

TURKEY-UNITED STATES
RELATIONS:
POTENTIAL AND PERIL

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**TURKEY-UNITED STATES RELATIONS:
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TUESDAY, SEPTEMBER 19, 1995

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON, DC.**

The Commission met, pursuant to adjournment, at 10:04 p.m., in room B-352 Rayburn House Office Building, Honorable Christopher H. Smith, chairman of the commission, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman; Hon. Steny H. Hoyer; and Hon. John Edward Porter.

Witnesses present: John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labor, and executive branch commissioner of the CSCE; Marshall Adair, Deputy Assistant Secretary of European and Canadian Affairs, U.S. Department of State; Alan Makovsky, Senior Fellow, Washington Institute for Near east Policy; and Christopher Panico, Research Associate, Human Rights Watch/Helsinki.

**OPENING STATEMENT OF
CHAIRMAN CHRISTOPHER H. SMITH**

Mr. Smith. The Commission will come to order. I'd like to welcome everyone here, and especially thank our distinguished witnesses for joining us at this Helsinki Commission hearing entitled "Turkey-United States Relations: Potential and Peril." Today we will examine both the potential mutual benefits of closer relations with Turkey, and the peril of unconditional support for a government unable to resolve crises that threaten the existing political order and regional stability.

Turkey, a NATO ally and OSCE participating State, is poised as a unique strategic and economic partner astride the Middle East, Central Asia, the Caucasus, and the Balkans. Turkey stood by the United States in Korea, against Saddam Hussein during the Gulf War, and in its aftermath in Operation Provide Comfort. Turkey also supports our efforts to bring peace to Bosnia.

Turkey has purchased billions of dollars of U.S. military equipment over the years and has been identified as one of the ten biggest emerging markets for U.S. exports. The potential benefits of closer cooperation are obvious.

At the same time, however, a complex and profound crisis increasingly divides Turkey's citizens along national, ethnic, and religious lines, threatening the existing social and political order. Extremist violence and terrorism is polarizing Turks and Kurds, Islamic groups,

both secular and anti-secular proponents. While the rights of all Turkish citizens under the mantle of combating terrorism, Kurds bear the brunt of such repression.

An undeclared civil war in southeast Turkey has claimed more than 17,500 lives, robbed the predominantly Kurdish region of economic opportunity, and drained Turkish coffers of over \$7 billion a year. Since 1992, security forces evacuated or destroyed more than 2,000 Kurdish villages in southeast Turkey and displaced more than 2 million in a campaign frighteningly similar to ethnic cleansing.

Extrajudicial killings, disappearances, and the use of torture are widespread. This crisis undermines attempts to further democratize and reform Turkey's political system, and has preserved a prominent role for the Turkish Armed Forces in national politics. Freedom of expression has also fallen victim to the war on terrorism. Numerous articles in the 1990 Penal Code and Article 8 of the Anti-Terror Law criminalize speeches or writings which advocate pro-Kurdish divisions.

In March 1994, 13 duly-elected parliamentarians were imprisoned or exiled because of speeches, writings, or alleged contacts with PKK members. In February 1995, Yasar Kemal, one of Turkey's well-known authors, was charged with separatism and racism for an article published in a German magazine. Hundreds of academics, journalists, artists, human rights activists, Kurdish activists, and others are political prisoners or await trial for "thought" crimes.

Publications, especially those dealing with Kurdish issues, are regularly deemed to be separatist propaganda and then seized, censored, or banned. Turkish human rights NGO's and others who advocate political and legal reform face persistent and severe persecution. Fifteen Human Rights Association branches in southeast Turkey have been closed by the authorities. Hundreds of human rights activists have been killed by death squads, imprisoned, or face harassment and legal action.

The leaders of such groups face constant persecution; publications, including information on torture and village evacuation, are routinely banned and seized. Individuals affiliated with human rights groups are often arrested and branded as terrorists or traitors in the press.

Given such conditions, a major question to examine today is how our government can move relations forward and, at the same time, promote peaceful and democratic resolution of potentially devastating internal problems. No nation, including our own, is immune from human rights problems. When we speak out on Turkey's compliance with the OSCE human rights commitments and question unconditional support for a regime conducting military operations against its own citizens with U.S.-supplied equipment, we are not supporting terrorism, threatening Turkey's territorial integrity, or acting on behalf of forces that are hostile to Turkey.

By encouraging democratization, respect for human rights commitments, and peaceful political approaches to the Kurdish crisis, we seek to encourage stability and to strengthen our friendship. Only when Turkey resolves its internal crisis can we be assured of a mutually beneficial and long-term relationship based on shared democratic values as well as shared political, economic, and strategic interests.

In closing, I'd like to point to critical parliamentary elections in Turkey next year. Many believe this election will be an historic last chance for the present political system and constitution. Efforts by successive Turkish governments to strengthen democratic institutions have not resolved underlying sources of conflict.

If the newly elected group of Turkish leaders is unable to decisively move toward peaceful resolution of the Kurdish impasse, many related crises will be exacerbated. Islamic fundamentalists and nationalistic parties increasingly cut into support for Turkey's centrist secular parties. Should centrist parties lose power, Turkey will likely turn away from the West and could face increased internal conflict. Such an outcome would be devastating to both our countries and would pose a serious obstacle to continued close relations and regional stability.

I look forward to hearing from our very distinguished panelists, and at this time, I would like to yield to my distinguished friend and colleague from the State of Maryland, Mr. Hoyer.

OPENING STATEMENT OF HON. STENY H. HOYER

Mr. **Hoyer**. Thank you very much, Mr. Chairman. I'm pleased to be here.

I want to congratulate the chairman for having these hearings. Our distinguished panelists will surely contribute much to our understanding of a most important relationship between the United States and Turkey. I am, however, disappointed that the Turkish government chose not to send a representative today.

At the dawn of the 21st century, a serious human rights crisis in Turkey threatens democratic development and improved relations between Turkey and its allies. A complex crisis, which is not limited to Kurdish issues, has raised tensions between ethnic and religious groups, and has contributed to the strengthening of Islamic fundamentalists and extreme nationalist parties.

The crisis, which has been costly in lives and resources, also preserves a potentially dangerous political role for the Turkish armed forces. The crisis is inherently, in my opinion, destabilizing and threatens to limit Turkey's role in the Middle East peace process, Central Asia, the Caucasus, and the Balkans, at a time when the stability of their contribution could be important.

Members of Congress and the Helsinki Commission have consistently condemned terrorism in Turkey. At the same time, we have urged Turkey's leaders to seek non-military, democratic solutions to the Kurdish crisis and related issues. In last year's foreign assistance package, Congress made it clear that it would not unconditionally provide aid to be used by Turkey's military to wage a violent campaign against Kurdish civilians.

A State Department report, mandated by the legislation, confirmed the use of U.S. military equipment for non-defensive purposes. Such conditionality has prompted some Turkish officials to claim that U.S. officials and Members of Congress want to change Turkey's borders and contest the rights of Turkey's government to defend its citizens against terrorism. This is untrue, absolutely untrue.

The United States respects both principles. Additionally, our assistance reflects our belief, however, that the Turkish government must not pursue its war against terrorism at the expense of civilian lives, free speech, and human rights enshrined in so many international documents of which Turkey is a signatory state.

While I realize that this position causes consternation among some of Turkey's leaders and people, we should be deeply troubled by the Turkish government's sole reliance on military solutions to the conflict. While Turkey deserves our assistance in combating terrorism supported from abroad, the government's response to terror has only made the problem worse.

