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OSCE is loosing itself

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The OSCE Center in Ashkhabad, through which this international organization provides its presence in Turkmenistan, was established in 1999.

During its more than 30-year history of existence, OSCE, to a great extent, assisted to overcome the split of Europe during the period of confrontation between NATO and Warsaw Pact countries. This organization contributed to establishing principles of cooperation and equal political partnership of European countries, USA and Canada.

After the disintegration of the Soviet Union, new countries which geographically do not belong to Europe, such as countries of Central Asia, became members of the OSCE.

Turkmenistan, as a new independent state, also entered the OSCE. On 8 July, 1992, the President of Turkmenistan, S. Niyasov signed the Helsinki Final Act, in accordance with which Turkmenistan as an OSCE member undertook all the obligations arising out of the OSCE Charter.

The main activities of the Organization for Security and Co-operation in Europe are three “baskets”: security, economic cooperation and humanitarian cooperation.

Issues of human rights protection are a part of so-called human dimension of the OSCE. This term was officially introduced in 1989 in the Concluding Document of the Vienna Meeting and is applied as a general term for all issues regarding human rights and fundamental freedoms, human contacts and other humanitarian issues under the jurisdiction of the OSCE. This term also covers the issues concerning democracy and democratic institutions. All this issues belong to the third “basket”.

Commitments in the realm of human dimension, which originated within the frames of OSCE, can be defined as universal. The OSCE not only established standards in the sphere of civil, political, social, economic and cultural rights, it also appeared to be an initiator of many initiatives in humanitarian sphere, which by far exceed the limits of achievements specified in traditional human right documents. The OSCE determined that such notions as human rights protection and political system based on democracy cannot be separated.

However, although Turkmenistan is a member of the OSCE, practically, it never complied with its commitments to this international organization.

The authorities of Turkmenistan always disfavoured the third “basket”. Humanitarian cooperation which includes democratization and human rights protection has always been a very unpopular topic with Turkmen diplomats, because Turkmenistan was and at present still is one of the most undemocratic states among the OSCE member states.

Many international human right protection organizations, such as the International Helsinki Federation for Human Rights, Amnesty International, Human Rights Watch, etc., already in the middle 90s of the last century tried to draw attention of the UN, OSCE, EU and other international organizations to the facts of violation of rights and freedoms of the citizens of Turkmenistan.

The OSCE executives sometimes drew attention of Turkmen authorities to the fact of non-compliance to the commitments to this international organization. But, actually, no serious steps were taken to exercise influence over the government of Turkmenistan in order to change the situation with human rights in this country.

At one point, having realized that neither OSCE, nor any other international organization is intending to undertake any efforts to direct young Turkmen state towards a democratic development option, Mr. Niyazov, the president of Turkmenistan became absolutely confident of his impunity. The whole international community witnessed how a member state of OSCE was turning into a country with a dictatorial regime, and, at the same time remained a member state of the established international organization – Organization for Security and Cooperation in Europe.

This antidemocratic political regime manifested itself in a most vivid way after the failed attempt to assassinate the President of the country, Niyazov in the end of November, 2002.

This failed attempt was followed by mass arrests of the suspected participants of these events and of the members of their families. The arrested people, irrespective of their age and sex, were all cruelly beaten and tortured. The existing laws were being tightened and new repressive laws were adopted. The international community, including the OSCE, could not stay indifferent to these facts of disregard of the law and repressions.

On 15 January, 2003 the OSCE authorized Mr. Emmanuel Decaux, professor of international law, to investigate a number of certain disturbing issues regarding investigation of the alleged attempt to assassinate President Niyazov. But Professor Decaux was denied a visa to enter Turkmenistan.

In March 2003 the OSCE invoked the “Moscow Mechanism” against Turkmenistan with purpose to investigate the critical situation with the human rights in this country. Such procedure was applied for the first time in the history of the OSCE.

However, neither the application of the “Moscow Mechanism”, nor the report prepared by Professor Emmanuel Decaux was followed by any positive consequences. Member states of the OSCE did not take any bilateral diplomatic measures which could guarantee improvement of the situation.

Turkmen authorities refused to allow the official representatives of the OSCE to visit the former ambassador of Turkmenistan to the OSCE, Batyr Berdiev, who was convicted to 25 years of prison for his alleged participation in the attempt to assassinate Niyazov.

It is necessary to point out that Ms. Paraskiva Badesku – head of the OSCE mission in Ashkhabad – and other officials of the Ashkhabad mission acted resolutely and professionally. They had meetings with relatives of the arrested and convicted persons, who also were persecuted and even tortured. Such actions helped many Turkmen to avoid arrests and repressions on the part of secret service of Turkmenistan.

