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HUMAN RIGHTS ISSUES IN TURKEY

Monday, April 5, 1993.

Commission on Security and Cooperation in Europe

Washington, DC.

The briefing was convened in room 2226 of the Rayburn House Office Building, Washington, DC, at 10 a.m., Mary Sue Hafner, Deputy Staff Director and General Counsel presiding.

Present: Mary Sue Hafner, Deputy Staff Director and General Counsel, Maryam Elahi, Dr. Mark Epstein, Dr. Heath Lowry, Namik Tan, and Lois Whitman

Ms. Hafner. I think we will get started. It's time. First of all I want to welcome everyone here this morning to the Commission's hearing on the human rights situation in the Republic of Turkey. The Commission on Security and Cooperation in Europe is a bipartisan independent government agency which is mandated by law to monitor the Helsinki Final Act.

It is comprised of nine members from the House, and nine members from the Senate. And it has three members who are appointed by the President from the Executive branch.

Over the years, our focus has traditionally and primarily been one of examining the human rights pictures within the CSCE states. The Commission's concern with Turkey dates back over 12 years. In 1982, the Commission issued its first staff report on the situation in Turkey. That was 2 years after the military had taken over the government.

It was a picture in which the Commission noted that improvements were drastically and dramatically needed. Torture and minority rights were two of the key issues facing Turkey at that time.

While the Commission noted that substantial violations were taking place at that time, the report noted that with the return of civilian rule, it was hoped that Turkey would resume its efforts to build effective, enduring democratic institutions.

In 1987 the Commission revisited the issue. The Commission's co-chairman, Representative Steny Hoyer of Maryland visited Ankara with the North Atlantic Assembly and took the opportunity to meet with government officials, as well as members of minority groups and human rights activists to again examine the human rights picture.

That visit was followed a year later by the Commission's second staff report on the human rights situation in Turkey. That report noted the marked improvement that had taken place over the years since the Commission's first report.

In 1989, the Commission's current chairman, Senator Dennis DeConcini of Arizona led an official delegation to Turkey. This in many ways was an unprecedented trip. For the first time Turkish officials opened up its prisons to a U.S. official delegation. Senator DeConcini and other members of the delegation were permitted to visit prisons, as well as meet with certain prisoners whom the delegation had requested permission from the government.

Again, the major issues were ones of torture, the rights of minorities, freedom of expression, and freedom of association. The trip report noted the openness of the Turkish government and of the officials, but noted that human rights problems persisted.

Today's hearing reflects the Commission's continuing concern with the human rights picture in Turkey and its responsibility to examine and monitor those practices today.

The Commission is very pleased to have with it some of the most expert scholars, as well as human rights activists in the United States to talk about what is going on in Turkey

With us is Dr. Mark Epstein, who is to my far right. Presently, he is a senior associate of international affairs at Randolph Flood and Associates, a Washington, DC, consulting firm. He served formerly as executive director of the Union of Councils for Soviet Jews. He has been a staff member in both the House of Representatives and the U.S. Senate, and served as a scholar in residence at the United States Department of State.

Dr. Epstein was a Fulbright Fellow in Turkey, and has lectured at many universities throughout the United States, as well as Europe, on topics concerning Turkey and the Ottoman Empire.

Also with us--to my far left is Ms. Maryam Elahi. She is an attorney and Europe, Middle East, and North Africa program director for Amnesty International here in Washington, DC. Previously, she was a consultant for Amnesty's Women and Human Rights Project in New York, and worked for the Lawyer's Committee for Human Rights.

Directly to her right is Dr. Heath Lowry. He serves as executive director of the Institute of Turkish Studies, Inc., and is a recognized and well known authority on the role of minorities within the Ottoman Empire and within the Republic of Turkey. He is the course chairperson for Turkey at the Department of State's Foreign Service Institute, and adjunct professor at Georgetown University's School of Foreign Service.

To my right is Ms. Lois Whitman, who is deputy director of Helsinki Watch in New York. She is responsible for monitoring the human rights situation in Northern Ireland, Greece, as well as Turkey. She has authored numerous reports, and of course has gone on several fact finding missions to these countries.

Previously she served as general counsel to the New York City Commission on Human Rights. She is a current board member of the Lawyer's Committee for Human Rights, and New York Civil Liberties Union.

To my left is Mr. Namik Tan. He is first secretary at the Embassy of Turkey, and has served in the Turkish Foreign Ministry since 1982. Prior to his posting in Washington, DC, Mr. Tan served in Moscow and the United Arab Emirates.

We are very pleased to have this panel. We have asked each of our panelists to please try to limit their remarks to about 10 minutes in order to have some discussion afterwards, and to allow questions from members of the public who have been assured they will be given that opportunity.

We would like to start with Dr. Mark Epstein, whom we have asked to give a general overview of where Turkey is today, and what it has taken to bring it to this point.

Dr. Epstein. Thank you, Ms. Hafner. I am grateful for the opportunity to appear before the Commission again. What I would like to do in a very few minutes is to summarize a longer text which I will submit for a record in order to lay out what I think are some of the factors that impinge upon the general debate on human rights in Turkey.

In the written statement, I address a variety of issues, historical context of minority rights, something of the roller coaster course of Turkish democracy, and other considerations this Commission has addressed over the last 12 or 13 years.

With respect to Turkish democracy itself, the chairman and co-chairman circulated a dear colleague letter to members of the House and Senate, and they pointed out in that letter that since 1960, the Turkish military has taken power three times.

On all three occasions it was led by its general staff, generally with the purpose of restoring order and secular, western oriented, democratic rule. And I think it should be borne in mind that whatever the shortcomings of the military regimes, these have not been the attempts of ambitious young officers to subvert the system of government, rather an attempt to restore order along the lines of a democratic system as proposed by Ataturk in the 1920's and 1930's.

It should also be borne in mind that, irrespective of the Helsinki accords, and long before they were ever conceived, we were dealing with a NATO ally. And there was an expectation that we shared values and ideology with the Turks.

Hence, for policymakers, the threat to democracy and the shortcomings of domestic human rights performance took on a far greater significance than

similar problems in, say, Romania or Bulgaria. For the U.S. government, dealing with Helsinki issues in Turkey has always been subjected to the push and pull of larger policy considerations.

In the past, we could not ignore violations, but we also did not wish to use them as we did elsewhere to bring down regimes across the Cold War divide.

Today with the Cold War over, the argument of Turkey as a bastion against the Soviet Union has been succeeded by a variety of complex new issues. Turkic Central Asia, where there is competition with Iran for influence, problems in Iraq, instability in the Balkans, the former Yugoslavia. Only Cyprus, to my mind, remains more or less the same within its broad outlines.

The views and attitudes of governments and private organizations have changed over the years, and I will comment here just briefly about some of those changes as I see them. In terms of the Turkish view, there has certainly been change. After the military takeover on September 12th, 1980, and especially after the military announced they would proceed much more slowly in returning civilian rule that it had in 1960 and 1971, criticism quickly mounted.

The banning of all political parties, radical labor unions, press censorship, mass trials of militants, and martial law were among the main issues. Western European governments in particular, with whom Turkey wishes to associate herself philosophically and politically, introduced a variety of sanctions, which were lifted only some years later when they found evidence of significant improvements in 1985 and 1986.

In the opinion of this Commission in its last major report on Turkey, in June 1988, the central problems which emerged, and which you have alluded to in your opening statement, which emerged and which remain, were torture and the question of Kurdish nationality. There was also an issue of press freedom.

Many friends of Turkey argue that before 1980, before the military takeover, there was a complete denial that torture even took place in Turkey, and that the military government was the first to even acknowledge it. Ten years later, we note a Prime Minister now in power, now in office, who spoke out against during it during his campaign in 1991 and promised reform.

Since the mid-1980's, torture has essentially disappeared from prisons, where conditions have improved generally. It persists in police detention in the first hours and days after arrest, raising a whole series of questions regarding access by legal counsel, police training, judicial reform, and legislative improvements.

In the last year, with the dramatic escalation of fighting in the southeast, so has the number of incidents reported.

With respect to Kurdish rights, a generation ago, the claim was still that as Muslims, and thus not protected by the special minority rights according to treaties at the end of World War I which established the Turkish Republic, a

separate Kurdish nationality essentially did not exist. They were simply nomadic Turks.

Even Kurdish speech was prohibited, let alone cultural institutions. References to Kurds and Kurdish in the press were considered illegal attacks on the integrity of the republic.

In the 1980's, as controversy broadened the range of political speech, there were numerous stories of silent prison visits by prisoner families who spoke no Turkish. Today there are openly separatist Kurdish deputies in the Parliament. Kurdish cultural rights are a widely and violently debated issue.

Others will have more to say about this subject, so I will simply point out that a great question cited by this Commission in its 1988 report remains: Whether Turkey can find a way to accommodate legitimate Kurdish cultural aspirations while maintaining its integrity as a state and a functioning democracy.

Moving on to the private organizations in this country and elsewhere, including in Turkey itself, I believe there is also a fundamentally different situation today. Ten years ago, let alone 20, access to prisons and to officials was difficult, often impossible. As Ms. Hafner said in her opening statement, the same was true for officials of foreign governments.

Today there is an effort to respond to these pressures, and an argument about whether the Turkish government's responses are genuine efforts to address the situation, or simply a way to defuse the criticism. We will hear more of that subject as the discussion goes on this morning.

There is also a related question of perceptions. Many Turks, and probably the Turkish government, are convinced that the west applies a double standard to human rights and humanitarian issues where Muslims are concerned.

I have already said that I will not dwell on the issue of the PKK, the separatist Kurdish revolutionary organization, since it will be dealt with extensively by another witness. However, I will say that the tendency in some circles to call on both Turkey and the PKK to observe the Geneva Accords on prisoners of war implies a moral equivalency between the legitimate government of Turkey and a self-elected, violent revolutionary group.

Among Turks in Europe, especially Germany, the situation has also changed compared to what it was a decade ago, and this also affects the atmosphere in which these questions are discussed. Turkish communities in EC Europe appear reasonably permanent, if not necessarily integrated into the surrounding societies.

The re-emergence of right wing ideologies has put pressure on them. In the special case of Germany, with about one and a half million Turkish residents, and where there has been widespread anti-foreign and anti-Semitic violence since reunification, the Turkish community is both nervous and upset.

The firebomb murder of three Turkish women and girls in a small town near Hamburg was the act that finally produced a strong response from Bonn

against the 18 month wave of violence. These attacks, and the delayed response to them have unleashed strong attacks in Turkey, both officially and unofficially. They become part of the ongoing debate, and the ongoing bilateral and multilateral discussions that take place.

The situation in the former Yugoslavia has also been an important factor in Turkish public opinion. The combination of early EEC recognition of Croatia and Slovenia, promoted by Germany particularly, followed by paralysis regarding subsequent attacks on Muslim populations in Bosnia-Herzegovina, has left considerable bitterness.

Ironically, it is among Turks in Europe that right-wing Islamic fundamentalist and Kurdish nationalist groups, whose activities were traditionally banned in the Turkish Republic, have flourished.

Beginning in the 1960's, groups which have been hampered in their activities since the 1930's took on new life, and now play a part in all the issues which are proving so meddlesome to Turkey and to us. They have also succeeded in attracting supporters within Europe, who are now players in the larger debate, including on CSCE issues.

I made the observation earlier that the western European governments were often far more critical of Turkish human rights performance in the 1980's than the United States. For us in the United States this creates two difficulties. The first is that the centuries-long enmity of Christianity and Islam, culminating, we thought, with the end of the Ottoman Empire in World War I, has left a residue of prejudice in Europe which is stronger and more deeply seated than in the United States.

We see the evidence once again today in western Europe. There are two important consequences of this. The first is that legitimate, necessary criticism of human rights conditions takes on this baggage. There is a subtle nagging belief in Europe that the Turks are not really capable of achieving western standards, a similar belief on the Turkish part that nothing they do will ever really satisfy the Europeans.

Americans are fully conscious of racial and ethnic tensions at home. But whether we are adherents of the melting pot or of the salad bowl simile, secession is not a serious political theme here. Generally, we view such problems in Europe with a certain degree of impatience and incomprehension, and expect reasonable and orderly solutions to be proposed. At the moment, such solutions are not forthcoming.

To summarize the situation as I see it today, what we seem to have achieved is this: Turkish democracy is stronger now than five years ago, let alone a decade or two, and the rhetoric of human rights is now a part of the political vocabulary.

The access of interested human rights organizations to Turkish institutions and officials at home and abroad is dramatically improved, but the level of mutual confidence remains low. Political discourse regarding Kurds in Turkey is far broader than it was, but the level of separatist violence has increased.

Human rights legislation has been passed and treaties ratified, but in many areas reform seems to have broken down in the execution.

