



**UNITED STATES COMMISSION ON SECURITY AND COOPERATION IN EUROPE
(U.S. HELSINKI COMMISSION)**

Hearing on “Prisoners of the Purge: The Victims of Turkey’s Failing Rule of Law”

Wednesday, November 15, 2017

Room 124, Dirksen Senate Office Building

Opening Statement of Senator Thom Tillis, Hearing Chairman

This hearing of the Helsinki Commission will come to order.

Good morning and welcome to this Helsinki Commission hearing titled “Prisoners of the Purge: The Victims of Turkey’s Failing Rule of Law.” I am honored to be chairing this hearing on behalf of Chairman Wicker.

As of today, an American pastor has spent 404 days in a Turkish jail without trial, without access to the evidence against him, the subject of a vicious smear campaign in the Turkish press, and facing life in prison on fabricated charges of being a terrorist and coup-plotter.

Elsewhere in Turkey, a Turkish-American NASA scientist has spent 480 days in prison—much of it in solitary confinement—on terrorism and espionage charges springing from the baseless testimony of a disgruntled relative and a bizarre compilation of circumstantial evidence including a dollar bill seized at his parents’ home.

Today also marks 253 days behind bars for a veteran Turkish employee of the U.S. Consulate in Adana who stands accused of terrorism for doing his job as

he has for over 30 years, communicating on behalf of the U.S. government with local community contacts.

These prisoners—Andrew Brunson, Serkan Golge, and Hamza Ulucay—are the innocent victims of Turkey’s collapsing rule of law.

With every passing day, the injustice of these detentions compounds itself. For the Brunson family next week: another Thanksgiving apart. For Kubra Golge and her two young kids: another day away from their home in Houston.

For Hamza, another inexplicable punishment for his dedication to the job he loves.

But the focus of this hearing is not personal—it’s principle. Just as Andrew, Serkan, and Hamza have been victims of Turkey’s failing rule of law, there are literally thousands more like them behind bars today.

Since imposing a state of emergency nearly 16 months ago, the Turkish government has detained more than 60,000 people and fired or suspended upwards of 100,000 others from their jobs. The so-called “decree-laws” authorizing these punitive measures do not establish any evidentiary standard for application thereby permitting wide-scale abuse as seen in the cases I’ve highlighted.

Of course, context matters, and the Turkish government invoked its constitutional state of emergency provisions in the wake of the July 2016 coup attempt—an unacceptable and violent attack on the constitutional order of a NATO ally—an attack I unequivocally condemn. But the question is not *whether* Turkey has the right to pursue justice after such a national trauma—the question is *how* it goes about it.

The Helsinki Commission has called this hearing today to get to the bottom of the accumulating injustices under the state of emergency. As a participating state of the Organization for Security and Cooperation in Europe, Turkey has committed itself to upholding certain rule of law standards even under extraordinary circumstances. Among these commitments is the guarantee of equality before the law.

However, Turkey's commitment to this principle has been called into serious doubt. Just two months ago President Erdogan proposed an outrageous swap involving Andrew Brunson—'a pastor for a pastor' in his words.

If the United States would circumvent its rule of law to extradite a free man, Erdogan suggested, then Turkey would release a wrongfully imprisoned one.

Let us be clear about what President Erdogan proposed: this is not justice—this is ransom.

The United States should not expect—much less accept—this sort of treatment from a NATO ally. The harassment and detention of our consulate staffs has also overstepped the bounds of diplomatic conduct among partners.

I was glad to see State Department in the past month impose some real costs for this behavior by suspending non-immigrant visa services in Turkey.

While the Department announced last week that it had resumed these services on a "limited basis" and received assurances about the security of our local employees, I hope that we are clear with Turkey that we will not accept anything short of true and timely justice for our detained consulate staff and our citizens behind bars. I also hope that we will not tire in advocating for the basic

rights and freedoms of the thousands of Turks impacted by these sweeping purges: academics, mayors, legislators, journalists, and human rights defenders among them.

Let me conclude by saying that it is in the interest of the United States to have Turkey as a strong and reliable ally.

From strengthening NATO to fighting terrorism to resolving conflicts in the Middle East, we have important work to do together and we will be more successful if we can work as partners. The urgency of these tasks underscores the importance of resolving distractions and rebuilding the trust we need to achieve our common objectives.

And as always, our partnerships are strongest when they are rooted in shared principles.

We have two excellent panels of witnesses today to examine these topics. I will introduce the panels separately but I would like to say at the outset that I am especially pleased to have with us a State Department witness, Deputy Assistant Secretary for European and Eurasian Affairs Jonathan R. Cohen, to provide the Administration's perspective on these developments, U.S. policy toward Turkey, and the future of the bilateral relationship. I am also honored to have on our second panel Jacqueline Furnari, Andrew Brunson's daughter, from my state of North Carolina.

Our first panel features Deputy Assistant Secretary Cohen. He has been the Deputy Assistant Secretary for European and Eurasian Affairs covering Cyprus, Greece and Turkey since August 2016. He previously served in Baghdad as Deputy Chief of Mission from 2014-2016, in Paris as the Acting Deputy Chief of

Mission from 2013 to 2014, and as the Minister Counselor for Political Affairs from 2011 to 2013.

Mr. Cohen, thank you for being here. You may proceed with your opening statement.

[Second Panel]

Our second panel consists of three superb witnesses.

First we will hear from Cece Heil, Pastor Brunson's U.S. attorney. Mrs. Heil is Executive Senior Counsel for the American Center for Law and Justice, specializing in public policy and global legal matters including the United Nations.

She manages the ACLJ's global partners and heads a team of lawyers handling cases in defense of life, protection of US National Security interests and dealing with Islamic extremism.

Next we will hear from Jacqueline Furnari, Pastor Brunson's daughter. Mrs. Furnari is the 19-year-old daughter of Andrew Brunson. She has two brothers: Jordan, 22, and Blaise, 16. She is currently earning her Bachelor of Science in Business Administration from the Kenan-Flagler Business School at the University of North Carolina at Chapel Hill. She expects to graduate in December 2017 with a concentration in Entrepreneurship and Operations Management. Jacqueline was raised in Izmir, Turkey, where her father served as pastor of the Izmir Resurrection Church. In February, Jacqueline married a Blackhawk pilot in the US Army.

Finally, we will hear from Nate Schenkkan, a longtime Turkey expert who serves as Project Director for Nations in Transit, Freedom House's annual survey of democratic governance in Central Europe and Eurasia. He previously served as

Senior Program Officer for Freedom House's Eurasia programs, covering Turkey and Central Asia. He was the lead researcher and co-author of two Freedom House special reports including *The Struggle for Turkey's Internet and Democracy in Crisis: Corruption, Media and Power in Turkey*.