITA), which the Turkmen government would need to meet for before the PCA could be ratified**

- the unconditional release of all political prisoners;
- the removal of obstacles to free travel;
- free access for the International Red Cross and other independent monitors; and
- improvements in civil liberties, including for NGOs in Turkmenistan.

2. **Steps taken by the Turkmen government the EU has flagged as positive**

In recent years the Turkmen government took some steps that the EU has flagged as positive developments.

- In 2015, Turkmenistan for the first time in 12 years sent a delegation to the annual Human Dimension Implementation Meeting of the Organization for Security and Co-operation in Europe (OSCE), and the government arranged for a diplomatic delegation to visit a women’s prison.
- Since 2012, the Turkmen authorities adopted a number of new laws—on political parties, media, the Internet, public associations, and assemblies—that the EU considers to be aimed at improving compliance with international human rights standards.
- The government has adopted a national action plan on human rights, a process that was facilitated by the EU, and is planning to establish a human rights ombudsman institution.

3. **Current situation**

- President Gurbanguly Berdymukhamedov and his government continue to control all aspects of public life in Turkmenistan and ruthlessly suppress all political dissent. The new law on political parties and the creation of two new political parties have brought no meaningful change. Moreover, the new draft constitution paves the way for Berdymukhamedov, in power since 2007, to be to be president for life.
- The country’s judiciary is not independent. There has been no progress on the key problem of enforced disappearances. Dozens of individuals convicted on politically motivated charges have disappeared in prison, cut off from all contact with their families and lawyers, some of them for more than 12 years. The government refuses to acknowledge the problem of enforced disappearances and conflates the issue with that of prisoners sentenced to long prison terms—whose families have access to information about them—thereby fostering confusion among international interlocutors. In 2014, the UN Human Rights Committee recognized former foreign minister Boris Shikhmuradov, arrested and convicted in 2002, as a victim of enforced disappearance and stated that the Turkmen government needed to release him and provide a remedy to him and his family.2 As of this writing, the Turkmen government has not replied to the Committee, missing the deadline to do so.

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- Victims of forced disappearance have included Gulgeldy Annaniyazov, a former Turkmen political prisoner who had lived in exile in Norway since 2002. Annaniyazov was arrested promptly upon his return to Turkmenistan in June 2008 and sentenced soon afterward to 11 years in prison on charges that were not made public. The Deputy Foreign Minister has publicly stated Annaniyazov’s whereabouts, although his family has not been able to establish contact with him.

- The 2012 media law bans censorship, but there is no press freedom. The media is entirely controlled by the government, there are no independent outlets, and access for international press to Turkmenistan is severely restricted.

- The authorities have harassed, threatened, arbitrarily detained and unfairly tried the few local journalists who contribute to foreign media such as Radio Azatlyk, the US-government-funded Turkmen service of Radio Free Europe/Radio Liberty. In 2015, government pressure forced four correspondents to cease working for Radio Azatlyk. One of them, Saparmamed Nepeskuliev, is now serving a three-year prison term, convicted on drug charges, and has been held in incommunicado detention since July 2015. In December 2015, Nepeskuliev was recognized by the UN Working Group on Arbitrary Detentions as a victim of arbitrary detention, deprived of liberty for having peacefully exercised his right to freedom of expression.\(^3\)

- Internet access is extremely limited, costly, censored, and government-controlled. All major social media, messengers, and web sites with independent and human rights information are blocked. The 2015 Internet law introduced even more thorough government control over the Internet.

- For the past 12 months, authorities have waged a campaign to dismantle thousands of privately owned television satellite dishes, which could receive international news programs—including Radio Azatlyk, offering to replace them with government-controlled censored cable packages—thereby further isolating people from independent sources of news and information.

- The country is virtually closed to independent scrutiny. The government adopted a law on NGOs in 2013, but independent NGOs cannot operate openly in the country and independent international monitors continue to be denied access to the country. Local activists who work discreetly reported the fiercest government pressure against them in recent years. International humanitarian agencies have not been granted unhindered access to the country’s detention facilities, and requests for invitations to visit the country by 12 UN special procedures remain pending.

- The government continues to systematically blacklist and ban countless “inconvenient” individuals, including relatives of exiled and imprisoned critics of the government, from traveling abroad. Thousands of people are reportedly on these “black lists.” Recall that a major international effort over nine years was needed to persuade the Turkmen government to allow cultural icon Geldy Kyarizov and his family to leave the country in September 2015, after a long period of imprisonment, torture, and harassment. Since

they left, Kyarizov and his family have received several threats aimed at silencing them about their ordeal.

4. **Steps the European Parliament should insist the Turkmen government take before the PCA can be ratified:**

- **End all enforced disappearances** by allowing access to and contact with all “disappeared” persons (see Annex 2) for their families and lawyers. Provide the EU with a verified list of the disappeared, including information about their fate, health, and whereabouts, which corresponds to the list drawn up by NGOs. Implement the UN Human Rights Committee decision on the Boris Shikhmuradov case.

  **This issue is fundamentally related to the issue of political prisoners. Many of the disappeared are “political prisoners”. In some cases it is difficult to say whether there are no grounds for any of the charges against them, due to the extreme difficulties government repression creates by blocking access to information. However, the treatment of this category of prisoners—the total isolation from their family, the authorities’ refusal to allow them to send or receive letters and packages, the ban on family visits is unquestionably for political reasons. The persons subjected to total isolation are those whom the Turkmen leadership views as political threats.**

- **Release**, in particular, Gulgeldy Annaniyazov and Saparmamed Nepeskuliev and all others imprisoned as a result of peaceful dissent or journalism immediately and unconditionally.

- **Ensure freedom to travel abroad, including for people currently banned from leaving the country.** The EU should solicit from independent human rights NGOs a list of such persons.

- **Invite the 12 UN special procedures** whose requests for invitations have not been granted, and facilitate a visit by the Special Rapporteur on Torture.

- **Register independent human rights NGOs** and allow them to work without fear of retribution. Allow international human rights NGOs to conduct work in the country.

- **Stop the satellite dishes destruction campaign** and allow people to maintain private satellite dishes.