Prison conditions are considerably improved, and torture in prisons seems to have disappeared, but torture in police detention apparently continues unabated.

The old issues of the Cold War, which were always in the background, are gone. But many areas close to Turkey are in great upheaval. Thus general foreign policy and security questions are still part of the backdrop against which the U.S., European, and Turkish governments respond to human rights issues.

A traditional acceptance of corporal punishment generally tends to blur the terms of debate within Turkish society on the remaining core issues in the area of physical abuse, and the attitude toward terrorist activities.

The lengthy paralysis of the west regarding Bosnia and anti-foreigner violence in western Europe have reawakened the longstanding mistrust between Europe and Turkey. On both sides, this has undermined the dialogue on human rights, and affected attitudes towards Turkey's long-expressed desire to join the EC.

Turkey today is certainly not the country it was the last time the Commission examined it in detail. It is certainly not the country it was when the military took over in 1980, let alone when the Helsinki Accords were signed.

It is more sophisticated, more in touch with Europe, and has learned to respond to criticism of its policies and its human rights performance. Like all countries, it also remains tied to its traditional culture and society, however deep and pervasive the domestic debate on religion, culture, and modernity may be.

For all the change and all the ferment, Turkey also continues to occupy a unique position between east and west, and the internal contradictions which that implies still dominate every aspect of Turkish life and of her place in the CSCE. Thank you.

Ms. Hafner. Thank you, Mark. Next we will hear from Maryam Elahi of Amnesty International.

Ms. Elahi. I would like to thank the Commission for holding these briefings. I have submitted written testimony for the record, and I will presently touch upon three issues of concern for Amnesty.

First, that of widespread reports of torture. Second, that of escalation of extrajudicial killings in the southeast. And third, the lack of government accountability.

Over the last decade, Amnesty International has consistently presented documentation on the torture of men and women in police stations in Turkey. We have continued to raise our concerns with the government of Prime Minister Demirel. In December, in an unprecedented move, the European Committee for the Prevention of Torture, which is established by the Council of Europe, made public their findings that torture is widespread in Turkey.

This highly respected group, which has been set up to ensure compliance with the European Convention for the Prevention of Torture, works with the governments through confidential reports.

They have over the last three years visited Turkey on a number of occasions, gone to police headquarters, and found equipment suggesting that torture takes place. Ironically Turkey, the first country to ratify this convention, is also the first country to be subject to its public condemnation.

Since interrogations take place in total secrecy, perhaps it is not surprising that torture takes place. An important safeguard to ensure that torture doesn't happen is immediate access to medical care and lawyers.

Recent legislation which came into force in December, shortening the pre-trial detention period, does not affect political detainees, who are most critically subject and at risk of torture.

In southeastern Turkey, the period for pre-trial detention is 30 days. The European Court on Human Rights has found that 4 days is far too long for pre-trial detention, and that individuals need to be brought promptly before a judge and charged.

Further, exposing individuals to the risk of torture at this period is very often incommunicado. That needs to stops now. There is no requirement for revision in the laws under Article 136 of the criminal procedure code in Turkey, individual detainees have a right to access at all--right of access to lawyers at all time.

So, when no steps are being taken to enforce a provision of domestic law which would significantly reduce the risk of torture, one does have to raise serious questions about the genuine commitment of the government to eradicate torture.

The second issue that I would like to touch upon is the alarming increase in extrajudicial killings in the southeast. In the last year, over 200 people were killed in southeastern Turkey. Armed conflict with the PKK has cost more than 3,000 lives since 1984.

Many of the individuals who have been targeted in the last two years are labor and human rights activists and journalists. Amnesty International has condemned the killings of civilians by both sides. However, it is the government's responsibility to protect the rights of citizens, and the government has failed to do so.

Despite strong evidence suggesting the collusion of security forces in a number of the cases of the killings, the government has failed to establish a Commission of inquiry to seriously investigate these things.

This brings me to my third point, which is that of government accountability and responsibility in complying with international customary law. The right to life, and the right to be protected from torture are non-derogable rights under international law. Irrespective of states of emergency, they need to be respected and enforced.

The government of Turkey is violating core rights that are also embodied in a number of international treaties to which it is a party. For years

Amnesty International has recommended that the government conduct prompt, thorough, and independent investigations into all allegations of torture, and all cases of extrajudicial killings.

That it ensure that all detainees have an immediate access to lawyers and medical care, and that they are brought promptly before judges and charged. That it prosecute all law enforcement officials found guilty of committing abuses, and that it provide further protection for human rights activists in southeastern Turkey.

These measures have clearly not been put into place. The government's human rights proclamations are mere window dressing used for public relations purposes. Abuses are only recognized when pointing the finger at the violent activities of armed opposition groups.

The only way that the government can show its true commitment to human rights is by implementing measures such as those that I have just listed, to prevent violations from taking place. We are concerned that the quiet diplomacy approach of the United States government to Turkey over the last decade has not worked to promote human rights.

In the context of U.S. foreign policy objectives of supporting democracy in Turkey, I would suggest that the implementation of basic human rights principles be viewed as a precondition to a functioning democracy.

We hope that this briefing will pave the way for the U.S. government to have a more public, open and evenhanded approach vis-a-vis Turkey on its human rights record. Thank you.

Ms. Hafner. Thank you. Next we will hear from Dr. Heath Lowry, executive director of the Institute of Turkish Studies.

Dr. Lowry. Thank you for the opportunity to appear before you today at this briefing. Since my arrival in Turkey almost 30 years ago as a Peace Corps volunteer, my life has been continuously intertwined with that of this country, both as a student of it, someone who has lived in the country for many years, taught in its university system, and continues to follow it on a daily basis today.

I assume that the reason I was asked to speak here today is that, as a historian, I have a somewhat longer term view of developments in this country, and also to speak specifically to the issue of Kurdish, or PKK terrorism, which is one of the subjects we are interested in today.

In this regard, I would like to make a few general opening statements before turning to the PKK. It seems to me that as a resident of one of the world's oldest democracies, it is often much too easy for us to lose sight of the past. We tend to forget that democratic and human rights traditions which exist today in our 200 plus year unbroken democratic tradition are the result of a maturation process which many emerging democracies have yet to undergo.

We look with disdain at the failure of other nations still in the infancy of their democratic developments to halt practices which existed in our own country well after we had enjoyed a democratic system for over 150 years.

In contrast, Turkey today is entering the fifth decade of its own democratic development. The process, unlike our own, has not been without its setbacks. Indeed, at the end of the first, second, and third decades of its experiment in democracy, Turkey suffered military interventions which had the effect of setting back democratic developments.

What I am suggesting is that when we view democratic developments currently transforming Turkey, we must bear in mind that our analysis may be clouded by whether we define what we see as a glass half full or a glass half empty. Having followed closely Turkish democratic experiment for at least three quarters of its history, I am far more impressed by current changes than other observers may be, because I have a historical memory of where this country is coming from.

In this regard, steps taken in the past five years, becoming a signatory to numerous international agreements, each of which exposes Turkey to increased scrutiny and observation, as well as legislative changes enacted in the past months, which guarantee detainees rights never before seen in either the 600 year history of the Ottoman Empire, or the 70 plus years of the Republic, are concrete steps in a process of meaningful change.

They are being enacted less as a result of outside pressures than they are in response to internal demands on the part of the Turkish Republic. Consequently, their impact continues to grow.

To put it bluntly, in the 42nd year of its democratic development, Turkey has evolved to a point that we ourselves reached only well into the second century of our democratic experience. It is the height of conceit, it seems to me, to judge other nations by standards we ourselves were only able to achieve in large part in the post World War II era.

It may also be useful for those of us who live in the relative security and peace of the western hemisphere, surrounded as we are by two oceans, and the friendly nations of Canada and Mexico, to refresh our geographic memories, and contrast our own good neighborhood with that in which Turkey is located.

Leaving aside the still unresolved chaos represented by the collapse of the former Soviet Union and the eastern bloc, that is, the regions to Turkey's north and west, I should like to focus on three countries with which Turkey shares extensive borders to her east and south, specifically Iran, Iraq, and Syria.

These three states, each of whom feels deeply threatened by Turkey's longstanding commitment to secularism, and by her deep military and strategic links to the west, have traditionally sought to destabilize their neighbor via support for a wide variety of Marxist, Islamic, and most recently Kurdish terrorist groups which they have allowed to operate from their soil, and to whom they have provided funding and training facilities.

In short, Turkey enjoys the rather unenviable distinction of sharing borders with two of the chief supporters of state sponsored terrorism, Iran and Syria, as well as abutting on Saddam Hussein's Iraq.

To say the least, while we greatly benefit from our location in one of the world's better neighborhoods, Turkey has the rather dubious distinction of occupying by comparison what can best be described as a borderline slum.

Unless we are willing to comprehend the reality of this fact, it seems to me that any discussion of Turkey's human rights issues will be somewhat warped and distorted.

I want to make one brief comment about language, something that came to mind listening to the two former speakers. And I think it may add an element to the ensuing discussion. I am often struck by the degree to which misunderstandings can be generated by a failure of concepts, in this case in either Turkish or English, to find exact parallels when translated into the other language.

While examples of the type of confusion that this can cause are multitude, one in particular seems to me important in terms of today's discussion. Specifically, in English we make a rather clear distinction in our description of human rights abuses between those that stem from what we call police brutality, and those we ascribe to torture.

As regards the former, most Americans are willing to acknowledge its existence in our own country, no matter how appalled we are by its presence. Torture on the other hand is a term which we associate not with our own society, but rather with totalitarian regimes.

Stated differently, while we are willing to accept, albeit regretfully, that police brutality can and does exist in even the world's most developed democracy, we draw the line at torture, and readily question the democratic contentions of any state which permits it.

Leaving aside the obvious hypocrisy of this position, the fact is that not all languages make the same distinction. As a case in point, we may cite Turkish. In that language, there is only one word, "Iskence," which is used interchangeably to describe what we define as either police brutality or torture.

I first really became aware of this difference when in 1983-1984, I participated as a member of several foreign delegations of terrorism experts who visited military prisons in Turkey, and interviewed a large number of convicted leftist and rightist terrorists.

As the only member of the delegation who was fluent in Turkish, I was asked by colleagues to translate the interviews. And as one of the charges we were investigating at that time was the claim that widespread torture was practiced in such prisons, I always included a series of questions on this issue.

When asked whether or not they were tortured in prison, almost every prisoner answered in the affirmative. When queried further as to what form the torture took, that is, did it include beatings, falaka, electric shock, etc., I was repeatedly told, of course not. That had occurred when they were first arrested at the police stations, not in prison.

Here the torture, "Iskence," consisted of the guardians trying to force them to wear prison garb, not allowing them to listen to clandestine communist

radio broadcasts in Turkish on the prison radio system, listening in on conversations with family members, etc.

In other words, as both convicted terrorists of the left and right viewed themselves as political prisoners, they viewed any attempt on the part of the authorities to subject them to a normal prison routine as torture.

I make this point because it seems to me that all of those, myself included, who concern ourselves with human rights violations in Turkey and elsewhere, would be well advised to use language precisely. We certainly do so in discussing our own society, and its shortcomings.

It seems only fair that we apply the same standards when describing situations with which by virtue of our own linguistic limitations we are even less familiar.

Turning briefly to, after a very long preamble for which I apologize, the subject of PKK, or Kurdish terrorism in Turkey, I was asked to comment on recent developments in this area. And I shall do so in summary fashion.

The PKK, or Kurdistan Workers Party is, as its name implies, a transnational or international Kurdish group formed in the 1970's by a Turkish Kurd named Abdullah Ocalan, and a small group of followers. It is not, however, as its name suggests, a political party. Rather, it is one of the most violent international terrorist organizations spawned in the Middle East during the past three decades.

From a series of bases in such terrorist bastions as Khomeini's, later Rafsanjani's Islamic Iran, Saddam Hussein's Iraq, Hafiz Assad's Syria, it has launched attacks inside Turkey and against Turkish targets in Europe and the Middle East.

In the past 15 years, PKK violence has resulted in more than 5,000 deaths, close to a third of which are innocent civilians, brutally executed as collaborators by their self-proclaimed would-be liberators.

Since its inception, the leaders of the PKK have frequently published numerous papers and communiques setting forth their aims and objectives. Due to this, it is possible to summarize the goals, tactics, and objectives of this group in great detail.

First, the oft stated objective of the PKK is the establishment of a Marxist-Leninist state in southeastern Turkey.

Second, to meet this objective, it seeks to foment separatism and secession via a systematic campaign of violence and terror directed primarily against: first, state officials, military and civilian; second, governmental development projects in the region; and third, systematic executions, a la Viet Cong style, of Turkish Kurds who refuse to support the PKK guerillas infiltrated into the country.

