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Briefing on “Conflict of Interest? Foreign Policy and Human Rights in Turkey”

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Good afternoon Chairman Cardin, Chairman Cohen, Ranking Member Wicker, Ranking Member Wilson, and Members of the Commission. My name is Deniz Yuksel, and I am the Turkey Advocacy Specialist at Amnesty International USA.

Today I would like to draw your attention to the worsening human rights crisis in Turkey. The crisis began in 2015 with the collapse of the fragile peace process between the state and the armed Kurdistan Workers’ Party (PKK) and intensified following a failed coup attempt in July 2016. The government declared a state of emergency granting the executive dangerous powers. Constitutional changes adopted under the state of emergency extended executive control over the institution responsible for the appointment and dismissal of judges and prosecutors. These developments seriously undermined the independence and integrity of the judicial system, and consequently, human rights.

The state of emergency ended in 2018, but new laws ensured that the executive branch could retain these broad powers and continue exercising control over an increasingly partisan judiciary. In fact, [abusive judicial practices](#) are at the center of Turkey’s human rights crisis. From the record-breaking imprisonment of journalists to the persecution of LGBTI people, an ongoing crisis of gender-based violence, and the unlawful deportation of refugees—the failures of Turkey’s judicial system cut across societal lines and undermine the rights of all.

1. WEAPONIZING PARTISAN JUDICIARY

Opposition politicians, lawyers, journalists, human rights defenders, and academics are among scores of people imprisoned for months and sometimes years pending trial in Turkey, often without any evidence of wrongdoing. The government uses overly broad terrorism laws to crack down on real and perceived opponents. The imprisonment of high-profile critics has had a chilling effect on Turkish society more broadly, sending a dangerous message that anyone who dares to speak out will suffer the same fate.

Turkey's partisan judiciary routinely targets lawfully elected opposition politicians, especially in the country's mainly Kurdish southeast. Two former co-chairs of the pro-Kurdish Peoples' Democratic Party (HDP), [Selahattin Demirtas](#) and Figen Yuksekdag, remain imprisoned, convicted of terrorism-related charges which, in the absence of credible evidence, were largely based on their public speeches. Dozens of HDP members continue to be prosecuted and the party itself faces a closure case ahead of general elections in 2023.

Amnesty International has documented credible [reports](#) that indicate an increase in allegations of torture and other ill-treatment in detention. In September 2020, two villagers in the eastern Van province suffered [severe injuries](#) after being detained by soldiers and boarded on a helicopter. The soldiers involved in the incident reported that the men had attempted to escape by jumping off the helicopter. In reality, they had been subjected to a brutal beating by the soldiers. One of the men, Servet Turgut, later died of his injuries. Journalists who covered the case were detained. More than a year later, there has been little progress in investigating the allegations and ensuring that the perpetrators are brought to justice.

2. CRACKING DOWN ON CIVIL SOCIETY

Those who call out such abuses in Turkey risk being persecuted themselves, mired in the government's crackdown on civil society. Since the 2016 coup attempt, authorities have shuttered hundreds of NGOs, depriving those that need them of vital support—among them are Kurds, LGBTI people, survivors of gender-based violence, children, and refugees. The government uses anti-terror laws to attack human rights defenders, including [Amnesty Turkey staff and members](#), in an effort to criminalize peaceful activism.

Turkish philanthropist and human rights defender [Osman Kavala](#) has spent over four years in pre-trial detention, despite calls from the United States and the European Union for his release. Kavala is a peaceful civil society leader who has dedicated his life to promoting dialogue between Turkey's Muslim-Turkish majority and Kurdish, Armenian, and other minorities.

Kavala's case is well-known, not just because of his celebrated civil society work, but also because of the deliberate cruelty of his legal ordeal. In February 2020 a Turkish court acquitted Kavala and ordered his release. He was quickly [rearrested](#) in a separate, but equally baseless case. This glimpse of freedom must have been unimaginably painful for his friends and family who, just hours earlier, had celebrated his release.