Turkey is a critical economic and strategic partner, whose predominantly pro-Western secular government makes it a strong ally of the United States. We want to promote a long-term, mutually respectful alliance that can only realize its full potential if a peaceful resolution of the Kurdish crisis is reached, and the primary threat to Turkish democracy is resolved.

Peaceful resolution of this issue would strengthen democratic institutions and bring Turkey closer to realizing its OCSE and other international commitments.

In closing, Mr. Chairman and members of the Committee, I wish again to thank our witnesses and our distinguished chairman for convening this examination of a complicated and important bilateral issue. It is clear that Turkey is a friend, an ally, an important strategic partner in the maintenance of international stability.

The Helsinki Final Act, however, was adopted on the theory, which has proved compelling and correct, that the oversight by partners in the Helsinki process, particularly as it relates to one's own citizens, is critical if Helsinki principles are to be realized.

The reason for that is clear throughout history. The reluctance or refusal of the international community to oversee the treatment of a nation's own citizens has led to some of the most terrible abuses of human rights committed by fellow citizens in a state as opposed to state versus state.

We see, of course, human rights abuses throughout the world. Within the Helsinki framework, however, the mechanisms that have been devised to have each of us look at one another have proven successful, and even though it is difficult to look critically at a friend and ally, the failure to do so will undermine the realization of the principles and objectives of the Helsinki Final Act.

That is why this hearing, that is why the State Department's oversight, that is why discussion in the international community, and that is why the oversight by human rights activist groups are so important and why this hearing is so important. Thank you very much, Mr. Chairman.

Mr. Smith. Thank you very much, Mr. Hoyer. As always, I appreciate your very fine remarks and the fact that the leadership of this Commission has been and always will be bipartisan. We are a committee which, in a bipartisan way, focuses on human rights and democratization. Regardless which way the Congress goes, the leadership remains very firmly committed. When the baton was passed by Chairman Hoyer to myself, there was no change whatsoever in terms of our approach in trying to ensure that human rights are protected everywhere.

Having traveled with you many times to many of the countries in the East Bloc and elsewhere, I can say, without fear of contradiction, that you are a true leader in human rights. So I thank you for your fine opening comments.

Mr. **Hoyer**. Thank you, Mr. Chairman.

Mr. **Smith**. Our first panel today will include Assistant Secretary John Shattuck and Mr. Marshall Adair.

John Shattuck is an Executive Branch member of the Helsinki Commission, as Assistant Secretary of the State Department's Bureau of Democracy, Human Rights, and Labor, and a long-time human rights advocate. He has conducted numerous official visits to Turkey, including its southeast region.

Also on our panel is Marshall Adair, filling in the shoes today of Richard Holbrooke, who wanted to be here with us, but as we all know, he is very much involved in pursuing peace in Bosnia. I would ask Secretary Shattuck if he would begin.

STATEMENT OF JOHN SHATTUCK

Mr. **Shattuck**. Thank you very much, Mr. Chairman. I do very much appreciate the opportunity to appear before you and Mr. Hoyer, two of the outstanding leaders in our country on human rights issues, and to sit on the Helsinki Commission as one of the executive branch members of the Commission. So thank you very much for my invitation, and I'm very pleased to participate, not only in this hearing, but in all matters involving the Commission.

I have a lengthy prepared statement which I would like to submit for the record.

Mr. **Smith**. Without objection, it will be made part of the record.

Mr. **Shattuck**. I will summarize it for you orally, but certainly welcome any questions or comments that you wish to make on other issues that may not be summarized in this short time.

As you have indicated, Mr. Chairman, this is an extremely important and complex hearing, and a very timely one, I might say. I would like to preface my comments on the current state of affairs of democracy and human rights in Turkey with a few observations on U.S.-Turkish relations.

Turkey, as both you, Mr. Chairman, and Mr. Hoyer have indicated, is a long-time friend and strategic ally that serves important U.S. interests in a vital yet troubled region of the world. Geographically, economically, politically, and culturally, Turkey stands at the crossroads of Europe, the Middle East, and Central Asia. It is a democratic, secular, Muslim country in a region with little in the way of democratic tradition.

Turkey provides valuable support for U.S. policy in the region. As a committed member of NATO, Turkey strengthens Western defenses and extends the reach of the West into an unstable part of the world. It participated on the side of the U.N. coalition in the Gulf War, continues to support Operation Provide Comfort and the enforcement of U.N. sanctions on Iraq, and has been a significant contributor to UNPROFOR, the U.N. force in the former Yugoslavia and humanitarian assistance in Bosnia.

Turkey has also made efforts to develop close cooperation with Israel in support of the Middle East peace process.

One of Turkey's chief domestic problems and the source of many significant human rights problems is terrorism. In 1984, the Kurdistan Worker's Party, the PKK, began a guerrilla warfare against Turkish security forces with the stated aim of creating an independent Kurdistan in southeastern Turkey.

Most of the southeast's Kurdish residents do not support terrorism. Some are sympathetic to the PKK, however, because they believe it is their only voice and that it has been responsible for bringing the Kurdish situation onto Turkey's domestic agenda. During the past 2 years, the government of Turkey has launched a broad military campaign against the PKK. While these military operations have undoubtedly made areas of the southeast more secure from the PKK, they have come at a tremendous cost, economic, social, and above all, human rights.

The government's reliance on a military strategy has resulted in major human rights abuses and risks alienating the local population. For these reasons, we believe a military solution alone cannot solve the fundamental problems of the southeast. A civil approach is imperative. Encouragingly, Turkish democracy is beginning to come to grips with the dilemmas posed by the imperative to defend its society against terrorism versus the imperative to preserve and enhance its society by protecting human rights.

At this point, Mr. Chairman, I would like to set out for you the chief human rights problems we see in Turkey today, many of which you and Mr. Hoyer have summarized in your opening statements. In the course of the past year's operations against the PKK, the government has engaged in a systematic process of evacuating and often burning villages throughout the southeast. The scale of the evacuations and their continuance suggests that they are part of a Turkish military strategy designed to deprive the PKK of any logistical base in the southeast.

The total number of evacuated villages and hamlets is estimated to be about 2,000, and over 2 million people are estimated to have been forced to leave their homes. To date, the Government of Turkey programs to deal with these internal refugees have been, frankly, inadequate. Only a few displaced villagers have been compensated and there is no system in place for efficient compensation.

A group of government officials from Ankara and the southeast is now working on a plan to improve conditions in the southeast. This includes a return to villages program, which has not yet been implemented except in a handful of cases.

The second area of great human rights concern within Turkey is the continued curtailment of freedom of expression. Turkey's broadly-written anti-terror law allows charges to be brought for acts, words, or deeds which promote separatism or threaten the indivisibility of the state.

In 1994, a number of parliamentarians were stripped of their immunity and eight were ultimately tried and sentenced under the anti-terror law. Some of Turkey's most prominent writers, journalists, and entertainers—Mehmet Ali Birand, with whom I have met, Yasar Kemal, Bilgesu Erenus, and others, many others—have been indicted for their speech or words.

Human rights activists continue to be arrested and tried for reporting human rights abuses. All but 2 of the human rights association branch offices in the southeast, some of which I have visited, as you indicated, and where I've met with officials of the human rights association, are now closed.

A third area of human rights abuse involves disappearances and extrajudicial killings. While both have declined during the past 6 months, they continue to occur. More than 300 people have disappeared in Turkey over the last 3 years. So-called mystery murders, where the assailant is unknown, account for a high percentage of the extrajudicial killings. Among the victims of these mystery murders have been large numbers of leaders or prominent members of the Kurdish community, human rights monitors, local politicians, and members of the pro-Kurdish DEP and HADEP parties.