From bases in neighboring Iran, Iraq and Syria, the PKK mounts cross border attacks primarily directed at rural police and gendarmerie posts, and then retreats across international borders back into the safe havens afforded by these countries.

The PKK has always maintained close relations with the most radical of the Palestinian terrorist organizations based in Syria, and indeed has shared training facilities with such groups in the Syria controlled Bekkaa Valley.

Its links with such organizations include involvement in terrorist organized drug trafficking, which for the PKK, as for the more radical Palestinian groups, is a major source of funding.

The PKK has not limited its attacks to Turkish territory, but in recent years has targeted Turkish facilities in Germany and other western European countries. Likewise, it has on occasion struck at the U.S. and NATO targets in Turkey, alone, or in conjunction with the Turkish Marxist "DevSol" group.

Partly in response to such attacks, the United States Department of State, and the Federal Bureau of Investigation have consistently classified the PKK as an international terrorist organization.

Iranian support for the PKK has consisted primarily of turning a blind eye toward operations mounted against Turkey from Iranian soil, that is, in providing a safe haven for the terrorists.

Iraq, on the other hand, particularly in the aftermath of the Gulf War, perhaps in an effort to punish Turkey for its support of the Allied coalition effort against Saddam Hussein, appears, according to the most recent State Department terrorist report, to have been increasing support and sanctuary to the PKK.

It was in response to the increasing scope of the operations directed against Turkey from northern Iraq that the Turkish government, in cooperation with Iraqi Kurdish leadership of Talabani and Barzani, conducted a series of cross border operations into Iraq in November of 1992.

The operations appear to have dealt a crippling blow to the PKK, which suffered losses at the hands of the Peshmerga and the Turkish forces, numbering close to 1,000 dead.

In addition, some 1,700 PKK guerillas surrendered to Iraqi Kurdish forces, and close to 3,000 fled into neighboring Iran.

The most interesting case is Syria. Presumably, initially at Soviet instigation, Syrians began allowing the PKK to operate from their soil, together with a variety of other Turkish leftist terrorist groups, in the early 1980's.

Subsequently, they established and apparently funded PKK training facilities in the Bekkaa Valley in Lebanon, and allowed the PKK leader Ocalan to live openly in Damascus. In short, the PKK has always enjoyed logistic, tactical, and even financial support from the Syrians.

Following the collapse of the Soviet Union, Syrian attitudes began to change. Without Soviet backing, they no longer wanted to labelled a sponsor of state supported terrorism. And at present it appears that they have actually decided to close up all bases of anti-Turkish terrorists operating on territories they control.

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It is the loss of these Syrian safe havens which appear to be the underlying cause for the PKK's recent peace initiative, and call for a cease fire in their ongoing fight against Turkish security forces.

That is, in early March of this year, Syrian authorities provided intelligence to Turkey about the planned border crossing of one of the leaders of the Marxist "Dev Sol"--Revolutionary Left--Organization, which led to his being followed and ultimately arrested, along with a number of his supporters.

I, for one, was initially surprised when immediately following this operation, Turkish authorities announced publicly that it was due to information supplied by Syrian intelligence that they were able to capture these terrorists.

However, when less than a week later, Abdullah Ocalan began to make his own peace initiative, via the good offices of the Iraqi Kurdish leader Jalal Talabani, it began to appear that the purpose behind the Turkish announcement was to send a message to Ocalan that Syria and Turkey had finally reached an agreement which meant that he could no longer operate with impunity in Syria.

That is Ocalan's subsequent effort to reach an understanding with the Iraqi Kurdish leadership and through them the Turkish authorities with whom they enjoy a warm working relationship, may well have been prompted by his realization that his Syrian backing had collapsed.

At present, the situation is unclear. On the one hand, Ocalan has declared a unilateral cease fire, for which we may read he has ordered his terrorists to mount no operations against Turkish targets for a three week period.

He has also, via the adroit use of the Turkish media, held a press conference and given several television interviews in which he has made a number of contradictory statements about the meaning of his action.

On their part, the Turkish authorities until the second of this month, April 1993, reacted in fairly muted tones, pointing out the obvious. They are not about to sit down with a terrorist and treat him like a co-equal. On the other hand, should he and his followers wish to really surrender to the authorities, talks with that object in mind can be held, etc.

On April 2, a high level summit was held at the Presidential Palace in Ankara, bringing together President Turgut Ozal, Prime Minister Suleyman Demirel, Deputy Prime Minister Inonu, Chief of the General Staff Gures, and Minister of Defense Ayaz. Its purpose was to debate a government response to the Ocalan initiative, and to devise a formula designed to facilitate the surrender of the PKK and to institute a reform plan for the southeastern region of the country.

Preliminary reports on the outcome of this summit indicate a consensus was reached on the following: One, legislation designed to expire on March 27, 1993, which allows the surrender of terrorists who have taken up arms against the state, will be extended.

Two, terrorists who surrender under these provisions will either be pardoned, or subjected to greatly reduced sentences. This step, just short of a

general pardon, is designed to make surrender an attractive proposition to members of the PKK.

Three, the extraordinary situation status, and the position of the super governor in the provinces so deemed in southeastern Anatolia, will not be renewed. And all provisional governors will have the same authority. Provincial gendarmerie officials will, for the first time, be placed under the direct supervision of civilian authorities.

Fourth, the authority of provisional governors throughout the country will be increased under provisions of a new Law of Provinces, which is currently being debated in the Parliament.

Finally, a separate undersecretariat in the Ministry of Internal Affairs, to be called the Undersecretary for Security, will be established. All law enforcement authorities nationwide involved in any antiterrorism activity will be placed under the authority of this official.

This new undersecretariat will also have authority over the gendarmerie, and the village guard system will be slowly phased away.

Clearly, the government seems to be taking the Ocalan offer seriously, and actively seeking to make changes which will on the one hand facilitate the possibility of PKK terrorists actually laying down their arms, while on the other, it is beginning to enact serious administrative and economic reforms in the region.

That the organizers of today's briefing sought to include a speaker asked to address the subject of the PKK must reflect the fact that in recent years, a fair portion of the criticism mounted against Turkey by various human rights organizations stems from the efforts of Turkish authorities to halt this particular terrorist movement.

While that is a topic I should be happy to address in the ensuing discussion, at present, with the limits of time constraints, I would like to make only one general statement. To wit, it is the PKK which, not without a fair modicum of success, has sought to blur distinction between their own radical separatist agenda, and the wishes and desires of the overwhelming majority of Turkish Kurdish citizens.

Specifically, by suggesting that their terrorist movement speaks for Turkish Kurds, the PKK has managed to link their own agenda, in the minds of western public opinion, of creating a breakaway Marxist entity, with the issue of full human rights for Turkish Kurds, the overwhelming majority of whom clearly reject the terrorist goals.

Tactically the PKK, realizing that the Turkish government has begun to seriously deal with underlying causes of Kurdish discontent, has taken a decision in the past two or three years, to up the ante, and to increase their terrorist attacks.

Simultaneously, their supporters in Europe have begun to enjoy great success in portraying their movement not as a Marxist-Leninist separate terrorist group, but rather as a human rights issue.

The success of their efforts in this regard may be judged by evaluating the response of a variety of nongovernmental organizations, each of whom while increasingly treating the spiraling violence in southeastern Turkey, have tended not only to under-report, but, on occasion, to ignore the heavy responsibility of the PKK in creating that violence.

That is, they have taken up the cause of the PKK and their supporters in the southeast, while ignoring the innocent victims of these terrorists.

Stated differently, the PKK does not speak for Turkish Kurds anymore than the IRA speaks for the majority of Irish Catholics. This is a distinction which I feel must be made, and one which will undoubtedly be elaborated on in the following discussion. Thank you.

Ms. Hafner. Thank you very much, Dr. Lowry. Next we will hear from Ms. Lois Whitman, deputy director of Helsinki Watch in New York.

Ms. Whitman. Thank you. Helsinki Watch is a nongovernmental human rights and advocacy group that monitors human rights in the countries that signed the Helsinki Accords. We are a division of Human Rights Watch.

I would like to thank the Commission for holding this briefing on human rights issues in Turkey, and for an opportunity to present our views on this important and very troubling questions.

When the coalition government of Prime Minister Suleyman Demirel took office in November, 1991, we at Helsinki Watch were pleased to hear its many promises in human rights. Among them were promises to assure a state of law based on human rights and freedoms, to end torture, to enact significant legal reforms, to recognize the Kurdish reality, to abolish anti-democratic provisions in the current constitution and, after a period of time, to enact a new constitution, and to guarantee a free and independent press.

Sadly, none of these changes have taken place. The overall human rights picture has, in fact, deteriorated rather than improved.

First of all, torture. The practice of torture, of torturing detainees during interrogations by police continues unabated. In August, 1992, Helsinki Watch conducted a fact finding mission to four cities in western Turkey, Istanbul, Ankara, Adana, and Antalya.

We interviewed 24 people who had dreadful allegations of appalling recent torture by police in all four cities, including suspension by arms or wrists, blind folded and naked, while electric shock was applied to sensitive parts of the body, severe beatings, rapes of both men and women, including a pregnant woman, and being placed in a cell with an attack dog and repeatedly bitten.

Torture is not confined to adults. In January, 1992, Helsinki Watch issued a report detailing the brutal torture by police of nine children between the ages of 13 and 17. Some were suspected of political offenses such as distributing literature, or attending a protest rally. Some were suspected of ordinary crimes.

Many were released without being charged with any crime. None of the children was allowed to see a lawyer. None of the children's families were notified of the children's whereabouts.

Since that report was issued, Helsinki Watch has continued to receive reports of children who have been tortured by police during interrogation.

Turning to suspicious deaths in detention. Helsinki Watch has the names of 16 people who died in suspicious circumstances in 1992 while in the custody of police who were interrogating them. An extraordinarily high percentage of these suspects, six of the 16, were said by police to have committed suicide.

Three of them, three of the six, were children between the ages of 13 and 16. To our knowledge, only three of these deaths are being investigated. And in none of these cases has anyone been held accountable for the death.

Turning to killings and house raids. Helsinki Watch is extremely concerned, as well, about the deaths of suspects who were killed by police during house raids. There is no question that Turkey faces serious law enforcement and military problems. Extremist left wing groups, chiefly Dev Sol, Revolutionary Left, assassinated at least 54 police and other officials in western Turkey during 1992.

And the PKK, the Worker's Party of Kurdistan, continues to wage guerilla warfare in the southeast, frequently in violation of international humanitarian law, the laws of war. But instead of attempting to capture, question and indict people suspected of illegal activity, Turkish security forces kill suspects in house raids, thus acting as investigator, judge, jury, and executioner.

Helsinki Watch knows of 74 people who were killed in such raids in 1992. Forty of them were killed in western Turkey, and 34 in southeast Turkey. Police routinely assert that such deaths occurred in shootouts between police and terrorists. And of course, when police are fired upon, they may properly shoot back.

But in many cases, eyewitnesses have reported that no shooting came from the attacked house or apartment. Moreover, reliable reports usually indicate that while the occupants of the raided premises were shot and killed, no police were killed or wounded during the raids. This strongly suggests that the killings were, in fact, deliberate executions.

Such summary extra-judicial executions are outlawed by both international human rights law and the laws of war. Helsinki Watch knew of 19 such killings in 1991, and the 1992 killings far exceeded that number.

I would like to move on to the killings of demonstrators. Turkish security forces continue to use deadly force against peaceful demonstrators, contrary to international laws and standards. Helsinki Watch knows of 104 people killed by security forces that shot into crowds of peaceful demonstrators during 1992.

Most of them were killed during the observance of the Kurdish new year in March 1992. No one has been charged in any of these deaths.

During 1991, the previous year, Helsinki Watch knew of ten people who had been killed by security forces using live ammunition for crowd control. The 1992 figure obviously represented a major increase.

I would like to talk about the failure to investigate suspicious killings. During 1992, there was a disturbing number of suspicious killings in southeast Turkey, a terrible new development. Hundreds of people were killed by unknown assailants. Many of these people were leaders, or in positions of responsibility in the Kurdish community: doctors, lawyers, teachers, human rights activists, political leaders, journalists, businessmen. These people were not victims of robberies, or people shot in the crossfire between security forces and the PKK. These were civilians who were deliberately targeted for assassination.

Reuters reported in February 1993, that 450 people had died in such assassinations in 1992. The Turkish government, in a statement by Interior Minister Izmet Sezgin on February 10, put the total even higher, at 534 killings by unknown assailants during 1992. And Helsinki Watch has the names of 16 people who have been assassinated since then, in January of 1993.

Thirteen of these assassinations were of journalists, all but two of whom had written for left wing, pro-Kurdish journals. Several had written about purported connections between a counter guerilla force and Turkish security forces.

