

109TH CONGRESS
2D SESSION

H. CON. RES. 486

Expressing the sense of Congress that the Government of Turkmenistan should take immediate steps to improve its respect for human rights and democratic practices, in keeping with its international commitments and obligations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2006

Mr. SMITH of New Jersey (for himself, Mr. PITTS, and Mr. MCINTYRE) submitted the following concurrent resolution; which was referred to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Expressing the sense of Congress that the Government of Turkmenistan should take immediate steps to improve its respect for human rights and democratic practices, in keeping with its international commitments and obligations.

Whereas Turkmenistan became independent after the fall of the Soviet Union in 1991, and became a participating State of the Organization for Security and Cooperation in Europe (OSCE) when President Saparmurat Niyazov personally signed the Helsinki Final Act in 1992;

Whereas Turkmenistan is also a signatory to the United Nations International Covenant on Civil and Political Rights (ICCPR), which obliges Turkmenistan “to promote universal respect for, and observance of, human rights and freedoms”, as well as with the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment, which declares “that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment”;

Whereas the Constitution of Turkmenistan declares the Turkmen people to be the “only source of the governmental power”, and lists the basic rights and freedoms to include, inter alia, freedom of movement, protection from arbitrary interference into personal life, freedom of expression and political conviction, freedom to gather and hold protest, and the freedom to practice any religion, alone or in association with others, and to express and disseminate religious beliefs;

Whereas the Government of Turkmenistan violates or severely restricts a broad range of civil and political rights, in breach of its Constitution and international human rights obligations;

Whereas, in April 2006, Global Witness reported that revenues generated by natural gas sales are kept out of the Turkmenistan state budget and retained by President Niyazov, held mostly in accounts at Germany’s Deutsche Bank, allowing him to personally control an estimated \$3,000,000,000;

Whereas the Government of Turkmenistan has implemented numerous severe budget cutbacks due to a lack of state funds, thereby causing great damage to the education system, leaving the health care system severely under-

funded and nearing collapse, and causing the closings of cultural facilities and libraries;

Whereas Turkmenistan is a one-party state with all three branches of government as well as all state revenues under the sole control of President Niyazov;

Whereas after a rubber-stamp decision in 2003 by the People's Council, Niyazov is effectively the country's "president-for-life" and is anticipated to dominate the political scene indefinitely;

Whereas opposition parties are outlawed and only the state-backed Democratic Party of Turkmenistan can nominate candidates in local, regional, and federal elections;

Whereas the state promotes a cult of personality around President Niyazov, the self-proclaimed "Turkmenbashi", the father of all Turkmen, by placing his likeness on every public building and currency and requiring the teaching of his self-styled spiritual guide, the Rukhnama, in all schools, mosques, and places of work and where refusal to do so has resulted in criminal penalties;

Whereas the Government of Turkmenistan continues to raze entire neighborhoods to construct lavish buildings and monuments at great public expense;

Whereas security officials have physically abused, tortured, and forced confessions from individuals involved in the political opposition or human rights advocacy, and continues the barbaric Soviet practice of using psychiatric hospitals to jail dissidents;

Whereas Turkmen state authorities restrict access to all sources of news and information other than the state-controlled and heavily censored media, thereby depriving citizens of a basic civil right, and denying domestic and for-

foreign reporters the freedom to carry out their work, such that Reporters Without Borders ranked Turkmenistan as the third worst offender in its 2005 Worldwide Press Freedom Index;

Whereas, on August 25, 2006, Radio Free Europe/Radio Liberty correspondent Ogulsapar Muradova and Turkmenistan Helsinki Foundation members, Sapardurdy Khajiev and Annakurban Amanklychev, were sentenced to six and seven years of imprisonment, respectively, for their involvement in a documentary about Turkmenistan;

Whereas relatives learned on September 14, 2006, that Ogulsapar Muradova died while in prison under highly suspicious circumstances;

Whereas the Government of Turkmenistan continues to jail Mukhametkuli Aimuradov, imprisoned since 1995, for his political views;

Whereas a 70-year-old pensioner, Kakabai Tedjenov, was arrested and detained on January 4, 2006, and placed in a psychiatric hospital for criticizing government policies;

Whereas political activist Gurbandurdy Durdykuliev was imprisoned in a psychiatric hospital for over two years until 54 Members of Congress wrote President Niyazov in April 2006 insisting he be released;

Whereas the Government of Turkmenistan routinely restricts, through blacklists and document seizures, the right to freedom of movement for thousands of its citizens, preventing these individuals from traveling or emigrating, notwithstanding provisions of the Jackson-Vanik amendment to the Trade Act of 1974;

Whereas numerous government officials may not leave the country without special permission and are categorically barred from leaving with close relatives;

Whereas the education system is in shambles due to required schooling being reduced to nine years, the use of child labor in agriculture, the denial of employment for foreign accredited teachers, and the study and knowledge of the Rukhnama becoming mandatory for access to higher education;