Last May, a Turkish parliamentary committee charged with investigating the mystery murders issued a report which concluded that illegal formations within the state bear some responsibility for these acts and that they need to be cleaned up. I will say more about the importance of reports like this, which are beginning to emerge from within Turkey itself, in a moment. They are examples of the kind of debate that is producing the possibility of significant change and improvement in this area.

One of Turkey's most serious human rights problems is the routine use of torture by police and other security forces during periods of incommunicado detention and interrogation. Despite a constitutional ban against torture and Turkey's accession to international conventions banning torture, between September 1991 and September 1994, 4,149 applications claiming torture, maltreatment, or arbitrary detention were filed with the Turkish parliament's human rights commission.

As you know, Mr. Chairman, we have given a detailed assessment of the human rights situation in Turkey in our own 1994 human rights report. We will do so again very shortly when the 1995 report is released early next year. A more recent report was submitted to the Congress last June on allegations of human rights abuses by the Turkish military.

A key focus of this report was the use of U.S. military equipment in the commission of human rights abuses in the southeast. Many eyewitness reports refer to the use of major military equipment such as armored personnel carriers, helicopters, and trucks. In a number of instances, eyewitnesses have identified the equipment involved as U.S. models.

We do not have information regarding the extent to which U.S. equipment has been involved in village evacuations and/or destruction more generally though most, but not all, of Turkey's major military equipment has been supplied by the United States. It is highly likely that U.S. equipment and ordnance have been involved in such operations.

Mr. Chairman, let me now turn to our own government's involvement with the Government of Turkey on these issues because I know how important that subject is to this hearing, and then turn to what is happening in Turkey to address some of these problems.

Over the past 18 months, the United States has been engaged in an intensive, ongoing, and very high level dialog with the Turkish government on how to support our shared commitment to civil society, democracy, and human rights. Ours has not been the only government active in this area. As you know, the European Union, the OSCE, and others have also made their voices heard, but we have made special efforts which I hope are beginning to bear fruit. I'd like to outline both those efforts and some of what is happening within Turkey.

Our policy of direct and intense engagement on these issues has been implemented at all levels of the U.S. Government including the very highest. Human rights has been a prominent feature of the dialog between President Clinton and Prime Minister Ciller, and between Secretary Christopher and his Turkish counterparts. During his visit to Turkey last spring, Deputy Secretary Talbott hosted a roundtable for Turkish human rights NGO's to discuss their firsthand impressions of the situation there and to show our support for Turkey's efforts to address human rights issues and their own concerns.

The Assistant Secretary of State for European Affairs, my friend, Dick Holbrooke, has raised human rights issues on all recent trips to Turkey, as have I extensively, over the last 2 years. This effort has not been restricted to the White House and the State Department. Our military has had a long and successful relationship with the Turkish military. Secretary Perry, General Shalikashvili, and Assistant Secretary of Defense Joseph Nye have all engaged their counterparts in discussions of human rights during the course of this year.

I've made two trips to Turkey, the first in July 1994 to Ankara and Istanbul, the second in October of 1994 to Ankara and throughout the southeast. I met with representatives of the government, with human rights non-governmental organizations, with members of the bar association, with prominent members of the Kurdish community, and with many ordinary citizens.

During each visit, I was told of the extent of the human rights problems I have mentioned earlier. In the southeast, for instance, I heard firsthand accounts of the traumas and dislocations of village evacuations and burnings. I met with families whose husbands, fathers, and children have disappeared. I heard the accusations that people arrested in the southeast under the anti-terror law can expect to be tortured unless they sign a confession.

These are, to say the least, very serious problems and we are working at every level with the Government of Turkey to address our shared concerns and to develop solutions to these issues. We are gravely concerned about the use of military equipment provided by the United States to Turkey in ways that may involve the violation of human rights. We have conveyed that concern in our report and in direct communications to the Turkish government. We are constantly reviewing proposed arms transfers on a case-by-case basis, and in each case, we make our decision by taking into account human rights concerns as a matter of central U.S. policy and law.

As I said at the outset, Mr. Chairman, Turkey is a crucial NATO ally and a key friend at a strategic political, economic, and cultural crossroads. It is precisely because Turkey is such a valuable international player in such a strategic area and because we seek to maintain and expand our long-term relationship with a stable democratic Turkey, that we must ensure that our assistance and equipment ad-

dress legitimate security needs and not go toward activities that might do irreparable harm to human rights and the fabric of Turkish civil life.

Mr. Chairman, I believe our policy of intensive engagement with Turkey on human rights is working and that positive change is beginning to occur. A broad debate within Turkey is now taking place on these issues. Columns in the popular press are asking questions such as in what direction is Turkey going. Popular television commentators have questioned public policy.

For the first time, government officials have begun to question their own government's decisions in some areas, and parliamentarians have demanded that investigations be conducted of military operations. In short, a lively public debate has been taking shape around these extremely important issues.

Over the past 6 months, the public debate has begun to show some concrete results. Let me mention a few. In July, the Turkish parliament passed 16 ground-breaking amendments to the constitution. The amendments lifted restrictions on participation in politics by associations, labor unions, professional groups, and cooperatives; lowered the voting age and created greater political access for youth; and for the first time, allowed civil servants the right to unionize.

We have seen some early enforcement of these amendments, including the dismissal of illegal assembly charges against some union leaders and the open participation, for the first time, of the Turkish Labor Federation in a political party convention. In short, these amendments provide an important initial set of democracy expansion measures.

Mandatory human rights education has been introduced this year into the curricula of Turkish high schools, and the government has intensified human rights training for the police. Earlier this year, Prime Minister Ciller issued a circular to the police and Jandarma condemning the use of torture in interrogations, and the human rights minister issued a report on police interrogation methods to be used to eliminate torture.

In recent months, there have been modest beginnings of a program to return villagers to their homes in the southeast and to provide them with the basic necessities needed to restore their communities. Prime Minister Ciller and President Demirel, who will be in Washington later this fall, have both strongly endorsed legislation to expand freedom of expression in Turkey, as has the newly elected leader of the junior government coalition party, CHP. The legislation will be taken up by parliament later this fall.

The Turkish security director general has recently instituted a program to require immediate communications with the families of persons taken into custody to eliminate the problem of disappearances in custody. Clearly, positive changes are occurring in Turkey today, but much remains to be done. The success of democratic and human rights reform is vital to Turkey's own future success in a variety of arenas. Much of Turkey's economic progress is intrinsically linked to the strengthening of its democratic institutions. The rate of Turkey's continuing integration into Europe will be heavily influenced by the degree of continued progress on human rights.

The human rights agenda should include a number of actions. We have discussed these extensively. First, the government needs to cement its consensus that problems of the southeast cannot be solved solely through military action. There should be an end to village burnings and evacuations and provision of assistance to those who have lost their homes.

Second, Article 8 of the anti-terror law should be revised so that words short of incitement to violence are not a crime. And the other laws or provisions that would apply the same standards as Article 8 should not be used to substitute for Article 8 if it is amended. In a democracy, citizens must be allowed to challenge the decisions and policies of their government. Debate over critical issues is the very hallmark of freedom. In this spirit, expansion of cultural, educational, and linguistic freedom of expression throughout Turkey and particularly in the southeast is essential.

Third, the strong statements issued by the government of Turkey against torture need to be given further meaning by adequately punishing those who perpetrate it. New training programs instituted by the government are commendable, but torture cannot be finally eradicated so long as there is an atmosphere of impunity for those who perpetrate it.