In addition, four distributors of pro- Kurdish journals were assassinated during 1992 and early 1993. To our knowledge, the Turkish government has, with few exceptions, failed to mount serious investigations into these deaths. Under international standards, the government has a responsibility to investigate promptly, thoroughly, and impartially all of these killings, and to indict, prosecute, and punish those responsible.

Guerilla warfare in southeast Turkey. The PKK's guerilla war, begun in 1984, markedly intensified during 1992. Of the about 5,000 deaths that have resulted since 1984, about 2,000 took place in 1992. The military stepped up its attacks and frequently killed civilians and destroyed civilian homes, in some cases bombing villages from the air.

At least one city, Sirnak, was nearly obliterated by Turkish security forces in August. Thousands of civilians abandoned their homes as a result. In addition, Turkish villagers were frequently forced by security forces to choose between acting as village guards, thus making them targets of PKK attacks, and abandoning their homes and fields.

The Turkish Human Rights Association has listed 400 villages that have been abandoned in the southeast as a result.

As for the PKK, it continued to attack large numbers of village guards, as well as civilians. In many cases, the bodies of victims were suspended from telephone poles with notes indicating that they had been killed as informers.

Helsinki Watch has criticized both the Turkish government and the PKK for actions that violate international humanitarian laws.

Turning to Kurdish ethnic identity. Kurdish ethnic identity has continued under attack under the Demirel government. The Kurdish language may not be spoken in court, or in other official settings. Kurdish parents are sometimes forbidden to give their children Kurdish names.

Kurdish associations have been closed. Education in Kurdish is forbidden. Cassettes with Kurdish songs are frequently confiscated by police. And Kurds have been detained and arrested for singing Kurdish songs at wedding ceremonies.

Prime Minister Demirel's government promised law reform. In November of 1991, the government program asserted that "a state of law based on human rights and freedoms will be established throughout our country." Just a year later, Parliament passed a legal reform bill that was a grave disappointment to people concerned with human rights in Turkey.

In the new law, permissible lengths of detention are different for people suspected of ordinary crimes and those suspected of political crime. Ordinary criminal suspects can be detained for 24 hours for individual crimes, and for up to eight days for collective crimes, crimes committed by more than one person, before being brought before a court.

Eight day detentions are in clear violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Turkey is a signatory. In Brogan v The United Kingdom in 1988, the European Court of Human Rights ruled that a detention of 4 days and 6 hours, far shorter than the 8 days, violated Article 5(3) of the European Convention on Human Rights, which provides that detainees must be brought "promptly" before a judge.

The new law provides that political suspects in the state of emergency region, southeast Turkey, can be detained far longer, for as long as 30 days before appearing before a judge. This provision is an astonishingly blatant violation of the European Convention.

The new law contains many other provisions. Among them are a prohibition against torture, and a provision that detainees may consult with attorneys at every stage of their interrogation. Both of these provisions already existed in Turkish law. Whether the new law will result in change remains to be seen.

Unfortunately, since the new law was passed, Helsinki Watch has continued to receive frequent reports of torture and detention, as well as reports of denial of access to attorneys for detainees.

As to freedom of the press, in November, 1991, Prime Minister Demirel's government program stated, "Our government is determined to create and establish the concept of a free and independent press, in line with contemporary currents and developments."

Since the new government took office, 13 journalists have been assassinated in southeast Turkey, as mentioned earlier, a kind of censorship by assassination. And the government has, with one exception, the case of well-known columnist Ugur Mumcu, failed to investigate the killings.

In addition, scores of journalists have been detained, beaten, interrogated, and harassed for their writing. Many journalists have been tortured, and some journalists have been tried and sentenced for their writings.

Most were charged under the very broad anti-terror law for such offenses as criticizing or insulting the president, public officers, Mustafa Kemal Attaturk, or the military, for printing anti-military propaganda, or praising an action proscribed as a crime, or for generating or disseminated separatist propaganda.

Moreover, Turkish authorities have confiscated and banned dozens of issues of small left wing or pro-Kurdish journals, and raided editorial offices. Writers of books have also been detained, tried, and sometimes sentenced for their writings, and many books have been confiscated and banned.

As for freedom of assembly, during 1992 dozens of meetings, demonstrations, and marches were banned. Hundreds of demonstrators and marchers were detained, tortured, and sometimes prosecuted. Moreover, as noted earlier, police used live ammunition as a method of crowd control, killing 104 non-violent demonstrators.

As for freedom of association, Turkish associations have been harassed, restricted, raided, and sometimes closed since the new government took office. Many of their members have been detained, tortured, and indicted. The associations have been charged with such offenses as shouting illegal slogans, possessing confiscated or prohibited publications, violating the law on associations or the anti-terror law, having links with illegal organizations, or carrying out activities incompatible with their aim.

In short, the human rights situation in Turkey is truly appalling. Since the Demirel government took office, more people have been killed in house raids, more non-violent demonstrators have been shot and killed by security forces, authorities have failed to investigate hundreds of assassinations in the southeast, brutal torture continues to be used as a standard interrogation technique, the Kurdish minority continues to suffer grave abuses, and there are continued violations of the freedom of the press, association, and assembly.

The Demirel government has not demonstrated the political will to end any of these abuses. Turkey continues to be the third largest recipient of U.S. aid. For fiscal year 1993, it received loans of $450 million in military assistance, and $125 million in economic support grants.

Helsinki Watch has recommended to the United States government that it end all military and security assistance to Turkey until such time as Turkey no longer manifests a consistent pattern of gross human rights violations. Thank you.

Ms. Hafner. Thank you very much, Ms. Whitman. Our last speaker, and we are very pleased to have him with us today, is Mr. Namik Tan, First Secretary of the Embassy of the Republic of Turkey.

Mr. Tan. Thank you, Ms. Hafner. Thank you for this opportunity to present Turkey's perspective on human rights issues.

Following the end of the Cold War, it is clear that there is no other road to freedom than democracy, and that there is no other road to prosperity than the free market.

The question now is not whether democracy will succeed, but rather what we have to do to make it succeed. Behind those realities lies the challenge of our times: the challenge of defeating democracy's remaining enemies--poverty, injustice, racism, terrorism, xenophobia, intolerance, ignorance, and corruption in all its forms.

In this new era, democratic and secular Turkey found herself in the midst of an increased danger of conflict and instability in her region. A quick glance at the map of world trouble spots highlights the magnitude of challenges that Turkey faces presently.

Since the dissolution of the Soviet Union, the region surrounding Turkey has become increasingly unsafe. The ongoing crises and instability in the Persian Gulf, the Middle East, the Trans-Caucasus, Central Asia, and the Balkans, are a serious threat not only to Turkey's security, but also for global peace and stability.

Under the present and foreseeable circumstances, Turkey's presence as a secular and democratic country in an environment of conflict, ethnic hostility and fundamentalism is greatly in the strategic and security interests of the western community.

Here, I would like to quote from the statement made by Professor Larry Diamond, an eminent researcher from Stanford University, before the House Foreign Affairs Committee on "Democracy and Human Rights," on March 23, 1993.

"No country of comparable size and economic development is more important to the new world order than Turkey. Bordering Greece, Bulgaria, the former Soviet Union, Iran, Iraq, and Syria, straddling north and south, east and west, Turkey is one of the most strategically situated countries in the post-Cold War world. . . .

Turkey is the one country in the region with the resources and prestige to foster political and cultural development hospitable to the West. In fact, it is the only predominantly Muslim country that provides a model for reconciling Islam with democracy and modernization.

As such, a democratically stable, economically dynamic, and geopolitically influential Turkey could have an enormous positive impact on the development of the Muslim republics of the former Soviet Union and potentially some Arab republics of the Middle East, as well. It is strongly in our national interest to help consolidate its democracy and develop as a regional economic and political power."

Turkey, well aware of the pivotal role that evolved upon her following the end of the Cold War, has been making and will continue to make every effort to utilize its position to reinforce the movement in its region towards democracy, secularism, and the free market. This policy reflects Turkey's own dedication to further improving democracy and human rights on its soil.

Turkey considers human rights to be universal, and knows that, in every country, human rights must be honored, upheld, and furthered as a part of the dynamic democratic process. Turkey has taken significant steps in the field of human rights, both in adopting new legislation and realizing its application.

The drive towards full respect for human rights has gained momentum in line with the aspirations of the Turkish people. Turkey is adopting both in practice and in legislation the most advanced standards set by the international conventions to which it is a party.

In recent years, Turkey has become party to various international control mechanisms. In January 1987, Turkey recognized the right of individual petition to the European Commission of Human Rights. In February 1988, it became a party to the European Convention Against Torture. In September 1989, it became a party to the U.N. Convention Against Torture.

In June, 1989, it ratified the European Social Charter. In January, 1990, it recognized the compulsory jurisdiction of the European Court of Human Rights. In September, 1990, it signed the United Nations Convention on the Rights of the Child.

In November, 1990, it accepted the Ninth Additional Protocol to the European Convention on Human Rights, which prescribes the right of individual petition to the European Court of Justice. That month, it also signed the revised European Social Code and the Paris Charter. Moreover, it has ratified 35 ILO conventions to date. The U.S. actually ratified only 11 up to date.

According to Article 90 of the Turkish Constitution, the provisions of the international instruments to which Turkey is a party become integral parts of national law.

These actions, which involve greater international controls, reflect the determination and the openness of Turkey's fight against human rights violations and abuses.

The general elections of October 20, 1991, radically changed the composition of the Turkish Parliament. Today, all political tendencies in Turkey are being fully represented in the Parliament.

The coalition government formed after the elections committed itself, in both its program and coalition protocol, above all to uplifting and reinvigorating democratic principles as well as human rights. Thus, it embarked on a comprehensive human rights reform program. To this end, further reforms have been initiated in all legal documents.

As a first step, the government established a Human Rights Ministry, exclusively in charge of human rights issues.

The Parliamentary Human Rights Commission, which was created in 1990 to monitor human rights practices has become more active in investigations into the activities of the Executive.

The Constitutional Court, for some time was seized with the constitutionality of the Anti-Terror Law, and nullified several controversial

articles last year. Derogations made under Article 15 of the Anti-Terror Law to the European Convention on Human Rights have been withdrawn.

The government submitted a draft code to the Grand National Assembly which contains a total review of the jurisdiction of juvenile courts.

The Parliament adopted another amendment to the Turkish Citizenship Code to pardon those who lost their citizenship after leaving the country because of crimes committed against the state.

The government has begun to ameliorate prison conditions. It showed its sensitivity to complaints in this area by closing down Eskisehir Special Prison, and by transferring all inmates to other prisons following medical examination.

Human rights education and training for policemen and prison personnel have been increased and diversified. Cooperation has been established with various foreign countries, including the U.S. in this education and training effort.

Most recently, a comprehensive legal reform bill containing several amendments to the Code of Criminal Procedure was adopted. This legislation limits pre-trial detention periods, defines the accused's rights to legal counsel, to meet privately with an attorney, and to have an attorney present at all stages of interrogation, prohibits unacceptable method of interrogation, such as torture, ill treatment, drugs, use of force, etc., and forbids the entry into evidence of statements obtained through unlawful methods, reduces arrest periods, and establishes pro bono legal counsel.

All these measures were taken during a period of intensified terrorism in Turkey that has claimed the lives of more than 5,000 civilians and security personnel.

We do not claim that we have done everything possible in the legislative realm. Moreover, the best texts are meaningless without effective application. The reality is in the implementation, whether in Turkey, the United States, or any other country.

We also bear in mind that the fight for human rights is constant, requiring continuous vigilance. This is equally as true for Turkey, facing massive violations of human rights by terrorist groups that define themselves in the killings they commit, as for the established democracies of the western world.

In fact, since its creation, the Republic of Turkey has opted for western values. Our society, much like that of the United States, has been a melting pot for different groups of people. Just to give one example, there are more Bosnians living in Turkey today than there are living in Bosnia.

One of the most noteworthy of Turkey's achievements has been its articulation of the concept of citizenship in a modern state. This concept, based on the principle of non-discrimination, enables all Turkish citizens to enjoy full equality before law, in both theory and practice.

It also enables them to maintain their uniqueness and traditions. Building on the centuries-old Ottoman tradition of respect for religious

diversity, Turkey has adopted non-discrimination as its cardinal principle. As one of the basic tenets of the Republic, secularism has helped further extend this principle. The 500th anniversary of the migration of the Jews to Turkey, which we celebrated last year, is a telling example. Jewish Turks are active members of our society.

Thousands of years of Anatolian civilization have left an imprint on Turkish society, creating a culturally rich nation. Many languages and dialects other than Turkish are freely used in the country. There is no discrimination against citizens on the basis of ethnic, linguistic, cultural, religious or racial characteristics.

