

@CHAPTER = TURKEY

As we have pointed out in the past, Section 502B of the Foreign Assistance Act prohibits military and certain other forms of assistance to a country that "engages in a consistent pattern of gross violations of internationally recognized human rights," unless the President submits a written statement to Congress explaining that "extraordinary circumstances exist warranting provision of such assistance." As we detail below, abuses in Turkey clearly add up to a consistent pattern of gross violations of internationally recognized human rights. Yet, thus far, the Bush administration has neither submitted such a statement to Congress nor, to our knowledge, made significant efforts to persuade the Turkish government to improve its human rights record.

Among the most pervasive and serious abuses in Turkey, torture continues to be used routinely by police and security forces. Although in 1988 the Turkish government ratified both the United Nations and European conventions for the prevention of torture, and although the government recently announced new reform measures aimed at reducing torture by giving detainees access to attorneys and by shortening detention periods, recent reports show that torture continues to be a routine interrogation tactic. Reliable reports indicate that well over 90 per cent of political prisoners and over half of detainees suspected of common crimes are tortured, usually in police stations, with sophisticated equipment and techniques. And torture sometimes ends in death: Amnesty International reported that three people died under torture between January and August 1989. As for the government's announced reforms, human rights activists report that the ministerial decree assuring detainees access to their lawyers has yet to be carried out. And Parliament has not yet enacted a proposed law shortening detention periods.

Other human rights abuses by the Turkish government include: the incarceration of thousands charged with political crimes, hundreds of whom have been imprisoned only for the peaceful expression of their political views; restrictions on freedom of expression and association; and the continued mistreatment of the Kurdish minority.

In January 1989, the State Department acknowledged many of these abuses in its *Country Reports on Human Rights Practices*. It reported: "credible allegations of torture and other mistreatment"; several specific cases of torture; the incommunicado detention of suspects; hunger strikes in prisons that resulted from "stringent new prison regulations"; the long-term detention of political prisoners; laws used to "harass newspapers"; restrictions on association and academic freedom; the expulsion of several foreign religious activists; the prohibition of political parties advocating a communist or a theocratic state; the "proscription of publication of any book, newspaper or other material in the Kurdish language"; the denial of materials dealing with Kurdish history, culture and ethnic identity; the banning of political activity by unions, university faculty or students; the denial of passports to thousands of Turks living abroad and the detention of some expatriate Turks who have attempted to return to Turkey. Unfortunately, this candid appraisal did not lead to an invocation of the presumptive cutoff of most U.S. aid to Turkey.

Moreover, apart from the *Country Reports*, the administration has made no public comment on abuses that clearly would have elicited condemnation if they had not been committed by an ally. In 1989, these uncriticized abuses included the death of an 18-year-old demonstrator, Mehmet Akif Dalci, who was shot in the head by police firing on a crowd of about 1,000 peaceful demonstrators near Taksim Square on May Day, and the later police beating of journalists who covered the young man's funeral on May 4.

Another event which received a great deal of international attention but no

Bush administration protest was the death of two hunger strikers under suspicious circumstances in early August. The two men who died, Mehmet Yalcinkaya and Huseyin Husnu Eroglu, were among some 2,000 prison inmates who between June and September 1989 engaged in hunger strikes to protest prison conditions. They died after the transfer of 260 prisoners from Eskisehir Prison to Aydin Prison, following the discovery of two escape tunnels in Eskisehir Prison. During the transfer, 13 groups of 20 men were chained together for 15 hours in metal vans ventilated only through a small hole in the back. On arrival at Aydin Prison, the men were stripped and hosed down, and some were beaten. Yalcinkaya and Eroglu died shortly afterward. At least eight people were detained for demonstrating against the deaths, and 35 women, mostly wives or mothers of striking prisoners, were arrested for leaving funeral shrouds at the Aydin public prosecutor's office to protest the failure of authorities to investigate the deaths. The Bush administration made no statement on the deaths or the later events.

Nor did the administration comment on the Turkish government's continuing restrictions on freedom of expression (41 Turkish journalists and editors are in prison serving very long sentences for their writings) or freedom of association (the Turkish Human Rights Association and the Association of Families of Convicts and Detainees are continually harassed by authorities, with branches closed down, members detained and criminally charged, and some demonstrations forbidden).

The administration fared particularly poorly at using moments of heightened U.S. attention to Turkey to raise human rights issues. For example, it made no public statement on human rights in connection with the visit of then-Prime Minister Turgut Ozal to Washington in June or his visit with President Bush in December.

