

116TH CONGRESS
1ST SESSION

S. 1075

To advocate for the release of United States citizens and locally employed diplomatic staff unlawfully detained in Turkey, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. WICKER (for himself, Mr. CARDIN, Mr. RUBIO, Mr. TILLIS, Mr. DURBIN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To advocate for the release of United States citizens and locally employed diplomatic staff unlawfully detained in Turkey, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defending United
5 States Citizens and Diplomatic Staff from Political Pros-
6 ecutions Act of 2019”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) The United States Government employs
2 thousands of local nationals (in this Act referred to
3 as “locally employed staff”) at its diplomatic mis-
4 sions, military bases, and other official facilities
5 around the world, generating employment and eco-
6 nomic opportunities in local economies and allowing
7 the United States Government to benefit from local
8 expertise and perspectives.

9 (2) Since February 2017, the Government of
10 Turkey—a member of the North Atlantic Treaty Or-
11 ganization (in this Act referred to as “NATO”)
12 since 1952—has targeted at least 3 locally employed
13 staff of United States consulates in Turkey with na-
14 tional security charges stemming from their routine
15 job responsibilities on behalf of the United States
16 Government and without providing any credible evi-
17 dence of wrongdoing.

18 (3) As NATO allies, the United States and
19 Turkey share a commitment to “safeguard the free-
20 dom, common heritage and civilization of their peo-
21 ples, founded on the principles of democracy, indi-
22 vidual liberty and the rule of law”, as enshrined in
23 the preamble to the 1949 North Atlantic Treaty.

24 (4) Authorities in Turkey detained Hamza
25 Uluçay—an employee of the United States Con-

1 sulate in Adana for more than 38 years—for nearly
2 2 years and convicted him of “membership in a ter-
3 rorist organization” without any credible evidence of
4 wrongdoing before releasing him on January 30,
5 2019, and barring him from international travel.

6 (5) Authorities in Turkey have detained Metin
7 Topuz—a Foreign Service National Investigator at
8 the United States Consulate General in Istanbul for
9 more than 36 years—since September 25, 2017, on
10 charges of “membership in a terrorist organization”,
11 “gathering state secrets for espionage”, and “at-
12 tempting to overthrow [the Government, Turkish
13 National Assembly, and the Constitutional Order]”,
14 citing among other things his routine communica-
15 tions with Turkish law enforcement officers, which
16 constituted a central part of his job responsibilities
17 as an employee of the United States Government.

18 (6) Authorities in Turkey have held Mete
19 Canturk—another Foreign Service National Investi-
20 gator at the United States Consulate General in
21 Istanbul for more than 30 years—under house ar-
22 rest since January 31, 2018, and subjected his wife
23 and daughter to travel bans and regular check-ins
24 with police after initially detaining them.

1 (7) As of April 9, 2019, Metin Topuz remains
2 in jail, Mete Canturk remains under house arrest,
3 and Hamza Uluçay remains convicted of false
4 charges and subject to travel restrictions because of
5 charges relating directly to the conduct of their pro-
6 fessional responsibilities as employees of the United
7 States Government without any credible evidence of
8 wrongdoing.

9 (8) The physical and psychological health of
10 these men continues to be adversely affected by their
11 prolonged and indefinite detention, including signifi-
12 cant weight loss and aggravation of preexisting med-
13 ical conditions.

14 (9) On November 15, 2017, then-Deputy As-
15 sistant Secretary of State for European and Eur-
16 asian Affairs Jonathan Cohen testified to the Com-
17 mission on Security and Cooperation in Europe
18 (commonly known as the “Helsinki Commission”)
19 that “it appears to us that Mr. Uluçay and Mr.
20 Topuz were arrested for maintaining legitimate con-
21 tacts with Turkish Government and local officials
22 and others in the context of their official duties on
23 behalf of the United States Government”.

24 (10) In pursuing its legitimate right to bring to
25 justice the perpetrators of the failed July 2016 coup

1 attempt, Turkish authorities have subjected tens of
2 thousands of other citizens of Turkey to detention
3 and criminal prosecutions, with some subjected to
4 official harassment based on specious claims and
5 guilt by association, reflecting a significant deterio-
6 ration in the respect of the Government of Turkey
7 for the rule of law and the human rights of its peo-
8 ple.

9 (11) United States citizen and National Aero-
10 nautics and Space Administration physicist Dr.
11 Serkan Gölge has spent more than 2½ years in jail
12 in Turkey and is currently serving a 5-year sentence
13 on national security charges without any credible
14 evidence of wrongdoing.

