

THE DISMAL STATE OF HUMAN
RIGHTS IN TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. SMITH of New Jersey. Mr. Speaker, yesterday several of my colleagues on the Helsinki Commission—Representatives HOYER, MARKEY, CARDIN, and SALMON—joined me in introducing a sense of the Congress resolution with respect to the human rights situation in the Republic of Turkey and that country's desire to host the next Summit Meeting of the Heads of State or Government of the Organization for Security and Cooperation in Europe [OSCE]. Turkey—an OSCE country since 1975—first proposed to host the next summit meeting nearly a year ago. Shortly after this proposal surfaced, I wrote to then-Secretary of State Christopher on November 22, 1996, together with the Helsinki Commission's co-chairman, Senator D'AMATO, to raise concerns over human rights violations in Turkey and to urge rejection of the Turkish proposal unless the human rights situation improved. We wrote to Secretary Albright on July 15, 1997 expressing concern over the lack of human rights progress in Turkey. Unfortunately, Turkey has squandered the opportunity to demonstrate its determination to improve implementation of Ankara's freely undertaken OSCE commitments over the past 11 months.

Without reciting the lengthy list of Turkey's human rights violations, including the use of torture, it is fair to say that Turkey's record of implementation of OSCE human dimension commitments remains poor. The Committee to Protect Journalists has documented the fact that at least 47 Turkish journalists—the largest number of any country in the world—remain imprisoned. Four former parliamentarians from the now banned Kurdish-based Democracy Party [DEP], including Leyla Zana, remain imprisoned. Turkey has pursued an aggressive campaign of harassment of non-governmental organizations over the past year. The Department of State has found that serious human rights problems persist in Turkey and that human rights abuses have not been limited to the southeast, where Turkey has engaged in an armed conflict with the terrorist Kurdistan Workers Party [PKK] for over a decade.

Last week, Mr. Speaker, the Congress honored His All Holiness Bartholomew, the leader of Orthodox believers worldwide. The Ecumenical Patriarchate, located in Istanbul—the city proposed by Turkey as the venue for the next OSCE summit, has experienced many difficulties. The Ecumenical Patriarchate, has repeatedly requested permission to reopen the Orthodox seminary on the island of Halki closed by the Turkish authorities since the 1970's despite Turkey's OSCE commitment to "allow the training of religious personnel in appropriate institutions." The Turkish Embassy here in Washington viewed the visit, according to its press release, "as an excellent opportunity to forge closer ties of understanding, friendship and cooperation among peoples of different faiths and ethnicities." Unfortunately, this spirit has not characterized the Turkish Government's relations with the Patriarchate and Orthodox believers in Turkey.

Mr. Speaker, the United States should encourage the development of genuine democ-

racy in Turkey, based on protection of human rights and fundamental freedoms. Those who would turn a blind eye toward Turkey's ongoing and serious human rights violations hinder the process of democratization in that important country. Poised at the crossroads of Europe, the Caucasus, Central Asia and the Middle East, Turkey is well positioned to play a leading role in shaping developments in Europe and beyond. But to be an effective and positive role model abroad—as some have suggested Turkey might be for the countries of Central Asia—Turkey must get its house in order. Uncorrected, Turkey's human rights problems will only fester and serve a stumbling block along the path of that country's further integration into Europe.

It is also important to keep in mind, Mr. Speaker, that Turkey is not new to the OSCE process. The Turks are not the new kids on the block. Turkey's current President, Suleyman Demirel, was an original signer of the 1975 Helsinki Final Act. The time has come for Turkey to focus on putting into practice the human rights commitments Ankara has freely accepted over the past 22 years.

The privilege and prestige of hosting an OSCE summit should be reserved for participating States that have demonstrated steadfast support for Helsinki principles and standards—particularly respect for human rights—in word and in deed. Such linkage is not new in the OSCE. When, in the mid-1980's Moscow expressed an interest in hosting a human rights conference of Helsinki signatory states, the United States and several other OSCE countries insisted on specific human rights improvements before they would agree to the Kremlin's proposal. This approach contributed to a tremendous improvement in Russia's human rights record. Should we expect any less from our allies in Ankara?

For starters, the United States should insist that Turkey release the imprisoned DEP parliamentarians, including Leyla Zana, as well as journalists and others detained for the non-violent expression of their views; end the persecution of medical professionals and NGO's who provide treatment to victims of torture and expose human rights abuses; abolish Article 8 of the Anti-Terror Law, Article 312 of the Penal Code, and other statutes which violate the principle of freedom of expression and ensure full respect for the civil, political, and cultural rights of citizens of Turkey, including ethnic Kurds; and begin to aggressively prosecute those responsible for torture, including members of the security forces.

A key ingredient to resolving these and other longstanding human rights concerns is political will. Developments in Turkey over the past few days underscore the sad state of human rights in Turkey. Last week we learned of the imprisonment, reportedly for up to 23 years, of Esber Yagmurdereli, for a speech he made in 1991. The same day, a three-judge panel backed down after police officers accused of torturing 14 young people back in 1995 refused to appear in court. Frankly, such developments have become almost commonplace in Turkey, dulling the appreciation of some for the human tragedy of those involved in such cases.