Kavala's case is emblematic of the thousands of people arbitrarily detained in Turkish prisons in the context of politically motivated charges. The European Court of Human Rights (ECtHR) has made judgments calling on Turkey to release a number of these political detainees, including Kavala and Demirtas. Although the court's decisions are binding, Turkish authorities have refused to implement these judgments and continue to unlawfully imprison both men.

Turkish officials including President Recep Tayyip Erdogan have repeatedly asserted these rulings do not apply to Turkey. These statements are verifiably false and have implications beyond these two cases, obstructing Turkish courts' treaty obligation to accept the jurisdiction of the ECtHR. Further, Turkey's persistent [non-implementation](#) of ECtHR judgements threatens the authority of the European human rights system more broadly. If Turkey can reject these judgements without consequence, why not Hungary, Poland, or others?

Amnesty International [welcomed](#) the Council of Europe's decision this month to launch infringement proceedings in the case of Kavala v. Turkey. We hope that the potential consequences of infringement, which range from the suspension of Turkey's voting rights to expulsion from the Council altogether, will provide incentive for Turkish authorities to free Osman Kavala and end this incomprehensible injustice once and for all.

3. SILENCING FREE PRESS

The Turkish government's crackdown on dissenting voices has brought free media to the edge of the abyss. After the failed coup attempt in July 2016, at least 180 media outlets

were [shut down](#). Journalists and other media workers continue to be prosecuted, detained, and convicted under Turkey's anti-terrorism laws, with their legitimate journalistic work presented as evidence of criminal offences. For four years running, the Committee to Protect Journalists [listed](#) Turkey as the world's number one jailer of journalists, until it was supplanted by China in 2019. Some of Turkey's most respected journalists are exiled, facing investigations, or are behind bars. Dozens of media workers are persecuted for performing the most foundational acts of their profession. Authorities have arrested cartoonists for drawing cartoons and reporters for interviewing controversial guests to [criminalize journalism itself](#).

Veteran journalist Can Dunder was [arrested](#) in 2015 for 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. The prosecution and imprisonment of prominent journalists successfully act as deterrents and have a chilling effect on the media.

4. ENABLING GENDER-BASED VIOLENCE

As the Turkish government focuses its efforts on silencing peaceful dissent, actions to address the country's ongoing femicide crisis remain inadequate. Women's rights organizations say the femicide rate [more than doubled since 2011](#). At the root of this violence is pervasive misogyny, but the recent rise in incidents is a result of government [policies](#) which fail to protect women's rights and let perpetrators off the hook.

Rather than protecting the rights of women and girls, the Turkish government has [withdrawn](#) from the Istanbul Convention, a far-reaching Council of Europe treaty that tackles violence against women. Officials attempted to [justify](#) this decision by claiming that the Convention is being used to "normalize homosexuality" which is "incompatible with Turkey's social and family values." As evidenced by the government's own admission, behind this decision lies a misogynistic and homophobic rationale and a profound disregard for the rights of women and girls and LGBTI people.

It is important to stress, however, that Turkey's obligations are not limited to the Istanbul Convention. Turkish authorities must urgently take action to improve the situation of women and girls which currently contrasts starkly with the promises contained in the laws and programs ostensibly designed to promote their human rights.

5. ATTACKING LGBTI HUMAN RIGHTS

To make matters worse, Turkish officials at the highest level are fanning the flames of hate with misogynistic and anti-LGBTI statements. There has been a [surge](#) in [anti-LGBTI hate speech](#) since the onset of the pandemic, with public officials blaming the country's LGBTI community for the spread of COVID-19. In April 2020, Turkey's top religious official targeted LGBTI individuals in a sermon otherwise focused on the devastating spread of COVID-19 in the country, claiming that "homosexuality brings disease." President Erdogan defended the comments, and bar associations criticizing the statements faced criminal investigations by the government.

The Turkish government has banned Pride marches in Istanbul since 2014 and has a history of cracking down on peaceful demonstrations in support of LGBTI human rights. In May 2019, Turkish police violently broke up a Pride march at Ankara's Middle East Technical University (METU) and placed 19 peaceful demonstrators [on trial](#). When thousands of people began protesting peacefully at Istanbul's Bogazici University in January 2021, dozens of students were [detained](#), at least 12 of them simply for unfurling rainbow flags. Turkey's Interior Minister [called](#) them "LGBTI perverts."