Persons of Abkhasian, Albanian, Arab, Armenian, Assyrian, Azeri, Bosnian, Chechen, Circassian, Georgian, Greek, Kurdish, Laz, Persian, and Zaza origin are all equal members of our society.

We consider cultural, linguistic and ethnic diversity a factor that strengthens the unity of a nation. Persons of different backgrounds are active in all walks of life in the political, economic and cultural spheres. Turkish citizens of all backgrounds live throughout the country.

For example, contrary to the general impression, the majority of our citizens of Kurdish origin live in the western and southern regions of Turkey. Turkey's experience compares favorably with that of the other societies. Despite living in a turbulent part of the world, we have been able to achieve a remarkable degree of harmony in a society of free and equal citizens.

Turkey's democratic evolution is unique. In fact, Turkey is the only preponderantly Muslim country where democracy has flourished. Turkey has compressed into mere decades a democratization process that, in the west, spanned at least two centuries and gestated centuries before that.

The Turkish governmental system rests firmly on the twin pillars of justice, and the supremacy of law, both of which guarantee the free and peaceful exercise of human rights and ensure human dignity.

Turkey is, by all standards, a functioning democracy with all of its fundamental prerequisites, including checks and balances between the three branches of the government. Political parties, trade unions, bar, vocational and civic associations, all operate without restriction.

Freedom of the press is fully guaranteed. All these democratic institutions scrutinize critically the human rights practices in the country, thus serving as an active domestic control mechanism.

It is a sad fact that we now face terrorism, which aims to destroy the territorial integrity of our country, and the democratic regime. Most of the victims of this terrorist campaign of coercion and intimidation have been innocent inhabitants of the border areas of southeastern Turkey. Despite such threats, however, our national unity remains strong.

At the CSCE Helsinki Summit in July, 1992, 51 heads of state declared that terrorism is a threat to security, democracy, and human rights. In fact, all international documents, from the Helsinki Final Act, Universal Declaration of

Human Rights, NATO declarations, U.N. resolutions to the Paris Charter, clearly define terrorism as a major threat to democracy and to the most basic right of the individual, the right to life. Thereby, participating states are all obligated to combat terrorism.

The commitments contained in the CSCE documents form the basis for ensuring respect for the human rights of all citizens. However, at the same time, these documents also state that none of these commitments may be interpreted as implying the right to engage in any activity or perform any action in contravention of the principle of territorial integrity.

These are the pillars of Turkey's perspective vis-a-vis democracy and human rights. Being resolved to pursue her path towards democratization, Turkey will vigorously continue to uphold these values, bearing in mind that this process requires constant vigilance.

As Turks, whose roots can be traced to three continents, we are proud of our democratic achievements, and want to share equally in their benefits. Certainly we face major problems, such as the need for further economic development, the country's rapid population growth and urbanization, terrorist violence, and regional disparities.

But we shall continue to seek solutions to these problems in a free and democratic society, and shall inevitably and definitively overcome them. We expect that the western community of nations will do more to encourage and support Turkey in its endeavors to be their stable, mature, and dependable political and economic partner. Thank you.

Ms. Hafner. Thank you very much. I'd like to use this opportunity to ask any of our panelists if they would like to respond to any of the remarks they have heard so far.

If not, I would like to. I think it is very difficult to resist Dr. Lowry's remarks. And of course one of the things he indicated was that it may be a bit conceited of us to examine Turkey and to hold it to standards which took us much longer to achieve.

And I would agree with that. But I will only state that in fact human rights monitoring groups, the Commission as well, are fairly conceited organizations, and that is precisely our job. And that is to hold countries to standards to which they themselves have voluntarily ascribed, regardless of the number of years that have passed.

And I think that one of the issues that needs to be addressed, and Mr. Tan, you spoke to this a great deal, is the degree of improvements. We have seen a great deal of improvement in certain areas, but it is quite clear that over the past 2 years, there has been a marked deterioration, despite the change in administration, in the human rights situation in Turkey.

We have seen Turkey sign on to numerous conventions which protect the human rights of its citizens. And it seems that, in fact, as Amnesty and Helsinki Watch have both pointed out, the problem seems to be one of lack of political will.

I would like to pose perhaps my first questions to Dr. Lowry, and I would ask the rest of our panelists to join in. There is no doubt that the PKK is a terrorist organization. I don't think that anyone questions that. But I think it is equally clear that terrorist organizations feed on human rights violations. They feed on unemployment. They feed on poor living conditions.

And as long as those conditions exist, then to some extent that terrorist group is in fact accorded some legitimacy. So without giving any credence whatsoever to the PKK, one has to question how long a terrorist movement can continue to exist once a country addresses the underlying political conflict.

So my question, Dr. Lowry, is we have been told that there is a unilateral cease fire. If we assume that some legitimacy is now given to this particular group of people, will Turkey find it more difficult to address the political conflict that underlies Kurdish claims?

Dr. Lowry. I'm not sure I understand your question fully, but I--what I think I understand is this. It is clear that no Turkish government, and this has been stated repeatedly since the mid-1970's is going to make what are viewed as concessions to terrorist demands while innocent Turkish citizens are being killed by the same people making the demands.

So in that sense, certainly if a cease fire is obtained, if the steps announced on April 2nd really take hold, and if PKK terrorists take advantage of this and choose to lay down their arms, I think there are plenty of indications in that announcement that needed reforms would follow.

The announcement was interesting to me primarily because while it talked initially about how steps, what kinds of steps would be taken to facilitate the surrender of terrorists, it linked that very clearly with a whole series of steps addressing problems and concerns of Kurdish Turks as regards the manner which the area of the southeast is being governed.

One thing I think that we also need to stress a bit here is that the Turkish government has belatedly undertaken massive developmental projects in southeastern Anatolia, even while a lot of this fighting has been going on in the last five years.

A lot of the PKK targeting has been against these projects. It is almost as if they see improvement in the economic status of the region as undermining their own objectives. And I think there's no question that if the cease fire holds, and is extended, and results in some kind of ultimate, permanent cease fire, that these developmental projects are certainly going to be expanded, rather than cut back.

Mr. Tan. May I address this issue for a moment? I don't know what kind of legitimacy we're talking about for the PKK. But the PKK is a terrorist organization, the activities of which are known to everybody, and detailed here in this discussion by Dr. Lowry.

The human rights community unfortunately chooses to call those people "armed groups," or "armed opposition groups." I don't know why they are reluctant to--define them as terrorists. This is somewhat understandable on their part.

Because I believe if they talk--or if they characterize them as terrorists, they will be inevitably assuming responsibilities in combating terrorism or in condemning it.

In that regard, I would just, even if we characterize it as an armed group, or a terrorist group, I would refer this meeting to the U.N. Commission on Human Rights resolution which was adopted in February 1992, and which recently the Secretary General of the U.N. Commission has reported on.

This report reiterated the Commission's deep concern for the adverse effects on the enjoyment of human rights of the persistent acts of violence committed in many countries by armed groups. This included spreading terror among the population, and trafficking in drugs. I am talking about the resolution.

The resolution concludes, "Although the state has the primary obligation to respect, protect, and defend human rights, such an obligation and public responsibility cannot exempt any individual from the obligation to respect life, and the legally protected possessions of the others. Consequently, a group of individuals who voluntarily and deliberately organizes itself as an armed group against the authority of a legally established and legitimately functioning state, and which make recourse to violence in order to intimidate a population, or to impose its political and military goals on it, undermines the enjoyment of human rights of other individuals, and the community as a whole."

Now, I want to emphasize the last paragraph of this report which is, I believe, very important. "These groups are groups that exist to oppose democracy, not champion it. Although they tend to take refuge in a cynical show of democratic legitimacy, on occasion even seeking international sympathy and solidarity as a means of shrouding their terrorist practices and criminal methods."

In that frame, the PKK is not an interlocutor of the Turkish government. It stands for its massacres, indiscriminate killings, and what we will advise them is just the sooner they surrender to the legal authority of our country, the better for them.

But in the meantime, this doesn't mean that the government will just give up its resolve to further improve the living standards of all its citizens, primarily the people living in the areas of economic disparity.

Ms. Hafner. Thank you.

Ms. Whitman. In your question to Dr. Lowry, you talked about the underlying economic problems as a possible cause for the development of the PKK in the southeast. And I just wanted to add to that.

In our view, from interviews with Kurds and others in southeast Turkey, the continuing pattern of abuses by the security forces, the shooting of unarmed or nonviolent demonstrators, the failure to investigate assassinations in the southeast, the detentions for very long periods and the torture of Kurds in the southeast, as well as in other parts of the country, have contributed

markedly to the development of support for the PKK in the southeast, have in fact, in a sense acted as a recruiting technique for the PKK.

There is another point that I wanted to make, and that is, there has been some talk about whether American standards should be applied to Turkey. And I want to emphasize, it's not a question of using American standards. The standards that we use are international standards, the standards set out by the United Nations, and also by the European Community. Thank you.

Ms. Elahi. I would just like to briefly respond to the issue raised by Ambassador Tan. Amnesty International does not label any group as terrorists. However, that does not take away from our expression of concern of killings or torture by any group. And we have raised concerns about extrajudicial killings by the PKK.

And it was earlier stated by Dr. Lowry, I believe, that non-governmental organizations, by under reporting on abuses by the PKK are in fact de facto taking up their cause. And I would seriously refute that. As Ms. Whitman just stated, non-governmental organizations principally address governments with respect to human rights abuses, because it is governments that ratify international treaties. It is the responsibility of governments to enforce these----

Dr. Lowry. Let me respond to that--go ahead.

Dr. Epstein. I wanted to speak a moment ago directly to that point, because I alluded to in my opening statement.

You're absolutely right, that it is governments that have this kind of responsibility, and governments which are given the responsibility to protect their citizens. And so that's why I expressed in my opening statement, and express here again, perhaps even more directly, a great concern about the blurring of this vocabulary, because there is a tendency in some circles to call on both sides in some dispute, one of which is not a legitimate government, but in fact a terrorist group, to observe international norms.

And if they are international norms, then I think one really has to be honest in applying the rule of law to this kind of question. I think it's a very serious issue. Because if we're going to talk, and I don't know if the staff is going to prepare a report or recommendations to the Commission regarding this hearing, and its outcomes, and what might be done in this area. I think we are entering a very critical period, in fact, in Turkey, where the issue of political will that you raised in your comments, Ms. Hafner, will come to the fore.

Because now, with a year, or a year and a half in government, the new government is going to have to actually deliver on these promises, or it will be discredited if it does not.

Secondly, I think that we are looking to Turkey to be an example in a broad region of the world, where Turkey herself says "we can be an example," and "we can help as a democratic Islamic country." And if this is going to be done, there is going to have to be some demonstrable way of doing this.

Which leads me to my final point, which arose also in the testimony, namely, if we are going to try to promote this agenda, and promote it with the universal Helsinki standard, and see to it that the kinds of abuses that still do take place, especially in police detention, are dealt with, then it seems to me the approach needs to be not to limit our aid, or to withdraw from the activity, but rather to strengthen two or three fundamental relationships.

One, with the Turkish Bar Association and other institutions that have the responsibility to provide counsel for indigent clients.

Second, to try and improve dramatically on the legal performance under existing law, especially in early detention, but to actually see if we can't make a difference, seeing to it that everybody in detention has counsel, which is core issue still.

And third, if we are going to speak to some broader responsibility within CSCE, and perhaps within NATO, then we need to talk about whether Turkey will take upon herself some additional responsibilities, perhaps in concert with western Europeans and with the United States, other CSCE countries, in trying to spread these lessons in the region.

It's a very difficult undertaking. But to suggest that the solution is to withdraw from the activity, I think will not produce a result. And I think we have to be pretty straight about who is doing what to whom in this context.

Ms. Hafner. Dr. Lowry?

Dr. Lowry. I'd like to just make a couple comments in response to several things that were said here. It seems to me that societal attitudes in Turkey are undergoing what can only be called a revolutionary transformation.

A lot of this is certainly related to a telecommunications revolution that is going on. And in that regard, I would like to take very strong exception to something Ms. Whitman said regarding press freedom in Turkey. I think anybody who follows the Turkish press, certainly anyone who watches the growth of a plethora of new private Turkish television stations, none of which are legally authorized under the constitution, but all of which are seen throughout the country.

Anyone who follows this to any extent, and I have to apologize in advance, I see a couple members of the Turkish press corps here, rather than talking about Turkish press freedom, would more likely talk about Turkish press anarchy. Any and all views are not only being expressed today in Turkey, they are being discussed. There are now over a dozen widely watched, in fact, some of the most popular programming on TV, discussion type programs on Turkish television. On one recent visit, I turned one of these on, and saw the Commanding General of the Gendarmerie, engaged in a debate with a man named Ahmed Turk, who is head of the Kurdish parliamentary group in Parliament.