Finally, those who have disappeared or who were murdered under mysterious circumstances should be accounted for. In some provinces, an office of missing persons has been established. This example should be repeated throughout the country and these offices should be held accountable for conducting objective and thorough investigations.

To sum up, Mr. Chairman, significant human rights abuses have been taking place in Turkey, but Turkey has a basic commitment to democratic processes. These issues are being debated and beginning to be addressed through significant changes, more of which are clearly needed. We will continue to encourage these changes in the interests of human rights, democracy, and above all, the strengthening of good relations between Turkey and the United States. Thank you very much, Mr. Chairman.

Mr. **Smith**. Secretary Shattuck, thank you for your fine statement and for your personal commitment to promoting democratization and human rights in Turkey. We have spoken in the past about your trips there, and thank you for that testimony.

We'll get to questions momentarily, but I'd ask Mr. Adair if he would testify at this point.

STATEMENT OF MARSHALL ADAIR

Mr. **Adair**. Thank you, Mr. Chairman. Thank you for inviting us to come and discuss policy toward Turkey here today. I am very sorry that Assistant Secretary Holbrooke could not be here today. He would, I'm sure, make a very important contribution to these hearings, but he is—

Mr. **Hoyer**. He's doing the Lord's work and he's doing it well.

Mr. **Adair**. Thank you. I will pass that on to him.

Mr. **Hoyer**. Finally he's taking some action that's having some effect, so wish him Godspeed for all of us.

Mr. **Adair**. Thank you, sir. I will try to be helpful to you, but I want to make clear that I don't purport to fill his shoes, either figuratively or physically. Your Commission's briefings for the public, its reports

and analysis are a very important resource. Also, your contacts with your counterparts in the Turkish parliament and throughout the OSCE parliamentary assembly are useful channels for exchanging experiences and broadening mutual understandings. We encourage you to continue that.

I would also encourage you, both of you, and members of your Commission to actually visit Turkey. I think that it would be helpful both for your understanding and also convey an important message to Turkey. I have submitted a statement which I would appreciate your putting in the record, but with your permission, I'd like to make a shorter statement now specifically directed at the title which you've given to these hearings, "Turkey-United States Relations: Potential and Peril."

Let me begin by restating the obvious: Our relations are predicated on U.S. interests. Turkey is uniquely important to the United States. It is located at the confluence of 3 geographic regions and most issues of importance to the United States in these three issues intersect somehow in Turkey. Turkey, as you have noted, is a democratic, secular democracy in a region where neither democratic nor secular values are often held in high esteem. It has a burgeoning and dynamic economy which offers significant opportunities for American businesses, and which can also contribute to economic development in the region.

Turkey is also facing significant difficulties as it seeks to protect its borders, develop its economy, and modernize its democracy. One of these difficulties is the protection of human rights, which is absolutely essential to the stability and growth of Turkey's democracy. There is tremendous potential for U.S. interests in this relationship, and there's also peril. By our actions, we can promote our interests; we can also endanger them.

Let me first address the potential by listing some particularly important areas. This list is by no means exhaustive. The continuing development of Turkey's democracy can promote political stability in Turkey and serve as a model to encourage democratic principles in the Caucasus, Central Asia, and the Middle East. The success of Turkey's secularist model can protect religious freedom in Turkey and provide a dynamic model for other Islamic nations.

Progress in Turkey's structural economic reforms can offer billions of dollars of trade and investment for U.S. companies in Turkey and for those that are not yet there. Turkey's contribution to an economically viable route for the rapid export to Western markets of Caspian and Central Asian oil would promote more rapid economic development in the newly independent countries of that region, and also strengthen the stability of world oil markets.

The corollary to that is the re-investment of some of the profits from that oil in the Russian oil pipeline network could contribute to Russian economic development and a reduction of the great game mentality which has undermined stability and economic development in that region for many years. Improving relations between Turkey and Armenia can promote Armenia's stability and independence and the more rapid resolution of the Armenia/Azerbaijan conflict.

Turkey's continued support for Operation Provide Comfort and for sanctions on Iraq can provide critical support for the international community's efforts to enforce acceptable behavior on the part of the

Iraqi government. Constructive relations with Syria could provide a boost to the Middle East peace process, a reduction in terrorism in the region, and enhance prospects for economic development.

With determined support from Turkey, as well as other parties in the dispute, a resolution of the tragic division of Cyprus is possible. A reduction of tensions between Turkey and Greece would reduce the volatility of the Eastern Mediterranean region, strengthen NATO, and open new opportunities for economic development there.

Turkey can also contribute to a lasting solution in the Balkans, both through its active support of Western efforts to promote peace there and through a moderating influence in the Islamic world. All of these that I've listed are possible; all of them are in our interests; all of them are in Turkey's interests. However, there are also dangers. The obverse of each of the above could also happen. Let me just name a few.

First, the confusion of the modernization process in Turkey could overwhelm progress in economic development and democracy. Second, many in Turkey could succumb to the temptation of simplistic nationalistic or fundamentalist answers. Third, the great game mentality in the Caucasus and Central Asia could win over practical, pragmatic economic opportunity.

Fourth, Turkey could allow certain trends in its domestic politics to dominate its agenda with Greece and Cyprus, and substantially increase volatility in the region. And finally, Turkey might fail to address fundamental weaknesses in its democracy like the human rights problems we are here to discuss today and which were described earlier.

Our actions in this relationship can promote our interests or they can endanger them. I would define the alternatives facing us as follows: We could encourage moderate and pragmatic forces to take necessary risks for democracy and economic development, or we could unwittingly supplement the forces of confusion and rejection. With regard to the latter, we must recognize that there is a danger that we could stir up nationalistic pride and anti-Western sentiment by appearing to threaten or dictate changes in internal affairs, or by supporting or appearing to support attacks on Turkey's national integrity.

We could raise unrealistic expectations by suggesting to individuals or groups that they can circumvent their country's own democratic processes by appealing to international forces. We could reduce Turkey's ability to protect its borders or to meet NATO obligations by placing excessive restrictions on the transfer of equipment and technology.

Mr. Hoyer. Mr. Adair, could I interrupt you one second? I'm looking at your statement. Are these points included in your statement?

Mr. Adair. I'm sorry. As I said, I made the other statement for the record. All these points are not included in the written statement I submitted. I have submitted this one to you as well, and so they are in written form, but I wanted to take this opportunity to address the title of your hearings, which I only became aware of late on the weekend.

Mr. Hoyer. I apologize for interrupting your train of thought. I was just trying to find out, because I think the points you're making I'm interested in. Some I agree with, some I don't. I want to get back to them, but I couldn't find them in here.

Mr. Adair. Well, I'll give you this as soon as I finish with it and you can read it.

Mr. Hoyer. Thank you. We'll make copies of it. I apologize.

Mr. Adair. On the other hand, if we want to promote the more positive alternative, we will need to demonstrate a dynamic partnership on key issues such as the customs union, such as NATO, such as the issue of the PKK. We will need to continue to assist materially where we can.

We will need to continue and expand dialog on areas of mutual interest such as the Caucasus, Central Asia, and Iran. We will need to support Turkey's increased participation in multilateral activities such as Western efforts to bring peace to Bosnia and the Middle East. And we will need to maintain an active, firm, but non-threatening pressure for improvement in areas such as human rights.

To conclude, Turkey is uniquely important to the United States. We now have a strong and positive relationship with Turkey which seeks to promote our interests there and in the region. There is both tremendous potential and peril for U.S. interests, and by our actions, we can promote our interests or we can endanger them. The issue of human rights is an important part of this equation, and I will try to answer whatever questions you may have. Thank you.

