



October 31, 2019

The Hon. Alcee L. Hastings  
Co-Chairman  
U.S. Helsinki Commission  
234 Ford House Office Building  
3<sup>rd</sup> and D Streets, SW  
Washington, DC 20515

The Hon. Roger F. Wicker  
Co-Chairman  
U.S. Helsinki Commission  
234 Ford House Office Building  
3<sup>rd</sup> and D Streets, SW  
Washington, DC 20515

**Re: October 31<sup>st</sup> Hearing on “The Human Toll of Turkey’s Policy at Home and Abroad”**

Dear Chairman Hastings, Chairman Wicker and Members of the Commission:

On behalf of Amnesty International USA (“AIUSA”) and our more than two million members and supporters nationwide, we are grateful to the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) for holding this hearing on the human toll of Turkey’s policies at home and abroad.

In this statement, submitted for the record with your approval, we would like to share our concerns with you about numerous policies enacted by the government of Turkey that have had a devastating effect on people living in Turkey as well as in areas affected by the Turkish government’s military operations of October 2019. We strongly urge the Commission to highlight the rapidly deteriorating human rights crisis in Northern Syria due to actions by Turkey and its allied forces. We similarly strongly urge the Commission to use its influence to demand Turkey end its crackdown on human rights domestically.

**Deterioration of human rights regarding Turkey’s participation in the conflict in Syria**

Syria is in an ongoing state of armed conflict and crisis now made worse by the recent incursion into northern Syria by Turkish and allied proxy forces. The Syrian government, backed by Russia, Iran, and other proxy forces such as Hezbollah, have appalling human rights records and a history of flagrantly flouting international law and committing war crimes, including by carrying out indiscriminate attacks and direct attacks on civilians and civilian objects, abductions, torture and extrajudicial executions. Militias, armed groups and security forces commit serious violations, including war crimes, with total impunity. Abductions, extrajudicial executions, arbitrary detention, torture and attacks on civilian property continue following the revolution in 2011 that turned into a civil war. In a bid to push back the armed group calling itself Islamic State and recapture lost territory, the US backed Syrian Democratic Forces (SDF) took control of Northeastern Syria and made the area a safe haven for hundreds of thousands of indigenous Kurds, Sunni Arabs, Christians, Yezidis, and other religious and ethnic minorities who fled bombardment by the Assad government, IS, Russia, Syrian rebels, or a combination of some or all of these actors during Syria’s civil war.



Amnesty International USA would like to highlight some of the key concerns that we feel the United States must directly address with its partners in the region:

- War crimes committed by Turkey and allied forces
- A refugee crisis in Syria
- A framework for accountability in Syria
- Deterioration of human rights in Turkey

*I. Turkish incursion into Northern Syria*

In the aftermath of the Turkish incursion of northern Syria, Amnesty International has documented war crimes by Turkish forces and their allies. These include summary killings and unlawful attacks that have killed and injured civilians. The information gathered provides damning evidence of indiscriminate attacks in residential areas, including attacks on a home, a bakery, and a school, carried out by Turkey and allied Syrian armed groups. It also reveals gruesome details of a summary killing in cold blood of a prominent Syrian-Kurdish female politician, Hevrin Khalaf, by members of Ahrar Al-Sharqiya, part of the Syrian National Army, a coalition of Syrian armed groups equipped and supported by Turkey.

*II. A worsening Syrian refugee crisis*

The invasion is also exacerbating the already troubling refugee crisis in the region. In the months prior to the invasion, Turkey has been forcibly deporting refugees to the war-torn country, in advance of attempting to create a so-called “safe zone” on the Syrian side of the border. Amnesty International documented how Turkish police had beaten or threatened them into signing documents stating they were asking to return to Syria, when in reality Turkey was forcing them back to a war zone and putting their lives in peril.

*III. A framework for accountability in Syria*

At the same time, Amnesty International is also continuing documentation of human rights abuses by the Assad regime, which now has disappeared tens of thousands of Syrians into its prison system. Amnesty International considers that the prolonged and systematic use of enforced disappearances in Syria since 2011 have been committed as part of a widespread as well as systematic attack against the civilian population and amount to crimes against humanity.

