The Commission on Security and Cooperation in Europe

**AT WHAT COST?**

**THE HUMAN TOLL OF TURKEY’S POLICY AT HOME AND ABROAD**

Testimony of

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Co-chairman Hastings, co-Chairman Wicker, and distinguished Members of the Commission,
thank you for inviting me to testify today.

My remarks will focus on the alarming situation with regard to the rule of law in Turkey and why
this should matter to the United States.

**Background**

The rule of law in Turkey has suffered a precipitous decline as President Recep Tayyip Erdogan has
consolidated his power over key state institutions. Courts in the Republic of Turkey were never
fully independent. But Erdogan's subjugation of the judiciary is unmatched in recent history.

During his eighteen years of uninterrupted rule, Erdogan has hollowed out Turkey's judiciary,
packing key judicial institutions with government allies. This process has taken place through
constitutional and legal amendments in 2010, 2014, 2016, and 2017 that increased executive
branch influence over judicial appointments. Since early 2014, Erdogan has overhauled the
courts through several reshuffles and mass purges of judges and prosecutors seen as disloyal to the
government. These purges accelerated after the failed coup attempt in 2016 and the ensuing two-
year state of emergency.

In 2017, Erdogan rammed through major amendments to the constitution, replacing Turkey's
decades-old parliamentary democracy with a hyper-presidential system. This new system
significantly expanded presidential powers, abolished the position of prime minister, removed
the guardrails for legislative and judicial independence, and put the executive branch in effective
control of nearly all judicial appointments.

Over the last decade, Erdogan used his expanding influence over the judiciary to co-opt other
key institutions. Government-sanctioned sham trials through 2008-12 removed hundreds of

generals and officers from the military. Politically motivated investigations aimed at bankrupting media conglomerates compelled most broadcast and print media to fold into government-friendly corporations, leaving few independent or opposition outlets and precipitating widespread self-censorship among journalists who fear government retribution for critical reporting.

Today, Turkey’s highly politicized judiciary functions as one of the primary facilitators of Erdogan’s assaults on Turkish democracy. His government has weaponized the judicial system to target its real and perceived opponents in the state bureaucracy, media, parliament, business sector, and civil society. Prosecutors employ extremely broad definitions of “terrorism” to criminalize peaceful dissent, and routinely apply repressive laws that criminalize “conspiring” against the state; insulting the state; and insulting the president.

To build indictments, prosecutors often rely on secret witnesses whose testimonies are difficult to verify and refute. Many indictments run hundreds of pages, presenting mundane, innocuous details of defendants’ lives as circumstantial evidence purporting to prove fantastical conspiracy theories. Due process is notoriously lacking: Judges use prolonged pretrial detentions as summary punishment; defense lawyers cannot access indictments; and judges seen as fair toward political defendants are reassigned from their cases.

And in another alarming sign of the breakdown of the rule of law, the lower courts recently have refused to follow the orders of the Constitutional Court when their rulings are not to the government’s liking. This is true even though Turkey’s higher courts themselves make politicized decisions.

Impact

The impact of this erosion of judicial independence and the rule of law has been vast. Today, nearly 50,000 people are imprisoned under “terrorism” charges. They include lawmakers, journalists, academics, and civil society leaders.

One of the most important political mass trials, the so-called Gezi case, illustrates the range of victims: the 16 defendants—who include civil society leaders, journalists, architects, actors, writers, and film producers—all face life sentences under baseless allegations of conspiring to overthrow the government through the nation-wide “Gezi protests” of 2013, allegedly funded by the American philanthropist George Soros.  

Indeed, politically motivated cases of this kind have targeted key civil society and human rights associations since 2016, including Amnesty International and Reporters Without Borders, among many others.

Journalists have been among the courts’ top targets. With more than 120 journalists in prison accused of bogus terrorism or propaganda charges, Turkey is the world’s top jailer of journalists. Their arrests have come as Erdogan has used “state of emergency” decrees to shut down more than 45 newspapers, 16 television channels, and 29 publishing houses.