Mr. Smith. Mr. Adair, thank you for your testimony. I think your point about the advisability of a visit to Turkey is a good point. My visit to Turkey, as part of a CODEL appointed by the Speaker, was at the end of the Persian Gulf War, when Provide Comfort was first initiated. I saw firsthand the tensions between the Turkish military and those Kurds who were then fleeing right up to the border and were in some of the camps. As a matter of fact, one of the camps we visited during that trip actually had violence break out the next day. People were killed.

Those tensions obviously remain unabated. Perhaps it would be very timely to go back, and I thank you for that suggestion.

Mr. Secretary, you spoke of the reports of 4,149 acts of torture and other kinds of mistreatment between 1991 and 1994. You also made mention of the Turkish parliamentary human rights commission. We all welcomed the strong statements made by the Turkish government vis-a-vis torture and the importance of ending torture. But what is tangibly being done to stop it? And, have we seen any indications yet that the use of torture has mitigated in Turkey?

Mr. Shattuck. Mr. Chairman, let me make—

Mr. Smith. In your answer, please describe the role of the Turkish Parliament's commission on human rights. What kind of real power do they have?

Mr. Shattuck. Yes. I want to make clear that the figure that I cited was the number of complaints that had been received.

Mr. Hoyer. Was that 4,729?

Mr. Shattuck. I believe it was 4,149, if I'm not mistaken.

Mr. Hoyer. Four-one-four-nine?

Mr. Shattuck. Yes, 4,149, that's right. These are applications claiming torture, maltreatment, or arbitrary detention filed with the Turkish parliament's human rights commission between September 1991 and September 1994.

Mr. Chairman, the issue of torture has gone back some time, in the history of Turkey and many other countries. It is an issue that is now part of the public debate that I was describing. Not only is it being condemned much more frequently and systematically by the leadership of the country—by Prime Minister Ciller, in particular—but also we are now beginning to see very early policy efforts to address police methods that are used that involve torture.

I'm not making claims that there's been significant reduction, but the report that was issued this year by the new human rights minister on specific police interrogation methods that should be used and those that should not be used, and the circulation of that report throughout the police and the Jandarma was an indication that we're not now just talking about leadership statements, but about the beginnings of policy implementation.

The human rights commission of the Turkish parliament and the position of minister for human rights within the Turkish cabinet are important instruments for potential reform. The new minister is taking a stronger and more systematic approach and is indeed the person responsible for the issuance of this report.

The parliament has an internal committee on human rights. Its ability to work has been somewhat circumscribed, and we have not seen a great deal of positive results coming from that body. But the recent examples that I cite of the work of the human rights minister and his office are, I think, very positive.

There's no question that torture is probably worse in the southeast, and this is another reason why it is important to find a different approach to the issues there, an approach that engages civil society and where reforms are brought to bear so that there is a reduction in such abuses as torture.

Several parliamentary leaders are raising serious questions about the approach that the Turkish military has taken in the southeast—an important illustration of the beginnings of progress in the internal debate.

Mr. **Smith**. Last July during the foreign assistance debate, General Shalikashvili contacted Members on both sides of the aisle and said, and I quote, "The Turkish military leadership is backing progress on human rights and is ready to make a concerted effort to see democratization legislation pass." How would you rate and describe the relationship between the political leaders and the military, whether or not the military has delivered on those promises, and whether or not such a role by the military is healthy? If they are so involved and have that kind of clout, what are they doing to mitigate the use of torture?

Mr. **Shattuck**. The relationship between our military and the Turkish military is, as you have indicated in your statement and I've testified and Mr. Adair has also emphasized, very strong and long-standing. The engagement at the highest level between General Shalikashvili and the Turkish General Staff, as well as at other levels, is very, very important.

It has also been important in addressing issues of human rights and democracy. There is certainly no intention, either on the part of the Turkish military or on our own military, to draw the Turkish military into specific civilian politics but rather to articulate the im-

portance of taking a different approach toward these internal issues that we've been describing, and specifically to address the broader democratization approaches that are being debated in public.

As far as torture specifically is concerned, this tends to be an issue with the Jandarma more than with the military. That is not to say that the issue doesn't deserve to be raised and very aggressively addressed by the Turkish military to assure that there is no use of torture by the military.

Mr. Smith. Mr. Adair, did you want to comment?

Mr. Adair. If I might, yes. Thank you, Mr. Chairman. I think you have to first of all look at the role of the Turkish military in Turkey historically since the 1920's. The Turkish military has played the role of, essentially, the guarantor of the democratic process and is looked to by many sectors of the public. Now, how it has actually conducted that role, there may be some differences of opinion as to whether it was positive or negative, but it has stepped in on several occasions when Turkey was facing very, very difficult problems that the democratic process was not making headway on.

That said, the Turkish military also restricts, at least in principal, restricts its activity to being a guarantor, and in principal, when that role is not actively needed, tries to step back. They have been essentially stepping back, I would say, for the last five to 10 years and trying to stay out of the political realm. That said, they are a very respected force within Turkey on these questions, and as you know, the political spectrum is very broad in Turkey and if they were to oppose efforts to reform or to make progress on human rights, it would be very difficult to make progress.

It is in that light, I believe, that General Shalikashvili wished to reassure the Congress, at least, that the Turkish military is very supportive of the current process of human rights reform in Turkey. I don't think that—I think that the answer to your question about whether this is dangerous, I think the answer to that is no, certainly at this point.

Mr. Smith. Just for my understanding and that of the Commission, is there an active dialog between General Shalikashvili and the Turkish military with regard to human rights or was he just conveying a message? Are these issues talked about? It seems to me that having the U.S. military raise such issues would have added weight given the fact that they are peers and they would both have a military mindset.

Mr. Shattuck. Let me just make a comment and then indeed I would like Marshall to answer further. The active dialog on human rights and the intense discussions on human rights that have taken place at all levels of our government and the Turkish government certainly have included the Turkish military through General Shalikashvili. That dialog, of course, covers a very broad range of issues, but what both Mr. Adair and I are stressing here is that the issue of human rights including the specific subjects that I've been describing here have all been part of that dialog, a central part of it, in each instance over the last 18 months. This is, frankly, I think, unprecedented since it has become a very central issue in our discussions with Turkey.

Mr. Smith. Mr. Hoyer.

Mr. **Hoyer**. Thank you very much, Mr. Chairman. Let me start by making an observation. I had an opportunity in Madrid in the spring of 1990 to give a speech at what was then the formation of the Parliamentary Assembly of the Organization of Security and Cooperation of Europe, then known as the CSCE rather than the OSCE.

The thrust of my speech in April 1990 was that the Soviets needed to exit the Baltic States and they needed to do so forthwith. Shortly after that, a British parliamentarian rose and spoke criticizing my speech, in effect, as demanding that which was unrealistic and therefore destabilizing the debate and the comity that while the observance of human rights in the Baltics was certainly a legitimate demand, it was unrealistic to expect Soviet withdrawal.

The reason that occurs to me is because, quite obviously, within months, less than a year, the Soviets had, in fact, essentially withdrawn from all the Baltic States. As a matter of fact, by that September, I believe, in Moscow, we admitted the Baltic States as a full member of the OSCE.

Now, let me tell you why I say that. Both of you have emphasized what the Chairman and I also emphasized: Turkey is a very important strategic ally. You ended your statement, Secretary Shattuck, that our interests were "above all, strengthening the relationship between ourselves and Turkey." Mr. Adair's comment was that Turkey is uniquely important to the United States.