LGBTI people have long been the targets of hate speech and violence, often at the hands of Turkish government officials; however, the participation of high-profile government officials in such an extended and government-wide campaign against the LGBTI community constitutes an escalation. This shift signals continued repression of freedom of peaceful assembly for LGBTI people and may be an indication of a greater crackdown on LGBTI civil society.

6. A BETTER U.S. APPROACH TO TURKEY

Despite the government's efforts to criminalize peaceful dissent, Turkey is still home to a resilient civil society. Human rights defenders, lawyers, journalists, and others continue to risk their freedom and wellbeing to protest the government's human rights abuses. The United States must stand in solidarity with them and support their efforts to create a more free, just, and stable Turkey.

The Biden administration's stated commitment to upholding universal rights at home and abroad is welcome. In Turkey, too, the United States should put human rights first. All

U.S. officials, at all levels, must raise human rights concerns in every engagement with Turkish authorities, as well as in every speech or statement on Turkey. A stronger focus on human rights will not hurt other U.S. interests, and, most importantly, it is the right thing to do.

The U.S. government should:

- Urge Turkish authorities to respect judicial independence, to bring anti-terrorism legislation in line with international law, and to end the crackdown on peaceful dissenting opinion.
- Call on Turkey to promptly implement ECtHR judgments, including by immediately and unconditionally releasing Osman Kavala and Selahattin Demirtas.
- Convey to Turkish authorities that banning the HDP would be a major step backwards for freedom of expression and severely damage prospects for a peaceful and enduring resolution between Turkish authorities and the PKK.
- Call on the Turkish government to launch prompt, independent, and impartial investigations into all allegations of torture and other human rights abuses in detention and bring those responsible to justice.
- Direct the U.S. Ambassador to Turkey and his staff to meet regularly with local human rights defenders and civil society representatives, make public statements of support, denounce attacks against them, visit imprisoned activists in prison, and attend trials of human rights defenders and civil society activists.
- Demand that Turkish authorities drop all charges against media workers facing prosecution solely for their journalistic work.
- Urge Turkish authorities to fully implement the recommendations issued by UN expert committees including CEDAW, HRC, CAT, CESCR, CRC regarding the right of women and girls in Turkey to a life free from violence.
- Call on the Turkish government to stop obstructing the right to peaceful assembly and launch prompt, independent, and impartial investigations into all allegations of use of unlawful force against protesters to bring those responsible to justice.
- Raise LGBTI human rights concerns with Turkish authorities, remind them to uphold their obligation to respect and protect the rights of all individuals regardless of sexual orientation or gender identity, and urge them to refrain from making statements which can incite discrimination or violence.
- Direct the U.S. Ambassador to Turkey to meet publicly with members of the LGBTI community to communicate the U.S. government's support for LGBTI human rights, to demonstrate solidarity with LGBTI people on key occasions and anniversaries

such as Pride month, and to ensure U.S. Mission staff attend hearings and trials of LGBTI human rights defenders.

Members of Congress should:

- Support a public hearing which highlights the Turkish government’s human rights abuses and includes the testimonies of affected communities.
- Participate in the Tom Lantos Human Rights Commission’s Defending Freedoms Project and advocate on behalf of individual cases of prisoners of conscience, including those from Turkey.
- Regularly raise cases of concern with the State Department and the Turkish government through such actions as Dear Colleague letters, floor statements, resolutions and bills, posts on social media, etc.
- Ensure that Member level and staff delegations to Turkey include prep meetings with human rights organizations prior to their visit, and that once on the ground in Turkey, they prioritize meetings with local human rights defenders and civil society representatives.
- Provide additional funding for human rights defenders and civil society organizations in Turkey and continue funding and supporting such critical programs as the “Lifeline: Embattled Civil Society Organizations (CSOs) Assistance Fund.”