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) the Government of Turkey should imme-
18 diately release all wrongfully detained locally em-
19 ployed staff of United States diplomatic missions
20 and citizens of the United States in Turkey and re-
21 solve such cases in a timely, fair, and transparent
22 manner;

23 (2) the United States has a moral obligation to
24 forcefully advocate for the release of wrongfully de-
25 tained locally employed staff who endure arrest, de-

1 tention, prosecution, and imprisonment because of
2 the personal risk they often assume to themselves,
3 their families, and their communities as a result of
4 their work for and affiliation with the United States
5 Government;

6 (3) it is in the national security interest of the
7 United States to advocate for the safety and security
8 of all employees of the United States Government
9 overseas because any failure to do so emboldens
10 other foreign governments to interfere with United
11 States diplomatic, military, and other missions
12 around the world; and

13 (4) the President should—

14 (A) press the Government of Turkey, in
15 coordination with NATO allies, in all high-level
16 bilateral and multilateral fora to immediately
17 release wrongfully detained locally employed
18 staff and citizens of the United States and to
19 resolve their cases in a timely, fair, and trans-
20 parent manner;

21 (B) urge the Government of Turkey, in co-
22 ordination with NATO allies, to restore demo-
23 cratic norms and respect for the rule of law and
24 the human rights of all citizens of Turkey by
25 ceasing all arbitrary or politically motivated

1 prosecutions, detentions, and dismissals, and by
2 undertaking meaningful reforms to ensure the
3 independence of the judiciary in Turkey;

4 (C) consider, in coordination with NATO
5 allies, in order to secure the prompt release of
6 wrongfully detained locally employed staff and
7 citizens of the United States in Turkey, re-
8 scinding accreditations to a commensurate
9 number of diplomats from the Embassy of Tur-
10 key to the United States; and

11 (D) support the extension of special immi-
12 grant visas to Hamza Uluçay, Metin Topuz,
13 and Mete Canturk and their immediate families
14 in recognition of their distinguished service to
15 the United States under exceptional cir-
16 cumstances.

17 **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO**
18 **WRONGFUL DETENTION OF LOCALLY EM-**
19 **PLOYED STAFF AND UNITED STATES CITI-**
20 **ZENS IN TURKEY.**

21 (a) IN GENERAL.—The President shall impose the
22 sanctions described in subsection (b) with respect to any
23 senior official of the Government of Turkey the President
24 determines, based on credible evidence, is, on or after the
25 date of the enactment of this Act, responsible for the

1 wrongful and prolonged detention of locally employed staff
2 of United States diplomatic missions or citizens of the
3 United States in Turkey.

4 (b) SANCTIONS DESCRIBED.—The sanctions to be
5 imposed under subsection (a) with respect to an official
6 described in that subsection are the following:

7 (1) INADMISSIBILITY TO UNITED STATES.—In-
8 eligibility to receive a visa to enter the United States
9 or to be admitted to the United States or, if the offi-
10 cial has been issued a visa or other documentation,
11 revocation, in accordance with section 221(i) of the
12 Immigration and Nationality Act (8 U.S.C. 1201(i)),
13 of the visa or other documentation.

14 (2) BLOCKING OF PROPERTY.—

15 (A) IN GENERAL.—The blocking and pro-
16 hibiting, in accordance with the International
17 Emergency Economic Powers Act (50 U.S.C.
18 1701 et seq.), of all transactions in all property
19 and interests in property of the official if such
20 property and interests in property are in the
21 United States, come within the United States,
22 or are or come within the possession or control
23 of a United States person.

24 (B) INAPPLICABILITY OF NATIONAL EMER-
25 GENCY REQUIREMENT.—The requirements of

1 section 202 of the International Emergency
2 Economic Powers Act (50 U.S.C. 1701) shall
3 not apply for purposes of this paragraph.

4 (c) EXCEPTIONS.—

5 (1) EXCEPTION TO COMPLY WITH UNITED NA-
6 TIONS HEADQUARTERS AGREEMENT AND LAW EN-
7 FORCEMENT OBJECTIVES.—Sanctions under sub-
8 section (b)(1) shall not apply to an individual if ad-
9 mitting the individual into the United States would
10 further important law enforcement objectives or is
11 necessary to permit the United Nations Head-
12 quarters Agreement or other applicable international
13 obligations of the United States.

14 (2) EXCEPTION RELATING TO IMPORTATION OF
15 GOODS.—

16 (A) IN GENERAL.—The authority to block
17 and prohibit all transactions in all property and
18 interests in property under subsection (b)(2)
19 shall not include the authority to impose sanc-
20 tions on the importation of goods.