Let me say that I think one of the greatest threats to human rights in the world is the economic and military interests of sister states who are cowed into somewhat indifference. I do not mean we are. Your statements do not reflect that, but are somewhat neutralized in their advocacy of the human rights principles by their economic and military strategic interests.

China obviously poses tremendous economic opportunities for the West, and in my opinion, we are somewhat silent, not totally silent. When China arrests a famous activist arrested, we raise a hue and cry. The activist is released, and the hue and cry somewhat disappears as if, in fact, that was the solution to the human rights problems that exist when, in fact, it clearly was not. It was symptomatic of those problems, not an indication of their solution.

I've been at this business vis-a-vis Turkey quietly for a long time, certainly since 1986 or 1987, when I became Chairman of the Helsinki Commission. We've done it quietly and I want to tell you, frankly, to the consternation of the State Department who was worried about undermining this uniquely strategically, critically important relationship. Mr. Adair, you go through six or seven reasons why we really ought to make sure that we're OK with Turkey.

I want to be OK with Turkey. I presume the Turkish government is represented in the room, although they're not testifying. I believe Turkey is all that you say it is in terms of importance. But notwithstanding that, the strengthening of our relationship is a primary goal of our foreign policy and is a strategically important goal. I think that we must fight the inclination to thereby somehow rationalize progress when no progress exists.

Torture was a major problem in the middle 1980's, the beginning of the 1980's, in the 1970's, in the 1960's, in the 1950's, and for millennia previously. It continues to be a problem, while I think the police—you referred to them as Jandarma—are certainly primarily en-

gaged, as a historical, cultural, accepted way of doing business. That's why this is so difficult. I understand the problems the Ciller government has, but this is an accepted, historical practice and it's difficult to overcome. But we need to be, in my opinion, a lot more militant in our approach to human rights abuses throughout the world—not confrontatory per se, but militant.

Mr. Adair, you also mentioned some phrases that I've been used to hearing. The Turks believe that we're meddling in their internal affairs.

Two minutes to vote. I'll be back.

[Recess]

Mr. **Smith**. The Commission will resume its hearing. Mr. Secretary, as you know, the Turkish military, by their own admission, has de-populated over 2,000 Kurdish villages and created more than two million refugees in the process. Again, this is very similar to what we've seen occurring in Bosnia with ethnic cleansing.

Mr. Adair might want to comment on this as well. What steps has our government taken to ensure that U.S. military hardware is not being used in those activities?

Mr. **Shattuck**. Mr. Chairman, let me make very clear what we have done and what our reports and direct communications with the Turkish government have said on this subject. As you know, we prepared a publicly-released report for the Congress on the use of military equipment in the southeast provided by the United States in ways that may involve violation of human rights.

In that report, which I will submit for your record in addition to its previous submission, we reached a number of conclusions that I stated in my earlier testimony. I don't think I'll repeat them here. But we have conveyed this report and the concerns that the report raised directly to the Turkish government.

We are constantly reviewing any proposed arms transfers on a case-by-case basis, and in each case, as a matter of policy and of law, we make our decision based on human rights concerns. As you well know, both the Foreign Assistance Act and the Arms Export Control Act require human rights concerns to be taken into consideration.

It is by the case-by-case review of arms sales/transfers that we address human rights problems in Turkey as in all other countries. The June report that we prepared on this issue covers much more than just the issue of arms. It goes into the whole range of human rights questions in the southeast in a more exhaustive fashion than our annual human rights report has done, and that information has been conveyed to the Turkish government.

Mr. **Smith**. Do we have near immediate or immediate access to the sites or is this done after the fact, as people come forward with perhaps photographs and other kinds of descriptions as to what happened? What kind of surveillance do we really have to ascertain whether U.S.-supplied materiel is being used?

Mr. **Shattuck**. Our report notes that there are many eyewitness reports that refer to the use of major military equipment such as armored personnel carriers, helicopters, and trucks. We have interviewed eyewitnesses of village evacuations. U.S. human rights NGO's have also issued reports. Officials from our embassy in Ankara and our consulate in Adana travel frequently to Turkey's southeast. In some cases, they have endeavored to obtain direct access to certain

areas that were the subject of allegations of village burnings and evacuations, but in some cases, they did not receive permission from the government of Turkey.

Overall the source of the information is the reporting that has come through our embassy and through eyewitness accounts and through information provided by organizations which we have found to be credible.

Mr. Smith. Mr. Adair?

Mr. Adair. I don't have anything to add to that.

Mr. Smith. How do we respond when we have credible evidence that U.S. materiel has been used?

Mr. Adair. How do we respond to—

Mr. Smith. How do we respond to Turkey?

Mr. Adair. As Assistant Secretary Shattuck pointed out, we do try to keep track of these various reports and when they come to our attention, we try to raise them. We try to raise the ones which we believe to be credible with the Turkish government, and we do seek information from them on some of these, and as John pointed out, we do try to visit the selected sites. We're not capable of visiting all of the places where these things are reported.

We have a limited capability to follow up on these things, but we have tried to gather as much information as we can.

Mr. Smith. What do we do? We raise the issue, but where does it go from there in terms of protesting threats? Are protests made and do we indicate that future shipments and sales may be put in jeopardy if such use continues?

Mr. Shattuck. As I said earlier, the Foreign Assistance Act and the Arms Export Control Act provide public standards for our review on a case-by-case basis of every proposed arms transfer. Of course, the Turkish government is well aware of our law, and we have drawn their attention to it.

I will not, at this point, go beyond saying we are constantly reviewing, in all cases, any proposed arms transfer on a case-by-case basis. Human rights is central to each of those determinations.

Mr. Smith. Several months ago, the International Relations Committee and then the full House approved the Humanitarian Aid Corridor Act which I introduced and offered to the foreign aid bill, H.R. 1561. On the appropriations side, Mr. Porter offered an amendment I also supported—as did a majority of Members—which reduced aid to Turkey because of the concerns that we have over human rights abuses.

Now, there are some who say that we're interfering, that this is not timely because it may exacerbate the problem in Turkey by putting the pro-democratic forces at a disadvantage. I think it's so important to ask questions with regards to the misuse of U.S.-supplied equipment in what can be described as ethnic cleansing, but it seems to me that when we have the opportunity, and we protest, we should have an idea of how it goes. When do we finally say the policy should kick in, that we're going to withhold aid, and we're not going to provide money or military assistance to Turkey?

Again, I'm aware of the balancing act, the tightrope that some suggest that we're walking, but on the other side, as you said, Mr. Secretary, I think to use your quote directly, there is a routine use of torture in Turkey. If the situation is truly getting better, I think that

leads to patience on the part of Congress. As you know so well, when appropriation or authorization bills come up, we must deal with a snapshot of the situation at that point in time with some expectation of where we might be going in the future.

What is your impression of the legislation that has passed in the House, both Mr. Porter's amendment and my own? Is it helpful? Is it injurious to your efforts vis-a-vis Turkey, Mr. Adair?

Mr. **Adair**. All right. Let me say first of all that the expression of your concerns and the discussion of these issues here in Congress is very important, as well as any initiatives that you may take to discuss these things directly with your Turkish counterpart because these are issues that need to be discussed. These are issues that need to be worked on. MD30

Our goals are the same. The answer, my simple answer to your question about what do we think of the bills themselves, the administration has opposed both of those initiatives because we believe that actual passage of these two pieces of legislation would not only not help, they would hurt the situation, both of them, the situations that both of them are trying to address.

You and I were able to discuss the issue of the Humanitarian Aid Corridor Act in some detail earlier. I could review that again for you here if you like. There, on that particular issue, it's not just an issue of demanding or trying to force something with the Turks that they don't like, the relationship between Turkey and Armenia and the issue of the conflict between Armenia and Azerbaijan and how that impacts on domestic politics. It's a very sensitive one in Turkey.