A decision on the venue of the next OSCE summit will require the consensus of all OSCE participating States, including the United States.

The resolution we introduced, Mr. Speaker, does not call for an outright rejection of Anka-

ra's bid to host an OSCE summit, but urges the United States to refuse to give consensus to such a proposal until such time as the Government of Turkey has demonstrably improved implementation of its freely undertaken OSCE commitments, including their properly addressing those human rights concerns I have touched on today. Our resolution calls for the President to report to the Congress by April 15, 1998 on any improvement in the actual human rights record in Turkey. We should be particularly insistent on improvements in that country's implementation of provisions of the Helsinki Final Act and other OSCE documents.

Simply put, Mr. Speaker, Turkey's desire to host an OSCE summit must be matched by concrete steps to improve its dismal human rights record. Promises of improved human rights alone should not suffice.

Mr. Speaker, I ask that correspondence between the Helsinki Commission and the State Department be included in the RECORD.

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC, July 15, 1997.

Hon. MADELEINE KORBEL ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: We write to reiterate and further explain our steadfast opposition to Turkey as the venue for an Organization for Security and Cooperation in Europe (OSCE) summit meeting and ask the Department, which we understand shares our view, to maintain the United States' refusal to give consensus to the Turkish proposal that the next summit should be held in Istanbul. We also observe that a rigid schedule of biennial summit meetings of the OSCE Heads of State or Government appears to be unwarranted at this stage of the OSCE's development and suggest that serious consideration be given to terminating the mandate which currently requires such meetings to be held whether circumstances warrant them or not.

Last November, the Republic of Turkey—an original OSCE participating State—first proposed Istanbul as the site for the next OSCE summit. At that time, we wrote to Secretary Christopher urging that the United States reject this proposal. A decision was postponed until the Copenhagen Ministerial, scheduled for this December, and the Lisbon Document simply noted Turkey's invitation.

The United States should withhold consensus on any proposal to hold an OSCE summit in Turkey until and unless Ankara has released the imprisoned Democracy Party (DEP) parliamentarians, journalists and others detained for the non-violent expression of their views; ended the persecution of medical professionals and NGOs who provide treatment to victims of torture and expose human rights abuses; and begun to aggressively prosecute those responsible for torture, including members of the security forces.

In addition, the United States should urge the Government of Turkey to undertake additional steps aimed at improving its human rights record, including abolishing Article 8 of the Anti-Terror Law, Article 312 of the Penal Code, and other statutes which violate the principle of freedom of expression and ensuring full respect for the civil, political, and cultural rights of members of national minorities, including ethnic Kurds.

Regrettably, there has been no improvement in Turkey's implementation of OSCE human rights commitments in the eight months since our original letter to the Department. Despite a number of changes in Turkish law, the fact of the matter is that even these modest proposals have not translated into improved human rights in Turkey.

Ankara's flagrant violations of OSCE standards and norms continues and the problems raised by the United States Delegation to the OSCE Review Meeting last November persist.

Expert witnesses at a recent Commission briefing underscored the continued, well-documented, and widespread use of torture by Turkish security forces and the failure of the Government of Turkey to take determined action to correct such gross violations of OSCE provisions and international humanitarian law. Even the much heralded reduction of periods for the detention of those accused of certain crimes has failed to deter the use of torture. The fact is that this change on paper is commonly circumvented by the authorities. As one U.S. official in Turkey observed in discussion with Commission staff, a person will be held in incommunicado detention for days, then the prisoner's name will be postdated for purposes of official police logs giving the appearance that the person has been held within the period provided for under the revised law. Turkish authorities also continue to persecute those who attempt to assist the victims of torture, as in the case of Dr. Tufan Köse.

Despite revisions in the anti-Terror Law, its provision continue to be broadly used against writers, journalists, publishers, politicians, musicians, and students. Increasingly, prosecutors have applied Article 312 of the Criminal Code, which forbids "incitement to racial or ethnic enmity." Government agents continue to harass human rights monitors. According to a recent report issued by the Committee to Protect Journalists, 78 journalists were in jail in Turkey at the beginning of 1997—more than in any other country in the world.

Many human rights abuses have been targeted at Kurds who publicly or politically assert their Kurdish identity. The Kurdish Cultural and Research Foundation offices in Istanbul were closed by police in June to prevent the teaching of Kurdish language classes. In addition, four former parliamentarians from the now banned Kurdish-based Democracy Party (DEP): Leyla Zana, Hatip Dicle, Orhan Döğan, and Selim Sadak, who have completed three years of their 15-year sentences, remain imprisoned at Ankara's Ulucanlar Prison. Among the actions cited in Leyla Zana's indictment was her appearance before the Helsinki Commission. The Lawyers Committee for Human Rights has expressed concern over the case of human rights lawyer Hasan Döğan, a member of the People's Democracy Party (HADEP), who, like many members of the party, has been subject to detention and prosecution.