## **Deterioration of Human Rights in Turkey**

Since the failed coup attempt of 2016, the government of President Erdogan has declared an all-out war on Turkey’s civil society. To wage this war, the Turkish government has weaponized three critical tools at its disposal: the judiciary, the security apparatus and the state-owned media. In a free society, these three government institutions play a fundamental role in protecting human rights. The judicial branch ensures that laws are interpreted, implemented, and enforced with deference to the rights of the people. The security services protect the population from violence and abuse. A free media guarantees that the public is aware of the actions government officials take in their name. Yet in Turkey, the



executive has captured these three institutions for its own purposes. As such, they have become vital instruments of repression and human rights abuses. In instituting this policy, the government of Turkey has one singular, overarching strategic objective: to silence political opposition to Turkey's policies at home and abroad.

Few cases are more emblematic and more illustrative of the Turkish government's assault on civil society than the "Istanbul 10" trials and the Gezi Park case.

## I. Politicized Judiciary: Taner Kilic & the Istanbul 10 Trials

Amnesty International staff and members can personally attest to the ferocity of the crackdown. In 2017, Turkish police arrested Amnesty International Turkey's board chair, Taner Kilic and director, Idil Eser, and charged them with "membership of a terrorist organization". Their cases represent a stunning miscarriage of justice in an effort to silence human rights work that is not flattering to the government of Turkey.

On 5 July 2017 Idil Eser, the Director of Amnesty Turkey, was arrested along with nine other human rights defenders, while attending a routine workshop on the island of Büyükada near Istanbul. Their arrests came less than a month after the Chair of Amnesty Turkey, Taner Kılıç, was detained in İzmir. Kılıç's separate case was subsequently joined with the Büyükada case.

Over the course of a lengthy ongoing prosecution, now well into its second year, multiple government witnesses proved unable to substantiate the Turkish government's charges. To bolster its case, security officials seized computers, telephones, and hard drives belonging to the human rights activists. Nothing on the digital devices was found to substantiate the charges.

The charges against Taner Kılıç were based on the allegation that he had previously downloaded ByLock, a messaging application, on his telephone. The Turkish prosecutor's office insisted that the mere presence of this messaging application suggested that the user belonged to a terrorist group. By June 2018, the Turkish court concluded that Taner Kılıç had never downloaded or used the ByLock application. In February 2018, Taner Kilic was set free from prison before another Turkish court ordered him sent back that very day. While both have since been granted bail, Idil Eser has spent more than three months and Taner Kilic more than a year behind bars without being convicted of a crime. The charges against them remain in place.

## II. Politicized Judiciary: Osman Kavala and the Gezi Park Trials

On May 30, 2013, police in Istanbul cleared Gezi Park of protestors who were demonstrating against its destruction. Their actions prompted months of demonstrations against the government. Turkish authorities reacted to these subsequent protests with brutality, using water cannons, beatings, tear gas, and mass arrests to break up the crowds. Four months after the original Gezi crackdown, over 8,000 protestors were injured and three were killed by the state security services.



Building on the initial phase of the crackdown, the Turkish government identified and charged a group of individuals it accused of masterminding the protest. In what became known as the Gezi Park trial, 16 prominent human rights activists, international development specialists, authors, journalists, and civil society workers were charged with “attempting to overthrow the government”.

Osman Kavala is perhaps the most prominent of the 16. A businessman and philanthropist, Kavala has supported numerous efforts to foster democracy, development, and inter-cultural understanding in Turkey. As part of his work, Kavala founded multiple arts centers to bring together individuals from Turkey and the South Caucasus, supported cultural preservation efforts, and advocated for reconciliation between Armenians and Turks. He was detained by Turkish police upon at Istanbul’s Atatürk airport in October 2017.

After Osman Kavala spent over 15 months in pre-trial detention, a Turkish prosecutor finally submitted a 657 page indictment against the Gezi Park defendants. The indictment presents no evidence that the accused are guilty of any crime, instead relying on innuendo and portraying routine civil society activities as illicit. Amnesty International has observed the trial, which can be best described as a judicial farce failing to meet the most basic fair trial standards. Witnesses have testified via video link without explaining who they are or how they know the defendants. The prosecution has introduced illegally wiretapped audio recordings of Kavala discussing plans to bring pastries to demonstrators. Television screens project generic footage of destruction and disorder while the defendants speak, without explaining how these images relate to the accused. To date, Kavala has spent two years in a high security prison without having been convicted of a crime. Perhaps to deflect international scrutiny, his next trial date has been set for the 24-25 of December 2019, over the Christmas holiday.

These prosecutions matter in their own terms. The accused are innocent people subjected to arbitrary detention for no reason beyond their political activism. They have families and friends who miss them, love them, and need them. They are human beings, whose futures, careers, and personal lives have been grievously harmed in the service of their government’s political ambitions. But they matter too as an illustration of the Turkish government’s willingness to enforce collective silence by example. Amnesty International and individuals named in the Gezi Park indictment are some of the country’s most prominent human rights activists. By targeting them, Turkish authorities send an unmistakable message: if we can slander, harass, and imprison high-profile activists and organizations, common citizens who speak out will suffer a far harsher fate.