It is not as if these issues are not fully exposed to the Turkish public. I would like to add one other aspect here. It may sound a little comic, but I don't mean it that way at all. For better or worse, one of our most successful exports to the world at large today is bad television programming.

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And with this growth of new TV channels in Turkey, practically every program on American TV is being purchased and run by one or another of them. And this includes programs like "Law and Order," "Homicide," programs of that ilk, that indirectly expose people to the rights that we take as a basic part of our own system in this country.

And even before the legislation that Mr. Tan spoke to in December was passed, there have been numerous articles in the press, and discussions of how common Turkish criminals, pickpockets, robbers, whatever, when arrested, have stood up immediately and said, "I will not be questioned until my attorney is present."

This is how societal views change. They don't do so through legislation, which people are normally not very much aware of, but they do do so through the kind of discussions that are going on in Turkey today.

And when I suggest that I think we need to take a longer term view of things, this is what I'm really talking about. Turkey, in terms of media, in terms of the flow of information, was, until the mid-1980's, a relatively closed society. That has changed drastically today. And we are now beginning to see the impact of some of that change. And this is an irreversible trend.

And I think this, in conjunction with the signs of good will, which is how I interpret Turkey signing on to these various human rights international conventions, the two of these in combination is what is really going to bring about substantive change in Turkey.

Mr. Tan. May I add a point--I'm sorry.

Ms. Whitman. I just want to respond on the free expression question. The fact that there is more open discussion, and that there are many more newspapers expressing competing views in Turkey unfortunately doesn't change the fact that on another level, many journalists are still being tortured and tried, and incarcerated for their writings, as I said in my statement, for such offenses as insulting the President, or insulting the military, or printing anti-military propaganda.

Those are facts that unfortunately one cannot dispute. If I can go back--a minute, to the----

Dr. Lowry. No. I could dispute those, by the way. When you're through, I'll be glad to.

Ms. Whitman. OK. To go back a minute to the standards that can be used in criticizing the PKK and Turkey. International humanitarian law, the laws of war, provides in Common Article 3, which deals with internal armed conflicts, not international armed conflicts, but internal armed conflicts, that article provides chiefly for protecting civilians during internal armed conflicts, and Helsinki Watch has criticized the PKK over the years for being in direct violation of those standards.

Mr. Tan. May I add one point?

Ms. Hafner. Please.

Mr. Tan. While I--if Ms. Whitman is seeking a status for the PKK, I think she should just--I would modestly advise her not to look to Geneva

Conventions. But there are maybe over one hundred international documents, including CSCE, primarily Paris Charter, and NATO declarations, U.N. resolutions, and others, that clearly define what terrorism is, and how to combat it, and what are the responsibilities of the governments in that respect.

I should add that the NGO's are not exempted from those obligations. It is being debated now in the CSCE whether the NGO's who tend to tacitly condone terrorism, should participate in the CSCE activities.

This is one point. And the second point, about press freedom in Turkey, I just want to speak of one example, namely, when Amnesty International published its recent report on Turkey, which was entitled, "Turkey: Walls of Glass," the Turkish daily "Cumhuriyet" published an editorial. The heading of it was, "Awakening of Amnesty International."

This editorial was criticizing Amnesty International for being so late in bringing its criticisms.

Dr. Lowry. For being late?

Mr. Tan. Yes. That is the magnitude of the debate, the discussion, freedom of exchange of views, the magnitude of scrutiny, and criticism on all aspects of the life in Turkey.

We do not want to hide behind terrorism. I mean, terrorism does not justify human rights abuses. We are an open society. And as this briefing clearly demonstrates, we have the will, and the courage to stand for our democracy, and for an open debate to the fullest extent.

And on the other hand, we welcome all sorts of criticism, whether it be from NGO's, from individuals, or from specific countries. But what we want is a constructive criticism, not a destructive one.

We want a realistic approach in those criticisms. We want the criticisms to be fair. And we want the nature of these criticisms to be somewhat encouraging of Turkey's efforts, not discouraging.

Otherwise, the holders of those unfounded, unverified allegations, lose credibility that they have with the Turkish public and with the government. This becomes very counterproductive--this initiates a very counterproductive process.

Therefore, I would just ask our distinguished participants especially the NGO members, to encourage Turkey, acknowledge its will and determination, and support her efforts, while just freely making their criticisms.

Ms. Hafner. Mr. Tan, I would point out that because the Commission has had a long association with the chief NGO's, it has also had a very good working relationship with your embassy and your government, it seems to me that, in fact, the NGO community has conducted a very constructive dialogue at several levels, with the government of Turkey.

In fact, I recall when the new government came into power about a year and a half ago, Helsinki Watch, in a somewhat unprecedented move, published an editorial calling upon the--community to take a wait and see attitude. There was a great deal of hope, high hopes, for what this government was going to accomplish.

And in fact, Helsinki Watch waited some time before it took on a more public criticism of what is going on. This is in no way, of course, a defense. But I do think that, in fact, regarding Turkey, because we do view it as a very close friend and ally the NGO community has attempted throughout the years to engage in that type of dialogue.

Dr. Lowry, you took issue with Ms. Whitman, and I would like to come back to that issue--because I think it is very important. It shows both how complex this issue is, but also how we can somewhat get lost when we look at how far Turkey has come over the past ten years. There is no question it has made enormous strides.

But regarding the issue of freedom of expression and freedom of association, one has to wonder, why is it that Kurdish broadcasts are illegal? Why have there been 12 journalists assassinated, and not one arrest has been made? In fact, no serious effort at investigation into the deaths of these 12 journalists has been made.

Why are materials, dealing with the Kurdish ethnic identity and its cultural history, continuing to this day to be confiscated? Why is the Human Rights Association and its branches broken into and their members detained and arrested?

When, in fact, Turkey has signed onto all of these covenants, has made all of these promises, and has made all of these strides, why do these practices continue today?

Dr. Lowry. Well, I think that there are a number of questions there, so I will try and answer them in the order that I recall you asking them.

Turkey, not unlike the United States, and I think Mr. Tan made this point in his comments, maybe it needs emphasizing a bit more, is really a kind of melting pot nation.

The 600 year old Ottoman Empire came to an end in 1923. And when it did so, there were somewhere between 35 and 45 different ethnic groups represented in what was to become the boundaries of the new Republic of Turkey.

The majority of these had only one thing in common, that was religion. And the founders of the Turkish state certainly were not interested in using religion, Islam, as a unifying factor.

And one of the factors that they did use, and did emphasize, was language. That is, they wanted to create the use of a common language, in this case the majority language, as a means of solidifying the state. And I think in the sense of deeper background, that is important to keep this in mind.

I don't know what part of Turkey you were talking about. I have been in Turkey seven or eight times in the last 12 months. During each of those visits I have, in Ankara, Konya, Istanbul, and other towns that I have been in, have visited as is my custom, book dealers, I have bought, collected, and will be glad to share with you well over 200 books written on, by, and about Kurds, and their history, and their culture, and their language, including dictionaries, including you name it.

So there certainly is a great deal of material available. It is becoming more and more available with every passing day. I know there were other things, but I--what else did you--?

Ms. Hafner. The 12 journalists who have been assassinated?

Dr. Lowry [continuing.] Journalists. I am always amazed by this figure of 12 journalists. I don't know where it comes from. I do know where it comes from. It comes from the fact that 12 people working for newspapers in the area where the conflict is going on, that is, in the zone which, by Ms. Whitman's definition, sounds like the zone that she would describe is where a civil war is going on, that in this war zone, in this conflict zone, some journalists have been killed.

This is not the extent of journalists killed in Turkey. Several journalists who are friends of mine have been assassinated in the capital city of Ankara, in the largest metropolitan area of Istanbul, and these are not stringers for some little pamphlet with, you know, a monthly circulation of 500. These are some of the primary figures in the Turkish press.

Cetin Emec, editor of "Hurriyet," Ugur Mumcu, the leading correspondent of "Cumhuriyet" these people's killers haven't been found. And certainly no one suggests that this is because the government, or the law enforcement authorities, are not looking for them, or because they are not getting a sufficient amount of coverage or attention in the press.

Believe me. They are. You know, this is, this is a problem. It's a problem in a country where there are a number of terrorist groups, not just the one we have been focusing on today, who choose to use assassination, and particularly assassination of journalists, as a means of: (A) either intimidating; or (B) drawing attention to their own causes.

It's unfortunate. And I firmly believe that the Turkish authorities are doing everything in their power to resolve this spate of assassinations. This hasn't just included journalists, by the way. It has also included a number of leading university professors, who are known as spokesmen for secularism.

And a lot of the indications, and I use the word indications here cautiously, are that there is involvement of pro-Iranian trained Iranian Islamic fundamentalists. In Turkey, as in other areas. It goes under the Hezbollah, but it's a little hard to define exactly what it means, have been implicated in a number of these assassinations, both in the southeast, and of those of leading journalists in the major cities of the country, as well.

Ms. Hafner. Have there not also been allegations that the organization Hezbollah has been associated with the Turkey security forces?

Dr. Lowry. I have certainly seen allegations of that in the reporting of NGO's. I have not seen anything to make me believe that it's true. It's not impossible.

One of the first real cracks, I think, in attempting to weed out this organization occurred a little over two months ago, when a very close friend of mine, a leading Turkish Jewish industrialist, a man named Jak Kamhi, was the target of an attempted assassination, which was foiled.

Within 24 hours, largely due to the fact that one of the would-be assassins had been wounded by his bodyguards, and was arrested, within 24 hours, the four people involved in this attempted assassination were arrested, two of them as they attempted to cross the border in eastern Turkey into Iran, all four of them come from a town in southeastern Anatolia, a town called Batman, and all four of them independently in interrogation indicated that they had spent periods running from between two to three months in training at something resembling a military base in Iran, located somewhere in between the cities of Tehran and Qum.

All of this, you know, pointing to the fact that there is a well organized movement here. They also use a lot of cut outs, that is, when they came back to the country, they sort of waited for orders. and when they got orders, it was, "You do this today."

They seemed extremely well disciplined, as fanatics can be. And I don't, at least on the basis of available evidence today, I don't see any reason to believe that this is not just a particularly vehement trans-national terrorist group.

Ms. Hafner. Dr. Epstein?

Dr. Epstein. In my statement, I alluded to the difficulty of vocabulary and perception in dealing with some of these questions. And in your question to Dr. Lowry about his comments, you said there has been substantial progress, and you asked why various things go on still.

It is very hard to keep perspective on how much has actually changed. And Dr. Lowry made some observations. I think they need to be both strengthened and in some sense put in a different context.

Ms. Whitman alluded to the impact of police action in the southeast producing more sympathy for violence and revolution. I think that to anybody who studies terror and terrorism, this is a standard technique. It is trained. It is one that is well known in the tradition of these kinds of organizations.

And what we have is a sad case where the effect is being achieved. It does happen. That's the way it works. It's often intentional. But the dramatic change in conditions on the streets in most of Turkey still is underestimated. To anybody who remembers the period before September 12, 1980, 1978 or 1979, it was virtually impossible to walk down any street in any major city, including Istanbul, without being afraid of automatic weapons fire or bombs in the night.

I lived through that. And I think Dr. Lowry did, as well. So whatwe are dealing with now is not widespread bombing and anarchy throughout the whole society; but that memory is very fresh. The reason I mention that is because also the assassination of prominent journalists is a technique that has been around for a long time, in this case, I think about Abdi Ipekei assassinated in that earlier round of violence.

And so, as we try to attack these issues, I reiterate, there is no excuse for not aspiring to the highest Helsinki ideals, and addressing the problems that

remain. But 15 years ago, it was considered not only noticeable, but dangerous to speak Kurdish openly on the streets in Istanbul.

And I remember observing it, and hearing it, and being quite shocked. And I think you were, too, Heath, on occasion, when you'd overhear Kurdish in the streets.

A few months ago, there was an incident in the Turkish Parliament, where Kurdish deputies refused to swear an oath of allegiance to the state and to the Parliament. Well, that's a dramatic change. It doesn't make the task any easier.

But as we go back and talk about what one really wants to do within CSCE, I think some decisions at this point have to be made as to who we're going to support, and who not, without pulling a punch on the issues.

Since part of the purpose of this testimony was to speak to perspective, and to speak to performance, I want to reiterate the point I made a moment ago. If the staff is going to make recommendations, I think you need to come up with some serious recommendations for putting more obligations on Turkey for actual, identifiable performance.

And I hope the NGO's will participate in that, because they have made recommendations, some of which I agree with, and some of which I don't. But I think that what should come out of this kind of briefing, this kind of hearing, is to sharpen the expectation, and to lay out what hasn't been done in the last 18 months of the new government. And to take Mr. Tan at his word.