Both Turkey and Armenia have been trying very hard to normalize their relations and open those borders. We believe that there are some signs of progress and there is real hope that they can resolve this. The problem with the United States actually passing a piece of legislation which imposes punitive measures on Turkey if they do not take this step is that that impacts on that sensitive domestic political agenda, and in effect, would stir up more opposition to the difficult step which the government of Turkey would have to take in order to make progress here.

So we believe that that particular piece of legislation would not be helpful, it would hurt. With regard to reducing the level of economic support funds, again, we have made our proposals for assistance to Turkey, both on the economic side and on the military side, with a view to promoting certain interests that we have and encouraging Turkey to make important changes there, in particular with regard to the economic funds.

We are pressing and we are encouraging Turkey to make important structural economic changes, to work with the IMF, with other international institutions to reform their economy in ways that will make it more healthy, more broad-based, and better for the entire region.

To reduce our assistance would work against that. And in addition, there isn't really a history of success in either threatening Turkey with punitive measures or actually imposing them. If you go back throughout history, when we have tried to do these things, it just hasn't worked very well.

We are allies, we have a close relationship. The dialog that we have on all of these issues is not passive. We don't just go in and give lists and say, "Please give us information on this." It is a very dynamic dialog. We are constantly pressing, suggesting, and trying to find pragmatic ways to make the changes that we think are necessary actually happen.

Mr. Shattuck. Mr. Chairman, let me just add a few words to that because I think your question really goes to the heart of what it is we're all talking about here today, what we are trying to accomplish? What will work? How can the human rights abuses that have been very publicly and clearly identified be reduced? How can the issues in the southeast of Turkey be addressed?

These aren't easy questions to answer, to be sure, but they are questions that we need to constantly ask ourselves in terms of what it is we are doing to make progress. What I will add to what Mr. Adair said is that the United States and other countries have, as perhaps never before, been clear, strong, and public on these subjects and have entered into as intensive a discussion with the Turkish government as has ever occurred. As a result, there are changes that are beginning to occur.

Torture has never been condemned before in Turkey in the way it is being condemned today. That doesn't mean that it is being stopped, but clearly, the direction is important here. The discussions that we have also result in public information being released in Turkey. Each time I have visited Turkey, I have had press conferences in Turkey and made these issues and our approach to them publicly well-known.

But I think as Mr. Adair says, we've got to make sure that we don't curtail the very process that we're trying to encourage in any particular ways that we might do through legislation. The work of this commission and the Congress and the public settings, the hearings that you're having here today, and your own commitment to travel and engage on these issues with other members, I think, is absolutely critical.

Mr. Smith. Mr. Secretary, thank you. We will suspend again briefly. There are four back-to-back votes. They're only 5 minutes in duration and Mr. Hoyer asked me specifically if you could stay. He had some additional questions and so do I. I would understand if you can't, but we'll take about a 20-minute or so recess. Thank you.

[Recess]

Mr. Hoyer. The chairman has asked me to reconvene the hearing. He will be back shortly, but I want to apologize to you, Mr. Adair, and Mr. Shattuck. I apologize to all of you as well who are in the audience. One of the problems with having a session while you're also having hearings is the disruptions that we've experienced.

Internal affairs is what I think I left on, as you may recall, and my question is a philosophical one and a practical one. I'd like to hear the premises which underlie our handling of the human rights issues as it relates to the economic, and not so much economic as it relates to Turkey, but military strategic questions.

Mr. Shattuck. Thank you, Mr. Hoyer. Let me take a crack at it and start by saying that we did have some discussion of this earlier and I want to put on the record what I had previously said when the chairman and I were discussing it just before the last break.

What I want to say above all is that with respect to Turkey, the issues of human rights and democracy have been pressed and are being pressed and discussed in a very clear, strong, and public manner as never before. In that respect, I take issue slightly with your earlier general point, which is that perhaps these issues are not being pressed sufficiently or discussed sufficiently.

Above all we are, together with our close friends in Turkey, trying to achieve progress and that's the most important goal here, not just taking public positions. Of course, taking a public position is a very important element of the work of this committee: this hearing, my trips to Turkey, and others' public statements in Turkey on these matters, our engagement with our friends in Turkey in the public debate about human rights, and particularly the discussion of very difficult issues such as the fact that much human rights abuse has occurred in the southeastern part of Turkey as a result of a particular approach toward terrorism. These points have been publicly and repeatedly stated on the record.

We need to use our relationship with Turkey, which is a good relationship, to see that human rights abuses are addressed. As I indicated in my opening statement, we believe that the public debate going on in Turkey is having a direct positive effect on the parliament and on officials within Turkey with regard to human rights questions, and the public debate reflects in part results of our approach.

It's an approach that has involved all levels of the U.S. government from the President to myself and many other officials as well, of course, including the military at the very highest level. So I think the answer to your question is that working within the relationship, within the strategic, economic, and diplomatic relationship, human rights and democracy have been absolutely central to our approach to Turkey in the last 18 months, perhaps as never before, and I believe that results are beginning to be shown.

Mr. Hoyer. Mr. Adair, did you want to make a comment on that?

Mr. Adair. Well, you asked philosophically where human rights fit in. I think that's fairly clear. Respect for human rights and the protection of human rights is essential to a stable democracy, and Turkey is a democracy. We happen to believe that democracies are the most stable form of government over time, and therefore we think it's very important that Turkey have a healthy, functioning democracy, both because it helps to provide an element of stability in this very volatile part of the world, and also because it helps to strengthen Turkey's ties, its sympathy, its social and cultural connections to the West—again, something that's very important to us in this region.

But the issue of human rights, therefore, is a core issue. It's a very important issue because it is their center of the issue of democracy.

Mr. Hoyer. Thank you. I also said philosophically and pragmatically.

Mr. Adair. And pragmatically. Assistant Secretary gave the answer to most of the pragmatic side. I can do some more if you want.

Mr. Hoyer. Let me ask you 3 pointed questions. A.) does the State Department support fencing of dollars for either economic or military objectives based upon human rights performance?

Mr. Shattuck. Again, Mr. Hoyer, and I apologize that we're responding by saying that we had made some comments to that effect on this question earlier, but very—

Mr. **Hoyer**. I apologize for asking the question redundantly.

Mr. **Shattuck**. Very briefly—

Mr. **Hoyer**. If you've answered it, then we can—

Mr. **Shattuck**. I'm happy to rest on the record as we've answered it, but I don't want to disappoint you in terms of not answering it.

Mr. **Hoyer**. I guess it depends upon what the answer is—

Mr. **Shattuck**. I thought you might say that.

Mr. **Hoyer** [continuing]. As to whether I'm disappointed or not.

Mr. **Shattuck**. Our response earlier is that we believe that the very strong public and private engagement that we have with the Government of Turkey on these issues is the appropriate way to go, and at this time, it is not clear that we would achieve any positive objective by having, as you put it, a specific fencing of dollars. That's a matter, obviously, for the Congress itself to make its own determination about, but we, on our part, want to make clear that the approach that we're taking is, we believe, the right one to be taking.

Mr. **Hoyer**. Thank you. Have we called for the release of the Turkish officials who have been incarcerated as a result of the—publicly?

Mr. **Shattuck**. We have publicly expressed our concern with the process by which they were tried. I've visited them in prison in Turkey and had a press conference in Turkey at that time.

Mr. **Hoyer**. They are still in jail, however?

Mr. **Shattuck**. Some of them are and several have been released. I can't recall the exact numbers.