Politically motivated “terrorism” investigations have also targeted scores of Kurdish politicians since 2015, after the Kurdish-majority Peoples’ Democratic Party (HDP)’s historic election to parliament helped to unseat Erdogan’s ruling party from its decade-long parliamentary majority.

Prosecutors recently also cracked down on the Istanbul chief of the main opposition People’s Republican Party (CHP), after she helped the party’s mayoral candidate beat Erdogan’s candidate in a landmark election in June. A court sentenced her to nearly 10 years in prison for “insulting the president” and spreading “terrorist propaganda,” based on six-year-old tweets.

Nor have professors been immune to the ongoing crackdowns. More than 1,000 academics have been jailed for signing a petition in support of peace with Kurdish insurgents—a case that even Turkey’s Constitutional Court determined violated defendants’ freedom of expression.

Turkey’s mass detentions since 2016 have even ensnared foreign citizens. Several Americans, including Pastor Andrew Brunson, and at least three local employees of the U.S. diplomatic mission have been jailed under allegations of terrorism or attempting to overthrow the government.

20. “CHP Istanbul Chair Kaftancıoğlu Sentenced to 9 Years, 8 Months in Prison,” Bianet, September 6, 2019, https://m.bianet.org/english/politics/212734-chp-istanbul-chair-kaftancioglu-sentenced-to-9-years-8-months-in-prison
Why It Matters for the United States

The breakdown of the rule of law in Turkey matters for U.S. interests in many different ways. I would like to highlight three of the most important.

First, U.S. citizens have been caught up in the dragnet directly. While U.S. diplomatic pressure helped to free American Pastor Andrew Brunson last year, the erosion of judicial independence in Turkey continues to expose U.S. citizens and employees of American companies, organizations, and even the U.S. government to the risk of arbitrary and politically motivated arrests.

Second, the crisis with the rule of law fuels anti-Americanism in Turkey. The media crackdowns reinforce self-censorship among a Turkish press corps that is nearly monopolized by the government. Pro-Erdogan outlets, which make up more than 90 percent of the media sector, continuously publish invectives against the United States. Sham trials like the Gezi case, which effectively pins mass anti-government protests on a Western-led plot to topple Erdogan, serve to fan conspiratorial suspicions against the United States. These crackdowns aim to intimidate NGOs and suppress their efforts to promote tolerance, pluralism, and other democratic values — values that are important to the United States and essential for Turkey’s long-term peace and stability. Such an assault on democratic values should be of deep concern to the United States, wherever it occurs, but is perhaps even more alarming given Turkey’s status as a NATO ally.

Third, it has emboldened Turkey’s aggressive policies abroad by suppressing dissenting voices. Prosecutions of pro-Kurdish lawmakers, for example, have silenced Turkey’s only party opposed to the current military operation in Syria, the HDP. In recent weeks, the detention of nearly 200 people for social media posts critical of Turkey’s incursion into Syria has suppressed dissent even further.23

Without free public debate, Turkish citizens have no opportunity to check their leaders’ aggressive impulses, including towards neighbors like Syria, or allies like the United States.

The United States has a direct interest in ensuring fair trials, particularly in cases explicitly aimed at legitimizing conspiracy theories and discrediting democratic norms and institutions such as independent media, free civil society, and political pluralism.

There are so many issues on the U.S. agenda with Turkey at the moment, but it is vital for Washington to prioritize support for the rule of law. To help ensure that Turkish courts uphold constitutional freedoms and enforce due process, the U.S. must continue to monitor political cases, particularly those concerning freedom of expression and other basic democratic rights.

In spite of the Turkish government’s growing repression, more than 50 percent of Turkey’s population is still trying to resist Erdogan’s authoritarianism under increasingly harsh conditions. It is incumbent upon the U.S. Congress to stand with the Turkish people in defense of their rights.

Thank you again for the opportunity to be here today. I look forward to your questions.