The Government of Turkey has similarly pursued an aggressive campaign of harassment of non-governmental organizations, including the Human Rights Foundation of Turkey and the Human Rights Association. An Association forum on capital punishment was banned in early May as was a peace conference sponsored by international and Turkish NGOs. Human Rights Association branch offices in Diyarbakir, Malatya, Izmir, Konya, and Urga has been raided and closed.

As the Department's own report on human rights practices in Turkey recently concluded, Ankara "was unable to sustain improvements made in 1995 and, as a result, its record was uneven in 1996 and deteriorated in some respects." While Turkish civilian authorities remain publicly committed to the establishment of a rule of law state and respect for human rights, torture, excessive use of force, and other serious human rights abuses by the security forces continue. It is most unfortunate that Turkey's leaders, including President Demirel—who originally signed the 1975 Helsinki Final Act on behalf

of Turkey—have not been able to effectively address long-standing human rights concerns.

Madam Secretary, the privilege and prestige of hosting such an OSCE event should be reserved for participating States that have demonstrated their support for Helsinki principles and standards—particularly respect for human rights—in both word and in deed. Turkey should not be allowed to serve as host of such a meeting given that country's dismal human rights record.

While some may argue that allowing Turkey to host an OSCE summit meeting might provide political impetus for positive change, we are not convinced, particularly in light of the failure of the Turkish Government to improve the human rights situation in the eight months since it proposed to host the next OSCE summit. We note that several high-level conferences have been held in Turkey without any appreciable impact on that country's human rights policies or practices.

Promises of improved human rights alone should not suffice. Turkey's desire to host an OSCE summit must be matched by concrete steps to improve its dismal human rights record.

We appreciate your consideration of our views on this important matter and look forward to receiving your reply.

Sincerely,

CHRISTOPHER H. SMITH,
Co-Chairman.
ALFONSE D'AMATO,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, 20520 August 13, 1997.
Hon. CHRISTOPHER H. SMITH,
Co-Chairman, Commission on Security and Cooperation in Europe, House of Representatives.

DEAR MR. CHAIRMAN: I am responding on behalf of the Secretary of State to your July 15 letter regarding your concerns about the possible selection of Turkey as the venue for the next summit meeting of the Organization for Security and Cooperation in Europe (OSCE).

The Department of State shares your concerns about Turkey's human rights record. All states participating in the OSCE are expected to adhere to the principles of the Helsinki Final Act and other OSCE commitments, including respect for human rights and fundamental freedoms. The U.S. Government has consistently called attention to human rights problems in Turkey and has urged improvements. It does not in any way condone Turkey's, or any other OSCE state's, failure to implement OSCE commitments.

The OSCE, however, is also a means of addressing and correcting human rights shortcomings. As you note in your letter, the issue of Turkey's human rights violations was raised at the November OSCE Review Meeting, and will likely continue to be raised at such meetings until Turkey demonstrates that it has taken concrete measures to improve its record. Holding the summit in Turkey could provide an opportunity to influence Turkey to improve its human rights record.

As you note, the Turkish government has made some effort to address problem areas, through the relaxation of restrictions on freedom of expression and the recent promulgation of legal reforms which, if fully implemented, would begin to address the torture problem. These measures are only a first step in addressing the problems that exist, but we believe they reflect the commitment of the Turkish government to address its human rights problems. We have been particularly encouraged by the positive attitude

the new government, which came to power July 12, has demonstrated in dealing with human rights issues.

As you know, the fifty-four nations of the OSCE will discuss the question of a summit venue. As in all OSCE decisions, any decision will have to be arrived at through consensus, which will likely take some time to achieve. In the meantime, the Department of State welcomes our views, and will seriously consider your concerns about the OSCE summit site. I welcome your continuing input on this issue, and thank you for your thoughtful letter.

We appreciate your letter and hope this information is helpful. Please do not hesitate to contact us again if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. KIND. Mr. Speaker, another day has gone by and still no campaign finance reform.

My colleagues who oppose changing the current campaign finance system continue to argue that we must conduct exhaustive hearings on the abuses of the system during the 1996 election before we pass a reform bill. I agree that we must investigate violations of the law, and those who break the rules need to be prosecuted and brought to justice.

That very thing is happening in Virginia right now. The State of Virginia is charging the Republican National Committee for failure to disclose campaign contributions in excess of \$600,000 to GOP candidates during this fall election in that State. The contributions are legal, but the failure to disclose those contributions are a clear violation of Virginia campaign law.

In the special congressional election in New York City the Republican Congressional Campaign Committee has announced it will be spending \$800,000 in independent expenditures on behalf of the Republican congressional candidate. This "soft money" is being used to influence the outcome of the special election, even though campaign finance rules specifically prohibit direct expenditures on behalf of a candidate.

Mr. Speaker, we must investigate violations of the law by both parties, in the 1996 and 1997 elections. However, we also need to change the current rules that allow millions of dollars to be legally spent to buy elections in this country. It is time to stop the excuses and allow a vote on campaign finance reform. I refuse to take "no" for an answer.

THE CHINESE HUMAN RIGHTS RECORD AND THE VISIT TO THE UNITED STATES OF CHINESE PRESIDENT JIANG ZEMIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. LANTOS. Mr. Speaker, this morning a number of us had a leadership breakfast with