I also owe my release from prison to this seemingly fragile but, in reality, very brave and resolute woman – Ms. P. Badesku.

But Turkmen authorities were annoyed by such active position of a high-ranking diplomat, and in summer of 2004 Paraskiva Badesku, who had been working in the OSCE in Ashkhabad from the very beginning of 2002, had to resign from her position. Turkmen authorities refused to extend her accreditation, not even explaining the reasons for such refusal. Turkmen authorities ignored multiple requests of the European Union and the United States to extend the accreditation for Ms. Badesku.

As the subsequent events showed, the case with the exile of the ambassador P. Badesku became a turning point in the relations of Turkmenistan and the OSCE.

It is difficult to suggest what the decision of the executives of the OSCE about further relations with Turkmenistan was. But the fact is that the pressure exercised by the OSCE gradually disappeared, and voices favouring “a constructive dialogue” with this member state of the OSCE became louder and louder.

By appointing to Ashkhabad a new, inactive and openly sympathizing with the Niyazov regime ambassador the OSCE sent a message to Niyazov, making it clear that the OSCE is not going to exercise any serious pressure on Turkmenistan.

All the questions asked by right defenders and Turkmen oppositionists regarding such inconsistent policy of the Organization for Security and Cooperation in Europe were answered by the officials of this organization reluctantly and equivocally. Their answer, basically, was that possibilities of the OSCE are limited because Turkmenistan has not so far signed the Memorandum of Understanding with the Office for Democratic Institutions and Human Rights (ODIHR) which shall determine the role and the sphere of activities of the OSCE Centre in Ashkhabad. It was also mentioned that conducting a dialogue would be more productive than continuation of pressure.

The OSCE executives preferred to forget about the “Moscow Mechanism”, about the recommendations given by the OSCE to Turkmen government, as well as about the report of Professor Decaux.

The “constructive dialogue” to which this European organization aspired did not have anything to do with issues of human dimension. All the negotiations between the OSCE and Turkmenistan were switched to the sphere of security and economic cooperation, i.e., the two first “baskets” mentioned above.

Mr. Marti Akhtisaari visited Turkmenistan several times as a representative of the OSCE in Central Asia. He always came back very pleased and happy, with presents from Turkmenbashi\*. He was telling journalists that the dialogue is being established, and the work should be further carried on in the same direction.

There was an impression that rights and freedoms of the citizens of Turkmenistan were not being violated any more, or, alternatively, the OSCE simply decided not to pay attention to such violations. Although some cases of human rights violations were reflected in the OSCE reports, this was done only formally.

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\* in Turkmen language: Leader of the Turkmen people, i.e. the President Niyazov

The character of work of the OSCE Centre in Ashkhabad changed. In the time of the former ambassador to the OSCE in Ashkhabad, P. Badesku, people who suffered from repressions and activists of various social organizations could turn to the office of the OSCE Centre for help. With the new ambassador, Mr. Dzhigich, access to the office of the OSCE Centre in Ashkhabad has been denied for those who seek help. The new ambassador's explanation was that people who visit the OSCE office might have problems with the secret service in future, and that was the only explanation of the unwillingness of the ambassador and of other officials of the mission to allow access of the Turkmen citizens to the office.

That means that the OSCE Centre in Ashkhabad is simply following the instructions of the Turkmen authorities. Not willing to spoil the relations with the authorities, the ambassador and the officials of the mission turned into simple observers of the developments in this country.

I would like to bring several examples.

On February 2006 an Information Resource Centre (IRC) of the Organization for Security and Co-operation in Europe was opened in Ashkhabad. But it is not easy to become a user of this resource centre. If you want to become a user, you have to call the number 393092 and make an appointment. At the appointed time you have to come and fill out a form which is a kind of agreement between you and IRC, which contains rules of usage of IRC, as well as warnings about your responsibilities regarding usage of information from Internet. I would like to quote several terms: "It shall not be allowed to use computers and Internet with purposes which do not comply with the IRC tasks." And what happens if your activity is connected with human right protection, information about which is mostly forbidden in Turkmenistan?! Nevertheless, the users are warned: "If the above mentioned rules are not fulfilled, the OSCE Centre has right to deny at any time the access to IRC and to its resources". Such document looks very weird indeed, taking into consideration, it was prepared by the officials of the organization, whose main goal is to guarantee major human rights and freedoms in the countries which are member states of the OSCE.

There is no wonder that during the two weeks of existence of the IRC it was visited only by 5 people. Besides, upon leaving the IRC you have to fill out a special form, where you have to indicate your first name, family name, place of work, check-in and check-out time, your address and telephone number and to sign it.