21 (B) GOOD.—In this paragraph, the term
22 “good” means any article, natural or man-made
23 substance, material, supply or manufactured
24 product, including inspection and test equip-
25 ment, and excluding technical data.

1 (d) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President may ex-
3 ercise all authorities provided under sections 203
4 and 205 of the International Emergency Economic
5 Powers Act (50 U.S.C. 1702 and 1704) to carry out
6 this section.

7 (2) PENALTIES.—A person that violates, at-
8 tempts to violate, conspires to violate, or causes a
9 violation of subsection (b)(2) or any regulation, li-
10 cense, or order issued to carry out that subsection
11 shall be subject to the penalties set forth in sub-
12 sections (b) and (c) of section 206 of the Inter-
13 national Emergency Economic Powers Act (50
14 U.S.C. 1705) to the same extent as a person that
15 commits an unlawful act described in subsection (a)
16 of that section.

17 (e) NATIONAL SECURITY WAIVER.—The President
18 may waive the application of sanctions under this section
19 with respect to an individual if the President determines
20 and reports to the appropriate congressional committees
21 and leadership that the waiver is in the vital national secu-
22 rity interests of the United States.

23 (f) TERMINATION.—The requirement to impose sanc-
24 tions under this section shall terminate on the date on

1 which the President determines and reports to the appro-
2 priate congressional committees and leadership that—

3 (1) all locally employed staff of United States
4 diplomatic missions and citizens of the United
5 States wrongfully detained by the Government of
6 Turkey have been released from detention; and

7 (2) locally employed staff of United States dip-
8 lomatic missions and citizens of the United States
9 are not subject to travel restrictions imposed by the
10 Government of Turkey.

11 **SEC. 5. REPORT REQUIRED.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, and every 120 days
14 thereafter, the President shall submit to the appropriate
15 congressional committees and leadership a report that in-
16 cludes the following:

17 (1) Information related to the wrongful and
18 prolonged detention by the Government of Turkey of
19 locally employed staff of United States diplomatic
20 missions and citizens of the United States, includ-
21 ing—

22 (A) their status within the judicial system
23 in Turkey;

1 (B) where applicable, the dates of their de-
2 tention, arrest, indictment, trials, and convic-
3 tions;

4 (C) a description of the access the Govern-
5 ment of Turkey grants to representatives of the
6 United States Government to the detained indi-
7 viduals and their families;

8 (D) a description of the detention condi-
9 tions in which the detained individuals are held;

10 (E) a description of the ways in which the
11 United States Government is providing finan-
12 cial, legal, or other assistance to the detained
13 locally employed staff and their families; and

14 (F) a description of United States Govern-
15 ment engagement with the Government of Tur-
16 key to secure the release of the detained indi-
17 viduals.

18 (2) A list of the officials identified by the Presi-
19 dent pursuant to section 4(a).

20 (3) A list of any waivers exercised by the Presi-
21 dent under section 4(e), and the justification for
22 each such waiver.

23 (b) FORM; PUBLICATION.—

1 (1) FORM.—The report required by paragraph
2 (1) shall be submitted in unclassified form but may
3 contain a classified annex as necessary.

4 (2) PUBLICATION.—The unclassified portion of
5 the report required by paragraph (1) shall be posted
6 on a publicly available internet website of the De-
7 partment of State.

8 **SEC. 6. DEFINITIONS.**

9 In this Act:

10 (1) ADMISSION; ADMITTED.—The terms “ad-
11 mission” and “admitted” have the meanings given
12 those terms in section 101 of the Immigration and
13 Nationality Act (8 U.S.C. 1101).

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES AND LEADERSHIP.—The term “appropriate
16 congressional committees and leadership” means—

17 (A) the Committee on Banking, Housing,
18 and Urban Affairs, the Committee on Foreign
19 Relations, the Committee on Appropriations,
20 and the majority and minority leaders of the
21 Senate; and

22 (B) the Committee on Financial Services,
23 the Committee on Foreign Affairs, the Com-
24 mittee on Appropriations, and the Speaker, the

1 majority leader, and the minority leader of the
2 House of Representatives.

3 (3) UNITED NATIONS HEADQUARTERS AGREE-
4 MENT.—The term “United Nations Headquarters
5 Agreement” means the Agreement regarding the
6 Headquarters of the United Nations, signed at Lake
7 Success June 26, 1947.

8 (4) UNITED STATES PERSON.—The term
9 “United States person” means—

10 (A) a United States citizen or an alien law-
11 fully admitted for permanent residence to the
12 United States; or

13 (B) an entity organized under the laws of
14 the United States or any jurisdiction within the
15 United States, including a foreign branch of
16 such an entity.

○