Similarly, at Helsinki follow-up meetings that addressed human rights issues (part of the process stemming from the Conference for Security and Cooperation in Europe ("CSCE")), the administration, while citing specific abuses in Eastern Europe and the Soviet Union, has continued the practice of omitting any mention of abuses in Turkey. For example, at the CSCE Information Forum held in London in April, Leonard H. Marks, the chairman of the U.S. delegation, discussed the "rigid controls on information still prevailing in Romania, Czechoslovakia, the German Democratic Republic, and Bulgaria," as well as problems in the Soviet Union, but made no mention of restrictions on freedom of expression in Turkey. Remarks by other members of the delegation followed the same pattern. The only U.S. mention of Turkey was in the context of Bulgaria's mistreatment of its Turkish minority and Bulgaria's jamming of Turkish radio and television broadcasts. In a discussion of discrimination against minorities, a U.S. delegation member discussed the prohibition of the Turkish language in Bulgaria and problems of Hungarian- and German-language publishing houses in Romania, but made no mention of the official prohibition of the Kurdish language in Turkey.

Similarly, at the CSCE conference on human rights in Paris in June, the chairman of the U.S. delegation, Ambassador Morris Abram, cited problems in the Soviet Union concerning emigration, the beating of peaceful demonstrators in Georgia, and the banning of churches in the Ukraine, as well as specific cases of abuses in Czechoslovakia, the German Democratic Republic, Romania and Bulgaria, but made no statements at all about violations in Turkey. Our efforts to persuade the delegation to address Turkey's human rights abuses were unsuccessful.

The one bright spot in the administration's record on human rights in Turkey appears to be the appointment of a new U.S. ambassador to Turkey, Morton

Abramowitz. Ambassador Abramowitz has taken a greater personal interest in human rights than his predecessor, and has publicly stated that human rights is an important part of his agenda. He has met with the Turkish Justice, Interior and Foreign Ministers, and has spent time with and listened to the concerns of the Turkish Human Rights Association. His human rights officer has a working relationship with the Human Rights Association, and has met with two people who were tortured by Turkish police. The embassy staff has helped arrange visits and appointments for U.S. citizens looking into human rights -- the Helsinki Watch mission on prison conditions, the New York City Bar Association delegation investigating the legal system's response to torture, and a delegation from the U.S. government's Helsinki Commission, for example. But no one from the U.S. embassy has observed any of the political trials that continue in the military and state-security courts, such as the trial of hundreds of members of the leftist organization Dev-Yol, or the trials of editors and writers for expressing their views.

In the "Congressional Presentation for Security Assistance Programs for [Fiscal Year] 1990," prepared by the U.S. State and Defense Departments, the Bush administration stated: "Turkey is a key country for support of U.S. strategic interests in the European, Southwest Asia and Middle East areas." Because of its strategic importance, Turkey has been a major recipient of U.S. foreign aid for many years. It is the third largest recipient of such aid, after Israel and Egypt. In fiscal year 1989, U.S. aid to Turkey was \$563,500,000 (\$503,500,000 in military aid and \$60,000,000 in economic aid). For fiscal year 1990, the Bush administration has requested \$553,500,000 in military assistance and \$60,350,000 in economic aid, a total of \$613,850,000.

There are, nevertheless, strains in relations between the United States and Turkey. Turkey is not happy with the decreasing level of foreign assistance, with the continuing seven-to-ten ratio of aid to Greece and Turkey, with the attention given to the mistreatment of Turkey's Kurdish minority and, recently, with a new Congressional effort to enact a resolution designating a "national day of remembrance for the victims of the Armenian genocide, which occurred in the Ottoman Empire during the period 1915-1923." Despite these tensions, the United States, because of its significant foreign aid to Turkey, is still in a position to use its influence to encourage the Turkish government to improve its human rights practices. Unfortunately, it has largely failed to do so.

Last year we recommended that the new administration use its best efforts to persuade the Turkish government to take certain specific steps. We repeat those recommendations this year. The Bush administration should urge the government of Turkey to:

@BULLET = acknowledge the pattern of torture in police detention centers and take steps to end it;

@BULLET = enforce the September 1989 decree guaranteeing detainees the right to be represented by attorneys from the moment of detention;

@BULLET = prohibit the use in court of confessions obtained by torture;

@BULLET = prosecute and increase sentences for torturers;

@BULLET = take steps to improve the inhumane and degrading conditions that now exist in Turkish prisons and detention centers;

@BULLET = allow the International Committee of the Red Cross and other international organizations to visit detainees and prisoners on a regular basis;

@BULLET = release from prison and detention centers all those held for the expression of their peaceful political views;

@BULLET = stop all legal actions against the press and against writers and publishers based on the content of their writings;

@BULLET = amend the Penal Code to eliminate Articles 141, 142 and 163, which forbid advocating Communism or the establishment of a religious state, and other Penal Code Articles that are used to deprive Turks of their human rights, such as article 158, which forbids "insulting the President," Article 159, which forbids "insulting or vilifying the Turkish nation," and Article 140, which forbids "publishing in a foreign country untrue, malicious, or exaggerated rumors or news about the internal situation" of Turkey;

@BULLET = acknowledge the existence of the Kurdish minority in Turkey and grant them the civil and political rights held by other Turks; and

@BULLET = end restrictions that deprive Kurds of their ethnic identity, including restrictions on the use of Kurdish language, music and dance.