This was a resource centre established by the OSCE Centre in Ashkhabad which would not annoy Turkmen authorities. Most probably, this event was described in the reports forwarded to the OSCE as an event having great significance for the whole country.

One more example.

In April, 2006 the OSCE Centre in Ashkhabad organized a visit to Paris for three deputies of Turkmen parliament and their meeting there with deputies of French Parliament. A journalist forwarded a request to the OSCE Centre about the names of Turkmen deputies. He received the following reply:

Dear Mr. Mamedov,

The OSCE Centre has received your request regarding the names of the deputies of Turkmen Majlis\*\*, who take part in the visit to Paris.

The OSCE Centre is very pleased that you show interest in this subject.

The OSCE Centre is very sorry that we are not in a position to fulfill your request, pursuant to the international rules of non-disclosure of private information.

Best regards,

Dr. Dieter Matthei

Political Officer and Media Focal Point, OSCE Centre in Ashkhabad

What does private information have to do with a request to inform about the names of Parliament deputies!? The fact that an OSCE mission official disregards the right to receive information illustrates clearly, what kind of policy is carried out with regard to Turkmenistan by the OSCE mission in Ashkhabad and by the OSCE as a whole.

Another example

On 14-15 July, 2006 an OSCE supplementary human dimension meeting entitled “Freedom of the Media: Protection of Journalists and Access to Information” was held in Vienna.

OSCE Centre in Ashkhabad invited a journalist, Ms. Svetlana Mamedova, to take part in this meeting. But when she was leaving Ashkhabad for Vienna, she was detained by Turkmen secret service in Ashkhabad airport. The OSCE Centre in Ashkhabad gave absolutely no comments to this incident, although it obviously had to do with this incident. Since then S. Mamedova was not allowed to leave the territory of Turkmenistan, and her name was put on a so called “black list” of persons who are forbidden to travel abroad. The OSCE did not take any action to protest this incident in spite of the fact that Ms. Mamedova was going to participate in a conference arranged by the OSCE and at the invitation of the OSCE.

One more example

On 3-4 May, 2006 a two-day conference on sustainable tourism development in Turkmenistan was held in Ashkhabad, organized by joint efforts of the State Committee for Tourism and Sports of Turkmenistan, Ministry of Foreign Affairs of Turkmenistan and the OSCE Centre in Ashkhabad.

A number of journalists, who were supposed to cover the event, were also invited. But because the Ministry of Foreign Affairs of Turkmenistan expressed dissatisfaction about the presence of journalists at this event, the secretary of the OSCE Centre in Ashkhabad, at night of May 2, informed all the invited journalists by phone that the invitation was cancelled, because the Ministry of Foreign Affairs of Turkmenistan is against the presence of journalists at the conference.

In the morning all the journalists received a letter with the following content:

Subject: Conference on Sustainable Tourism Development, 3 May 2006.

Dear journalists,

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\*\* Parliament of Turkmenistan

Ministry of Foreign Affairs of Turkmenistan informed the OSCE Centre in Ashkhabad, that the Ministry does not have any information on the validity of the accreditation of the journalists invited to the conference on sustainable tourism development in Turkmenistan on 3-4 May, organized by the OSCE Centre in Ashkhabad in cooperation with the Ministry of Foreign Affairs of Turkmenistan and the State Committee for Tourism and Sports.

Because of the above mentioned the Ministry objects to participation of journalists in this conference. The OSCE Centre in Ashkhabad regrets that because of these reasons it has to cancel your invitation for participation in the opening and reception on the occasion of the conference and apologizes for the inconveniences caused to you by this cancellation.

For more detailed information, please, apply to the Ministry of Foreign Affairs of Turkmenistan.

Best regards,

Dr. Dieter Matthei

Political Officer and Media Focal Point, OSCE Centre in Ashkhabad

Phone: 993 12 35 30 92

It seems that this conference was so important for the OSCE Centre, that they betrayed principles of this organization, in particular, freedom of press and access to information.

And the last example. In June, 2006 an OSCE Centre official, French citizen Mr. Benhamin Morro, was accused of espionage by Turkmen authorities. This was declared on TV in an official statement of the minister of national security, Mr. Geldymuhamed Ashirmuhamedov.

Again, there was no reaction from the OSCE to this factual insult to the international organization by Turkmen government.

Below, I would like to quote the opinion of one of the public activists on the work of the OSCE Centre in Ashkhabad.