Whereas numerous arrests and show trials have occurred in connection to the November 2002 attack on President Niyazov's motorcade, including those of Boris Shikhmuradov and Batyr Berdyev, and has denied unfettered access to the accused by the International Committee of the Red Cross or the international community; and

Whereas the Law on Freedom of Conscience and Religious Organizations allows freedom of religion, government authorities in Turkmenistan continue to harass registered and unregistered religious groups, unregistered religious activity is "illegal", religious speech is severely limited, conscientious objection to military service is criminalized, and Hare Krishna devotee Cheper Annaniyazova and the former Chief Mufti Nasrullah ibn Ibadullah remain jailed: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring), That it is the sense of Congress that—*

3 (1) the Government of Turkmenistan should—

4 (A) immediately and unconditionally re-

5 lease from prison and psychiatric institutions,

1 all prisoners of conscience and political pris-
2 oners, including Mukhametkuli Aimuradov,
3 Sapardurdy Khajiev, Annakurba Amanklychev,
4 Kakabai Tedjenov, Cheper Annaniyazova, and
5 Nasrullah ibn Ibadullah;

6 (B) provide unfettered access for the Inter-
7 national Committee of the Red Cross (ICRC) to
8 all detained persons, including Batyr Berdyev
9 and Boris Shikhmuradov, in compliance with its
10 mandate;

11 (C) conduct a thorough and transparent
12 investigation into the circumstances sur-
13 rounding the death in custody of Ogulsapar
14 Muradova;

15 (D) provide fair retrials of all those impris-
16 oned for the alleged 2002 assassination attempt
17 of President Niyazov according to international
18 fair trial standards;

19 (E) provide thorough and independent in-
20 vestigations into allegations of torture, ill-treat-
21 ment and, in some cases, deaths in custody;

22 (F) register and permit the normal func-
23 tioning of opposition political parties and move-
24 ments, as well as independent nongovernmental
25 groups and religious communities, and allow

1 peaceful groups to participate freely in the lead
2 up to the December regional elections;

3 (G) cease the practice of collective punish-
4 ment of relatives and associates of perceived
5 dissidents, including the demolition of family
6 dwellings without commensurate compensation;

7 (H) allow those critical of the regime, as
8 well as the family members and relatives of
9 those implicated in the 2002 attack on Presi-
10 dent Niyazov's motorcade, to travel abroad or
11 to emigrate should they desire;

12 (I) allow the unrestricted import and sale
13 of foreign press and free access to the Internet,
14 permit international journalists to work freely
15 and without surveillance in the country, end
16 censorship of state-owned media, and facilitate
17 the establishment of nonstate, independent
18 media outlets;

19 (J) end the punitive use of psychiatric hos-
20 pitals and the use of house arrest and forced
21 displacement of dissidents and their relatives,
22 including politically motivated internal exile and
23 deportation;

24 (K) end the diversion of state funds into
25 President Niyazov's personal offshore accounts,

1 and adopt international best practices as laid
2 forth by the International Monetary Fund re-
3 garding the disclosure and management of oil
4 and gas revenues;

5 (L) improve the transparency of the For-
6 eign Exchange Reserve Fund (FERF), the Oil
7 & Gas Development Fund (OGDF), and any
8 other presidentially controlled state revenue
9 funds, making them fully transparent, inde-
10 pendently audited entities;

11 (M) reintroduce full-term (4-year) sec-
12 ondary education and allow foreign-language
13 schools to operate freely;

14 (N) invite United Nations thematic mecha-
15 nisms and special rapporteurs who have re-
16 quested access to Turkmenistan; and

17 (O) support increased OSCE activities in
18 Turkmenistan and continue to utilize the OSCE
19 as a forum to discuss human rights and democ-
20 ratization in Turkmenistan; and

21 (2) the United States should consider—

22 (A) appropriate bilateral responses if the
23 Government of Turkmenistan continues to ban
24 the free participation of peaceful independent

1 political parties in the upcoming December elec-
2 tions;

3 (B) designating Turkmenistan a “Country
4 of Particular Concern” for particularly severe
5 violations of religious freedom under the Inter-
6 national Religious Freedom Act of 1998 unless
7 unregistered religious activity is legalized, police
8 raids on peaceful religious activities end, and
9 the United Nations Special Rapporteur on Reli-
10 gious Freedom is allowed to undertake a coun-
11 try visit;

12 (C) withholding Turkmenistan’s waiver
13 under the Jackson-Vanik amendment until the
14 right to freedom of movement is demonstrably
15 ensured;

16 (D) encouraging companies which trans-
17 port Turkmen gas to transparently account for
18 revenues and make public the identities of all
19 their shareholders and beneficiaries;

20 (E) raising with the European Union, as
21 well as transit and purchasing countries, the
22 importance of not entering into agreements
23 with Turkmenistan concerning trade until the
24 government demonstrates a commitment to im-
25 plementing basic norms of fiscal transparency;

- 1 (F) issuing a report on the personal assets
2 and wealth of President Niyazov; and
3 (G) working with other United Nations
4 Member States to introduce and consider a res-
5 olution denouncing human rights violations in
6 Turkmenistan.