Put out a list of five or six positive recommendations, and come back in 18 months and see whether he has delivered on them.

Ms. Hafner. Mr. Tan?

Mr. Tan. Well, I would like to make one clarification, I never intended to belittle the work of NGOs. We really appreciate the amount of work being done. They have been very constructive in various aspects.

But, on some occasions I think they fail to see the real nature of the situation. That's what I was intending to point out.

Ms. Elahi. If I may, I certainly agree with the suggestion that Dr. Epstein made, and we would very gladly help him, providing benchmarks such as end to incommunicado detention, serious investigations of all allegations of torture and extrajudicial killings, and prosecutions of all law enforcement officials who have been in some ways indicated as having colluded in atrocities.

I think that it would be very worthwhile to present such a list to the government, and for the United States government to use this as a measuring stick of improvements that do take place in the next years.

Ms. Hafner. Thank you very much. I would like to open it up to anyone from the audience who may perhaps have a question. These proceedings will be published, and we will have a transcript made available. So if you would please just state your name, and if you are with an organization, please give us the name of the organization, as well.

Mr. Kazaz. My name is Harun Kazaz. I am the executive director of the Assembly of Turkish-American Associations. My question is to Ms. Elahi. Our organizations work on human rights issues relating to Turkey, and we certainly do work closely with NGO's.

However, as Turkish-Americans, we find it extremely difficult to relate to your organization, and find your organization extremely anti-Turkish, especially over the last 5 years when Amnesty has used the same issue for your fundraising letters in the United States over and over.

Several million dollars have been collected on this specific case, and I believe your reports are projecting extremely anti-Turkish views, and adversarial tones.

What I'm wondering is, when do you think you will change your tone, and your standing, so we can also use your reports behind the scenes as we use Helsinki Watch's reports as we welcome Ms. Whitman's efforts on the issue.

So what I'm trying to say is NGO's has a lot of friends out there among Turkish-Americans, and Turks, and everybody. But Amnesty's stand does not make it easy for anybody to help you, while at the same time trying to work on human rights issues.

Ms. Elahi. This is a concern that is often raised by many governments. We are not an anti-Turk, or anti-Greek, or anti any other government. Our information is based on our fact finding in the country, and we raise cases that we think are important cases to be resolved.

With respect to the fundraising letters, fundraising letters are sent out by a number of countries, and we try as hard as we can to be very even handed in our portrayal of our cases, and our reports tend to be very objective, based on international human rights law.

And I would be happy to sit down with you after the briefing and go through some of--your concerns. But we certainly are not anti-Turkish or anti any other ethnic group.

Dr. Karim. My name is Dr. Najmaldin Karim, from the Kurdish National Congress of North America. If you will allow me, Ms. Hafner, I would like to make a short statement being the only Kurd, I believe, in this room. And I would like first to commend Amnesty International and Helsinki Watch for their impartial reports and briefings on this very important issue.

I just have a brief question, first a clarification for me. This is not intended as an insult to anybody, but I don't know if Mr. Lowry is in any way affiliated with the Turkish government as a lobbyist or not. Because it looks like his answers to most of the questions reflect the Turkish government's policy, rather than Mr. Tan, who is an official representative.

Dr. Lowry. If the question is directed to me, the answer is no.

Dr. Karim. Thank you. That's all I want. Going back to the real issue, the PKK has declared a cease fire. You all know that has been made clear. Our organization of course is in no way affiliated or has relations with the PKK.

But we believe this is a serious offer. This year's Newroz is an indication of that. This year's Newroz was peaceful, relatively, although a lot

of people stayed home because they were afraid to go and celebrate, the same thing might happen again.

The PKK also has indicated that they do not want separation from Turkey, contrary to indications from some of the speakers this morning, that they want to separate and partition Turkey. They have indicated they are willing to negotiate, but also accept the Kurdish parliamentarians who are elected members of the Turkish Parliament to negotiate on behalf of the Kurds.

Simply saying that these people have to surrender, and they have been weakened and defeated, and then there will be some reforms to follow, that's going to bring the same problem back.

The PKK developed because there was oppression against the Kurds. And if the oppression continues, if this PKK goes, another will come out, just like you stated, Ms. Hafner, and I think Ms. Whitman also alluded to that.

My question is for Mr. Tan. Is the Turkish government willing to engage in dialogue with the Kurdish people? The Kurdish people are people of Turkey. They want to remain part of Turkey. I think Mr. Lowry was very correct in saying that they don't want violence. That is true. I think in a way it has been imposed upon them.

Is the Turkish government willing to engage in dialogue? And in this dialogue, is Turkey willing to change its constitution so it will acknowledge the rights of--the cultural rights and ethnic rights of the Kurdish people to study in their own language, enrich their culture, have legal rights to form Kurdish political parties. Because these are the issues, these are the essence of the Kurdish problem in Turkey.

If those issues are not addressed, and we sincerely believe that the problem will not go away. We like to acknowledge that Turkey has taken some steps. It is true. For 70 years, Kurds were not allowed to speak in Kurdish. For the last three years they have been allowed to do it openly.

But even Prime Minister Demirel, when he was running to become prime minister, he actually came out against President Ozal for making those statements. So I don't know if deep in his heart if he believes in those things or not. But we like to, you know, to see a real peace. And the Kurds of Turkey indicated that they don't want to separate from Turkey.

All they want is to live like human beings and be treated as such. And Turkey cannot be a melting pot like the United States. You have to admit that. In the United States, people came here voluntarily. I came here. I am Kurd by origin. But I didn't come here to practice Kurdism.

But the people--the Kurdish people in Turkey are Kurds. They have lived there. They are there. They are not going to melt, whether you want it or not. Seventy years of trying to do that has failed. Why continue? Thank you.

Ms. Hafner. And I would, just as an aside, say that Dr. Lowry may sound like he speaks for the government of Turkey only because he is probably one of the most renowned experts in this country, on Turkey.

Dr. Lowry. If I could add just a clarification to that. I did not intend to convey the impression when I was going through what I saw as an analysis of

the developments in the last few weeks after the unilateral announcement of a cease fire, that I in any way shared or disassociated myself from any of them.

All I was trying to do was provide what, on the basis of public information, in this case the Turkish press, is a sort of overview of what responses have been, where it looks like things are going. Not value judgments on any of these.

Mr. Tan. Well, I think the question was for me. So, let me respond.

Actually, I have told in my statement, I think you have missed those parts. The Kurdish citizens of our country have been enjoying full rights since the inception of the Republic of Turkey. And all their rights are fully guaranteed under our existing constitution.

However, I think your question was on the terrorist PKK. I have had no word from you in characterizing openly this organization as a terrorist group. If you are just trying to ascribe any other status to that organization, then this is entirely a different thing.

If you are accepting that this is a terrorist organization, the Turkish government has nothing to do, no dealings with this terror organization.

Ms. Hafner. Dr. Karim, if you would like to respond?

Dr. Karim. Actually, what I was saying is that even the PKK has suggested, this was Abdullah Ochalan on March 17, that negotiations do not have to be with them. They could negotiate with the Kurdish members of the Turkish Parliament.

Mr. Tan. Dr. Karim, the leader of the PKK cannot suggest, is not entitled or authorized to--he has no moral, no legal obligation to suggest anything to the Turkish government.

This is a criminal Marxist-Leninist terrorist organization. I don't want to enter into any polemics or rhetoric here with you. Your views are your own, and my views are mine. This is quite understandable.

But I want you to use this word--terrorist--to describe the PKK, if I may, if you believe in that----

Dr. Karim. I was asking you a question. But I think that terrorism in the Kurdish region of Turkey has been committed by the Turkish military and by the elements of the Kurds, including the PKK. Does that satisfy you enough? Can you answer me?

Mr. Tan. No. I have----

Dr. Karim. As far as----

Mr. Tan. I haven't got any answer to my question. Can you tell me that the PKK is a terrorist organization?

Dr. Karim. I think that terrorism is a reaction to other terrorist acts. If state sponsored terrorism is imposed on the people, the people will also react.

The Kurdish people of Turkey will not, do not want to have anything to do with violence, whether it's the PKK or somebody else. The Kurdish people of Turkey have supported PKK, or expressed sympathy with the PKK just because they don't have any other choice.

If they are given another choice, I don't think the PKK will exist, it's really irrelevant to this whole problem. If you address the points in my question, which is acknowledging the rights of the Kurds to study in their language, to enrich their culture, to form political parties--these are the essential points.

The Turkish government doesn't even have to negotiate with anybody. All they have to do is convene the Turkish parliament and address these questions.

So, the PKK is irrelevant. Who wants to be killed? Who wants to be deported from their homes? And by the way, the three states that sponsor terrorism, it's the government of Turkey that has been trying to get in bed with them in the last 6 months, meeting in Ankara. They met in Damascus a couple of months ago. Their next meeting is scheduled in Tehran.

I mean you have address the whole issue. You can't just concentrate, and blame everything on Marxist-Leninist terrorist PKK. That's not the whole point, that's not going to solve the problem for Turkey.

We want Turkey to progress. We want Turkey to prosper, all its people to prosper. We don't want Turkey to divide. We don't want to have hearings like this on Turkey. We want people to forget about human rights in Turkey. Thank you.

Ms. Hafner. Mr. Karim, this actually gets back to a question that was initially asked when Mr. Tan finished his presentation. And I posed this to Dr. Lowry. I think it is important. And because you have raised it, let's go back to it. And that is, and again, putting aside the question of the nature of the PKK, they have publicly indicated an intent to lay down their arms.

Dr. Lowry. No. They haven't.

Ms. Hafner. The question is what does the government of Turkey do in response? If we put aside the concern, an understandable one of not negotiating with terrorists, which the PKK is a terrorist organization--putting that aside, what does the government of Turkey do next? It would seem that it does have something of a window of opportunity at this point. What should be the appropriate steps of the government in terms of meeting the cultural aspirations of its Kurdish minority?

In fact, Kurdish broadcasts are illegal. In fact, books still are confiscated. So is this not a historic opportunity? I have asked Dr. Lowry--to perhaps address this. Are there not steps that the government could take at this point to meet the legitimate aspirations of this minority?

Dr. Lowry. Let me make one clarification to something you said. I think I am correct in saying that there has been no offer to lay down arms. There was a unilateral cease fire for 15 days, followed by a call for some kind of indirect negotiations, as you pointed out.

But not any talk--except the only talk about laying down arms has been in the response of the Turkish government.

I think there are numerous steps that can, and will, and in some cases are in the process of being taken. I think the point that Mr. Tan made earlier is

worth emphasizing. The President of Turkey, and I don't know how accurate his figures in this regard are, but the President of Turkey has during a recent visit to Washington on a couple of occasions, at least that I heard, used a statement something like this, that 60 percent of Turkish Kurds live west of Ankara.

That is, in the western half of the country, largely in major metropolitan centers. Whereas, if true, that fact suggests that less than half live in the area of southeastern Anatolia that we have been focusing on today. I would disagree with Mr. Karim's assertion that Turkey is not and cannot be a melting pot.

I think it's an unbelievable example of a melting pot. You have people who are totally non-Turkish, whether they are of Arab origin, or of Abkhasian origin, or Circassian origin, or Bosnian origin, or Albanian origin, all of whom have adopted and share a common identity in the country, not unlike that that I think we have experienced here.

Obviously this didn't work with the largest non-Turkish group in the country entirely, and that of course is with the Kurds. I would argue that it worked quite well for those Kurds who left southeastern Anatolia. And this is not a process of course that began under the Turkish Republic. This is a process that was part and parcel of the Ottoman Empire ever since the 16th century.

No one ever questioned whether someone was of Kurdish or Arab origin in the Ottoman Empire because religion was the way in which one identified themselves. And I think this has worked to a large extent in Turkey. It worked less successfully in an area in which due to its distance from the center, due to the geographic conditions of that region, was, and today remains, Turkey's least developed region.

And that is southeastern Anatolia. I am not certain that attempts to, you know, industrialize, develop that area, how far these attempts are going to succeed. I certainly, on a personal level, think that Turkey is far and away a mature enough democracy that it can and should, and probably will, in my own opinion, allow broadcasting in languages other than Turkish.

It already does in English, for the business community. There's no reason it shouldn't in other languages. And I think these are steps that are occurring. What I think is really important, however, is something that Mark Epstein mentioned, and I would like to reiterate, is that you know, when we think about, even though I never saw this expression officially used anywhere, but when we think about the fact that up until a few years ago, people often said that Turks never used the word Kurd, in the 30 years I have been going there, I have heard it billions of times, and referred to Kurds as mountain Turks.