“After P. Badesku left, the OSCE Centre turned into a non-functioning office, for which human rights are a low-priority issue. Public activists who dared to criticize Turkmen authorities during their meetings with the OSCE representatives, were never invited to such meetings again. The OSCE Centre officials prefer to work with people who are loyal to the authorities, and within grant programmes they preferred to work with craftsmen, not with the people who tried to protect interests of humanity. If during the work of Peter Ivashkevich (human dimension issues officer in the OSCE Centre in Ashkhabad during the late 90s) human right defenders could find effective protection, at present the OSCE tries to avoid contacts with them. Many people were denied help when they complained about illegal actions of the authorities.

The main problem of the OSCE Centre in Ashkhabad is a practically complete switch to a so-called “projective” kind of activity, when the general ideology and the OSCE mandate are substituted by fulfilling of isolated projects from the first two baskets – security and economic cooperation, at the expense of the third, humanitarian basket, which is being fully ignored. This became possible only due to the purposeful conformist policy carried out by the executives of the OSCE Centre, who do not wish to spoil their relationship with Turkmen authorities. This has resulted in a complete devaluation of image of the OSCE in Turkmenistan, and at present the authorities do not attach any significance to the OSCE mission in Turkmenistan.

In accordance with the general line of policy of the officials of the OSCE Centre it is quite logical to deny contacts and cooperation with civil activists, journalists, experts. This has led to a loss of idea

about the general condition of the civil society, about its problems, its movements. We can assert that such policy lead to a total loss of professional aptitude by the “experts” whose main goals were supposed to be contacts with activists, as well as assistance and promotion of civil society.

This lead also to the major mistakes in the incident with French journalists and the subsequent incident with O. Muradova and her colleagues, which in its turn, generated a panic fear of the officials of the OSCE in Ashkhabad to everything which is associated with civil society. This manifested itself also in the infamous inertness of the OSCE in the case with Andrey Zatoka, when OSCE showed no interest at all in fate of this civil activist”.

Everything mentioned above indicates that the Organization for Security and Cooperation in Europe, which is supposed to advocate human rights and freedoms, because of some “higher considerations”, not only refuses to fulfill its mission, but also encourages dictatorial regimes to ignore common values and to infringe the rights of their own citizens and to violate generally accepted international norms.

The above mentioned incidents took place during Niyazov’s regime. Now, with a new President, the situation is slightly changing. But the fact that OSCE representatives, during their meetings with the state officials, are again “too shy” to discuss human rights and freedoms, is alarming.

For instance, OSCE Parliamentary Assembly President Göran Lennmarker, who has recently visited Turkmenistan, said: “Today, during the visit with Majlis deputies of Turkmenistan we outlined the most relevant spheres of cooperation – battle against distribution of narcotic substances and energy security”.

Therefore, this high-ranking OSCE official is speaking only about the first two baskets, absolutely ignoring such important issue as human dimension. This is according Turkmen newspapers.

Certainly, economics and security are very important spheres in the activity of the OSCE, but what about the human rights and freedoms, which are also major principles of activity and existence of this international organization?

The OSCE is now going through a very difficult time. But, it may be, that the opportunistic policy carried out by this organization with regard to its undemocratic member states is one of the reasons of the crisis of the OSCE.

The leading OSCE countries must make a decision, and either to exclude the countries which do not fulfill their commitments, such as Turkmenistan, or to develop mechanisms, which will force all the member states to fulfill their commitments under the OSCE Charter.

Besides, it is necessary to develop a special programme on civil society, a significant part of which should be devoted to the study of this civil society, including contacts with activists, an initiative to review the legislation governing non-governmental organizations and political parties, developing a platform for dispute resolution, developing a dialogue between the OSCE officials and activists, which should also involve governmental officials.

It is necessary to develop such mechanisms in view of the specific character of the present political climate in Turkmenistan, when the authorities are still open for a dialogue, and there is still a hope that they will cease to regard representatives of civil society as “hirelings of the West” a situation which was created partially due to the policy of the OSCE officials. It is necessary to achieve transparency of the

work of the OSCE Centre, to establish advisory committees for ecology, human rights issues, and democratization, members of which should be representatives of civil society, experts and journalists.

It is very important, that the OSCE officials should start to face reality and instead of working only with the so- called “registered” organizations, should start a broad dialogue with the initiative groups, as well as with activists, assigning them a status of a partner to the OSCE or of an expert of the OSCE. Such status could be a kind of moral support and protection from the arbitrariness of the Turkmen secret service.

I would also like that the OSCE executives should think about replacing not only the ambassador to the OSCE Centre in Ashkhabad, but also all the officials of the mission including the local personnel. Experience shows that a lot depends on the personality of the ambassador and other officials of the OSCE. It is necessary that the cooperation with the new Turkmen authorities would be launched by a new team of the OSCE Centre in Ashkhabad, from a new page and with a clean conscience.

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