### III. Security Services: Torture in Turkey’s Southeast

Indeed, Turkey’s government has reserved some of its worst abuses for Kurdish journalists and activists operating in Southeast Turkey, far from the glare of international media and observers. In regions with large Kurdish communities, Turkish authorities have targeted their critics with horrific violence, safely entrenched in the comfort of their impunity. There are credible reports of Kurdish media workers being subjected to torture, death threats, and ill treatment. One journalist, Ömer Çelik, was beaten for hours during his arrest in December 2016. During his subsequent detention, he was dunked in vats of cold water and left outside on a balcony in freezing temperatures. Nedim Türfent, another Kurdish journalist,



was informed by police during an interrogation that he could be killed and that his death would be easy to cover up.

In May 2019, Amnesty International documented how Turkish authorities arrested a group of 47 people, including men, women, and three children, in the south eastern province of Urfa and likely subjected some of them to torture. The detainees and their lawyers provided Amnesty with documents, including photographic evidence, which lend credence to their allegations. The detainees allege that police subjected them to stress positions, repeatedly beat them with the butt of their rifles, and applied electric shocks to their genitals. Detainees were subsequently denied access to a physician without the presence of security personnel.

#### IV. The state-controlled media: A dungeon for journalists

As Turkish authorities have proceeded to shutter independent outlets and imprison independent journalists, the country's few remaining objective reporters have found few channels to challenge the status quo amidst the climate of fear. Turkey is the world's biggest jailer of journalists. One out of every three journalists imprisoned anywhere in the world is held in a Turkish prison.

The numbers are staggering: Since July 2016, over 100 journalists and media workers remain in pre-trial detention and over 180 media outlets have been permanently shuttered by the government. Thousands more have lost their jobs or been stripped of their press credentials.

Turkish authorities have arrested journalists for performing the fundamental mechanics of their profession. Television presenters have been arrested for hosting controversial speakers, reporters for participating in online social media groups, cartoonists for their caricatures, and investigative correspondents for covering protests.

Some of the country's most renowned journalists have been sentenced to lengthy jail terms and seen their outlets shuttered. Murat Subuncu, editor of *Cumhuriyet*, was sentenced to seven and a half years in jail on terrorism charges. Zehra Doğan, artist and editor of the all-women Kurdish news agency JINHA, received a three year jail term. Can Dundar, editor-in-chief of *Cumhuriyet*, was arrested after reporting on weapons transfers from Turkish security services to fighters in Northern Syria. When he fled to exile in Germany, the Turkish government retaliated against him by stripping his wife of her passport to prevent the family from reuniting.

#### **Recommendations**

##### *I. Concerning Turkish military operations in Northern Syria*

- **Press Turkish officials to ensure the protection of vulnerable populations living in areas where the government of Turkey and its allies have launched operations.** Congress should press Turkish authorities to live up to their obligations under international and domestic law by guaranteeing the safety of key populations including internally displaced population in



Northeast Syria, indigenous Kurdish, Muslim, Christian, and Yezidi populations, and all other civilians

- **Press Government of Turkey to cease bombardment of civilian areas**
- **Demand the Government of Turkey provide accountability for war crimes already committed**

*II. Concerning the deterioration of human rights in Turkey*

- **Demonstrate Congressional commitment to critical human rights cases in Turkey:** Congress should pass a resolution demanding the immediate and unconditional release of key figures in Turkish media and civil society. The resolution would remind Turkish officials that they cannot fully assuage U.S. government concerns about their policies without addressing human rights.
- **Explore multilateral funding and diplomatic mechanisms to support civil society in Turkey:** There are currently few funding mechanisms for the U.S. government to support Turkish civil society. USAID and NED provide only limited grant facilities in certain spaces. Congress should explore opportunities to bolster funding by urging the U.S. State Department and USAID to open discussions with like-minded allies on joint efforts in Turkey to support civil society.
- **Demand that senior White House officials raise human rights in Turkey at highest levels:** The Commission on Security and Cooperation in Europe should secure clear commitments from senior White House and State Department officials that they will prioritize human rights.
- **Ensure U.S. Embassy staff attends politically motivated trials, especially in the Southeast:** For journalists and civil society leaders facing jail terms, the sense of abandonment can be palpable. When U.S. officials attend these trials and hearings, they send the message that their fate matters to the international community.

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