If you think of that as one end of the spectrum, and then look at the dialogue that is going on throughout the media, and certainly in Parliament today, I see here, you know, a glass that is rapidly filling, rather than one that is half full. And to me this is a trend, and this trend is going to continue.

And I hope that it continues apace. I hope it speeds up. And I think if it does, it will address many of the concerns that we have been talking about today.

Ms. Hafner. Mark?

Dr. Epstein. Let me continue along those lines, and perhaps fill in a missing piece or two.

One, I think there really is demonstrable continuity in the modern Turkish view of this and the Ottoman view. Because for the Ottoman Empire, religion, as you pointed out, and language, Ottoman speech--were the unifying factors. And there has been a very strong tendency to have a unifying state language.

In this country now, we are going through a debate regarding bilingualism and multilingualism, which is in some sense the mirror image where there are demands in our society for multilingual education, and for a variety of other purposes. My own feeling is that it would be very difficult for the Turkish state to promote Kurdish as the language of administration even in areas that are predominantly Kurdish.

But it's a debate that has to take place in Turkey as to what the appropriate mechanism is to allow the kinds of cultural rights that are expected. When the debate took place at the founding of the Republic regarding other minorities, there was great interest among the European powers in protecting the rights of Jewish and Christian minorities, who spoke other languages, and they were protected by treaty.

And this very argument that Heath refers to implicitly as to how Kurds were defined, they were Muslims, and therefore not considered part of a protected minority, it seems to me, lays out both the terms of debate and a possible model.

You know, it may be that there should be some debate over whether or not it is a conceivable option, for those who wish, to offer education in Kurdish, or to offer education in Kurdish literature in Kurdish. But, as you well know, until very recently, there was not a strong tradition of a written literature.

That raises some other obstacles as to how and when, and where you go about addressing these questions. It's a very complex issue in Turkey as it is in this country.

The second thing I think that needs to be said is that in the nexus that we saw here of terrorism, PKK separatism, and Turkish identity, this all does become blurred. And I would share the view that Abdulla Ocalan doesn't have any right to decide whether it's legitimate for Kurdish members of the Turkish Parliament to speak on behalf of the people they represent--the people who elect them decide that.

That's as it should be. And that that also, it seems to me has opened up a whole new series of discussions. The bitter and violent debate in the Turkish Parliament that I referred to, and I know that you're aware of it, is in fact a

descendent of the debate that took place in the Turkish Grand National Assembly of the 1920's, where the same things were argued about openly and violently.

At this point, though, the fact is that the Turkish press, Turkish government, and Turkish citizens on the street are discussing this. I think I share Dr. Lowry's view. It is open. And now it's going to be decided in one fashion or another in the next year or two, I imagine, as to whether there is some mechanism.

The Commission wrote in its 1988 report, and I cited those words in my opening statement, that the question is whether Turkey can acknowledge legitimate cultural rights which are also part of CSCE, and maintain her integrity as a democracy and as a state.

To the extent that Kurds in Turkey, whether they're living in the west, and relatively highly assimilated, or whether they are living in villages where women and children don't speak Turkish for the most part, will put forward their own political representatives, and their own spokesmen, and presumably in time spokeswomen, who say what you said, "We wish to live in peace and maintain our culture."

If that becomes the impression, the image, and the dominant voice of Turkish Kurds, then I expect it makes everybody's work easier.

Ms. Hafner. Thank you very much. I apologize, but we're going to have to end at this point. However, our panelists are available for additional questions. And certainly the Commission will be glad to pass on those questions to our panelists.

I want to thank each one of them. I think it has been an excellent discussion. And as I said earlier, this briefing is part of the Commission's continuing concern with human rights practices in Turkey, and is intended to meet its ongoing responsibility to monitor and examine those human rights practices.

And I do think that, as Dr. Epstein said, we have spoken to both perspective and performance. And I want to thank each of our panelists. Thank you very much.

[Whereupon, the briefing was adjourned at 12:40 p.m.]

APPENDIX

CONTINUITY AND CHANGE IN TURKEY

STATEMENT OF DR. MARK A. EPSTEIN

before the

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

April 5, 1993

SUMMARY

CONTINUITY AND CHANGE IN TURKEY

Mark A. Epstein

I will try to summarize briefly the main points which I have made in my written statement. My purpose is to provide a framework and context for the issue being discussed here today, human rights in Turkey.

In the written statement I address a variety of issues, including the historical context of minority rights, some aspects of the roller-coaster course of Turkish democracy, and the consideration which this commission has given the matter over the last ten or fifteen years.

With respect to Turkish democracy, the dear colleague letter which the chairman and co-chairman circulated announcing this briefing points out that since 1960 the Turkish military has taken power three times. On all three occasions it was led by its general staff, generally with the purpose of restoring order and secular, western oriented democratic rule.

It should be borne in mind that, whatever the shortcomings of the military regimes, these have not been attempts by ambitious young officers to subvert the system of government, rather an attempt to restore or reestablish the democratic system as proposed by Atatürk.

It should also be borne in mind that, irrespective of the Helsinki accords and long before they were conceived, we were dealing with a NATO ally and there was an

expectation that we shared values and ideology with the Turks. Hence, for policy makers the threat to democracy and the shortcomings in domestic human rights performance take on far greater significance for us than, say, the similar problems in Romania or Bulgaria.

For the U.S. government, dealing with Helsinki issues in Turkey is always subjected to the push and pull of larger policy considerations. In the past, we could not ignore violations, but also did not wish to use them, as elsewhere, to bring down regimes across the cold war divide.

Today, with the cold war over, the argument of Turkey as bastion against the Soviet Union has been succeeded by a variety of complex, new issues: Turkic Central Asia, where there is competition with Iran for influence; problems in Iraq; instability in the Balkans, including former Yugoslavia. Only Cyprus remains about the same in its broad outlines.

The views and attitudes of governments and private organizations have changed over the years, and I will comment briefly on some of those changes.

In terms of the Turkish view there has certainly been change. After the military takeover on September 12, 1980, and especially after the military announced that it would proceed much more slowly in returning civilian rule than it had in 1960 and 1971, criticism quickly mounted.

The banning of old political parties and radical labor unions, press censorship, mass trials of militants, and martial law were among the main issues. Western European governments in particular, with whom Turkey wishes to associate herself philosophically

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and politically, introduced a variety of sanctions, which were lifted only some years later when they found evidence of significant improvement in 1985 and 1986.

In the opinion of this commission in its last major report on Turkey, in June 1988, the central problems which emerged, and remain, were torture and the matter of Kurdish nationality. There is also the issue of press freedom.

Many friends of Turkey argue that before the 1980 military takeover there was a complete denial that torture even took place in Turkey, and that the military government was the first to even acknowledge it. Ten years later, the Prime Minister now in power spoke out against it during his campaign in 1991 and promised reform.

Since the mid- 1980's, torture has essentially disappeared from prisons, where conditions have improved generally. It persists in police detention in the first hours and days after arrest, raising a whole series of questions regarding access by legal counsel, police training, judicial reform and legislative improvements. In the last year, with the dramatic escalation of fighting in the southeast, so has the number of incidents reported.

With respect to Kurdish rights, a generation ago the claim was still that, as Muslims, and thus not protected by special minority rights according to the treaties at the end of World War I establishing the Turkish Republic, a separate Kurdish nationality did not exist --- they were simply nomadic Turks. Even Kurdish speech was prohibited, let alone cultural institutions.

References to Kurds and Kurdish in the press were considered illegal attacks on the integrity of the Republic. In the 1980's, as controversy broadened the range of political speech, there were numerous stories of silent prison visits by prisoner families

who spoke no Turkish!

Today there are openly separatist Kurdish deputies in the parliament, and Kurdish cultural rights are widely and violently debated. Others will have more to say about this subject, so I will simply point out that a great question, cited by this commission in its 1988 report, remains: whether Turkey can find a way to accommodate legitimate Kurdish cultural aspirations while maintaining its integrity as a state and a functioning democracy.

Moving on to the private organizations in this country and elsewhere, including in Turkey itself, I believe there is also a fundamentally different situation today. Ten years ago, let alone twenty, access to prisons and to officials was difficult, often impossible. Today, there is an effort to respond to these pressures, and an argument as to whether the Turkish government's responses are genuine efforts to address the situation or simply a way to defuse the criticism.

There is also a related question of perceptions. Many Turks, and probably the Turkish government, are convinced that the west applies a double standard to human rights and humanitarian issues where Muslims are concerned. I have already said that I will not dwell on the issue of the PKK, since it will be dealt with extensively by another witness. However, I will say that the tendency in some circles to call on both Turkey and the PKK to observe the Geneva Accords on prisoners of war implies a moral equivalency between a legitimate government and a self-elected, violent revolutionary group.

Among Turks in Europe, especially Germany, the situation has also changed compared to a decade or two ago, and this also affects the atmosphere. Turkish

communities in EC Europe appear reasonably permanent, if not necessarily integrated into the surrounding societies. The reemergence of right-wing ideologies has put pressure on them. In the special case of Germany, with about 1.5 million Turkish residents, and where there has been widespread anti-foreign and anti-Semitic violence since reunification, the Turkish community is both nervous and upset.

A fire-bomb murder of three Turkish women and girls in a small town near Hamburg was the act which finally produced a strong response from Bonn against the eighteen month wave of violence. These attacks, and the delayed response, unleashed strong attacks by Turkey.

The situation in former Yugoslavia has also been an important factor Turkish public opinion. The combination of early EC recognition of Croatia and Slovenia, promoted by Germany particularly, followed by relative paralysis regarding the subsequent attacks on the Muslim population of Bosnia-Hercegovina, has left considerable bitterness.

Ironically, it is among Turks in Europe that right-wing, Islamic fundamentalist, and Kurdish nationalist groups, whose activities were traditionally banned in the Turkish Republic, have flourished. Beginning in the 1960's, groups which had been hampered in their activities since the 1930's took on new life, and are now play a part in all the issues which are proving so mettlesome to Turkey and to us. They have also succeeded in attracting supporters within Europe, who are now players in the larger debate, including on C.S.C.E. issues.

I made the observation earlier that the western European governments were often

far more critical of Turkish human rights performance in the 1980's that the U.S. For us in the United States this creates two difficulties.

The first is that the centuries long enmity of Christianity and Islam, culminating we thought with the end of the Ottoman Empire in World War I, has left a residue of prejudice in Europe which is stronger and more deeply seated than in the U.S. We see the evidence once again today in western Europe.

There are two important consequences of this. The first is that legitimate and necessary criticism of human rights conditions takes on this baggage. There is a subtle, nagging belief in Europe the Turks are really not capable of achieving western standards, and a similar belief on the Turkish part that nothing they do will ever really satisfy the Europeans.

Americans are fully conscious of racial and ethnic tensions at home, but whether we are adherents of the melting pot or of the salad bowl simile, secession is not a serious political theme here. Generally, we view problems in Europe with a certain degree of impatience and incomprehension, and expect reasonable and orderly solutions to be proposed. At the moment, such solutions are not forthcoming.

To summarize the situation as I see it today, what we seem to have achieved is this:

> Turkish democracy is stronger than five years ago, let alone a decade or two, and the rhetoric of human rights is now part of the political vocabulary.
>
> The access of interested human rights organizations to Turkish institutions and officials at home and abroad is dramatically improved, but the level of mutual confidence remains low.

Political discourse regarding the Kurds in Turkey is far broader than it was, but the level of separatist violence has increased.

Human rights legislation has been passed and treaties ratified, but in many areas reform seems to have broken down in the execution.

Prison conditions are considerably improved and torture seems to have disappeared, but torture in police detention apparently continues unabated.

The old issues of the Cold War which were always in the background are gone, but many areas close to Turkey are in great upheaval. Thus general foreign policy and security questions are still part of the backdrop against which the U.S., European, and Turkish governments respond to human rights issues.

A traditional acceptance of corporal punishment generally tends to blur the terms of debate within Turkish society on the remaining core issues in the area of physical abuse and the attitude toward terrorist activities.

The lengthy paralysis of the West regarding Bosnia and anti-foreigner violence in western Europe have reawakened a longstanding mistrust between Europe and Turkey. On both sides this has undermined the dialogue on human rights and affected attitudes toward Turkey's long-expressed desire to join the EC.

Turkey today is not the country it was the last time the commission examined it in detail. It is certainly not the country it was when the military took over in 1980, let alone when the Helsinki accords were signed.

It is more sophisticated, more in touch with the Europe, and has learned to respond to criticism of its politics and its human rights performance. Like all countries, it also remains tied to its traditional culture and society, however deep and pervasive the domestic debate on religion, culture, and modernity may be.

For all the change and all the ferment, Turkey also continues to occupy a unique position between east and west, and the internal contradictions which that implies still dominate every aspect of Turkish life, and of her place in the C.S.C.E.