Mr. **Hoyer**. Is it our assessment in calling for their release that they were incarcerated contrary to both U.N. and Helsinki human rights agreements and principles?

Mr. **Shattuck**. We are very concerned about the fact that by all appearances they were incarcerated and convicted on the basis of speech. They also have a right of appeal directly to the European Court of Human Rights, and we understand that that appeal may be forthcoming.

Mr. **Hoyer**. I don't want to be argumentative or confrontational, particularly with a member of the Commission. Is that a yes or a no?

Mr. **Shattuck**. We believe that their conviction is contrary to a broad range of international standards, that's correct, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Mr. **Hoyer**. One additional related question. Do Armenian, Greek, Jewish, or other religious minorities in Turkey face discrimination or other impediments to their right of worship today? Does the report include findings on that issue?

Mr. **Shattuck**. The status of the Greek Orthodox and Armenian churches and the Jewish community is recognized under the Lausanne Treaty and each religious community has the right to worship freely in Turkey. However, the Turkish government must approve the operation of institutions connected with these non-Islamic religious institutions, and the Ministry of Education controls the curriculums in the foreign language schools operated by these communities.

All three communities are concerned about the possibility of rising Islamic extremism. The Armenian and Greek churches have experienced minor security threats and harassment from Islamic extrem-

ists during the last few years. My impression is that the Turkish government has responded appropriately to meet the security needs of those minority communities. Clearly there are issues there.

Mr. Hoyer. Thank you. Mr. Chairman, just one closing observation. I have always perceived the role of the Commission and the role of the State Department as different—complementary but different. It is important, I think, that the Congress and other public bodies perhaps be more publicly confrontational. However, I think it equally important that the State Department has the day-to-day responsibility of dealing with a very important friend, a friend and ally. We have, in my opinion, many strong advocates within Turkey of the objectives that we seek.

I think we strengthen their hand, from the Congress' standpoint, raising the issue publicly. I would just hope that the State Department, although perhaps not as openly or what Turkey would perceive confrontationally, nevertheless forcefully state a point of view which I think is essential if Turkey is going to continue to be a respected full partner in the Helsinki process.

As the representatives of Turkey know and as you know, in the OSCE Parliamentary Assembly, the last two annual sessions in Vienna and in Ottawa, Turkey had a very rough time with the overwhelming majority of its fellow nations within that process in terms of sanctions on its activity.

Thank you, Mr. Chairman, and thank you for this hearing.

Mr. Smith. Thank you, Mr. Hoyer. Mr. Porter? Before Mr. Porter begins, we've made arrangements to have the room beyond one o'clock.

Mr. Hoyer. It was a ruse to get me to shut up. [Laughter.]

Mr. Smith. So let me inform our next two witnesses that we look forward to their testimony. Mr. Porter?

Mr. Porter. Well, I was going to try to compress what I had to say, but I'll take a little longer. John, let me recount some things that I believe are so, and you stop me if they are not so.

OPENING STATEMENT OF HON. JOHN EDWARD PORTER

There is in Turkey a heavy repression. Some call it genocide, but let's call it a heavy repression of the Kurdish minority that has included extrajudicial killings, forcible evacuations of villages, and routine torture. There are some 4,000 people who have been killed in this process in the last few years. There are three million people who are refugees within their own country as a result of it.

And it has, most recently, extended from the southeast across the border into northern Iraq with the incursion of the Turkish army, some 30,000 troops, attempting to ferret out what they call terrorists in northern Iraq in the Kurdish communities.

Turkey blockades U.S. assistance to our ally and friend, Armenia, working with Azerbaijan, causing us to spend millions of extra dollars to transit that assistance through Georgia. Turkish troops have occupied one-third of northern Cyprus for the last 21 years and Turkey has not been helpful in working with the Turkish Cypriot minority who responds only to them in bringing about a resolution and a re-unification of the island nation of Cyprus.

The anti-terrorist law, united free speech, and people who criticize the government policy of violence toward the Kurds are tried and imprisoned, including, I believe, eight members of the Turkish par-

liament. You just said some of them are still in jail and they are currently in the process of trying their leading author for sedition for suggesting that this policy is not a wise policy in print.

Turkey makes your job, Mr. Adair, awfully hard, it seems to me. There has been, in my understanding of all this, not only no progress made in any of these areas, but also a regression hugely over the last few years. Turkey has gotten much worse as a repressor of human rights.

Now, when you say that Turkey is a democracy, I would suspect that you're referring to the fact that they have elections and transfer power that way, but I think there's more to a democracy than elections. Democracies, as we wish to see them constituted, at least have to have basic protections for minority rights. They have to have free speech; otherwise, they're not a democracy.

In the face of all of this, if I understand it correctly, it is the policies of this administration to directly support the Turkish army's incursion into the Provide Comfort zone. We didn't not criticize it, we supported it. If I understand it correctly, and if I understand Richard Holbrooke correctly, having met with him on this, Mr. Adair, it's the policy of this administration, in the face of all this, to support Turkey's entry into the European Economic Union.

When I suggested to Mr. Holbrooke that perhaps he might have the cart before the horse, that we ought to see improvements and progress change in all of these areas before the United States might support Turkey's entry into the European community, he suggested no. He responded that wasn't the policy of the administration, that the administration supported it and would hope that changes would occur afterwards because of this support.

Frankly, that sounds like a bankrupt policy to me. We want to think of Turkey as our ally and as our friend and yes, obviously, she's strategically important and she's a nation of over 60 million people. But don't we have any leverage here to change things and to bring about a Turkey that reflects, at least in some modicum, the values that this country believes in and stands for, or are we going to stand aside in this administration, as we have, unfortunately, in previous ones, and not do the things that can bring about change?

The first way I would say to do that, the strongest way I would say to do it, is to say to Turkey, "We're going to oppose, with every fiber of our nation, your entry into any economic union until we see progress in every one of these areas. You're going to stop disrupting humanitarian assistance and causing U.S. taxpayers to pay more money. You're going to be forthcoming and work to provide for the re-unification of Cyprus and get the troops out and let this nation be a nation.

"You're going to stop repressing your Kurdish minority and give them rights," because no nation, especially a democracy, no nation who has citizens, and we're talking about 15 million people who believe that the government is a repressor of the rights and not the protector of their rights, can ever call itself a democracy, yet alone have a future that has any stability in it.

If you have a policy only of violence toward your minorities, especially numbers like that, you have no future at all. And good God, shouldn't the United States be taking a strong role in trying to change these misguided policies that have no reflection of our values and are impacting our allies all around the region?

I've gone from north to west to east to south. Every place around Turkey the relationships are terrible, including with Greece. And yet we stand on the sidelines and say, "Oh, these guys are important. We can't do anything about this. We're going to support them in anything they want to do." I think our policies are absolutely nonsensical, bankrupt, and ultimately will lead right back where we were before, to a military dictatorship in Turkey because that's all they'll have left to do. Now you can respond any way you'd like to.

Mr. Shattuck. Mr. Porter, thank you. Let me first respond. The heart of my response is that our policy over the last 2 years involves a high-profile and especially serious effort to engage the Government of Turkey and others within Turkey on human rights and democracy than any other previous administration. I'm talking at all levels, including—

Mr. Porter. John, we appreciate that. The hallmark of this Congress is that we're looking for results.

Mr. Shattuck. I understand that, and that is, indeed, the heart of what we're trying to talk about this morning. Certainly the need for progress is very clear. This heightened engagement from the President on down, and certainly involving military-to-military engagement, is starting to show results very concretely within Turkey.

We, of course, are not the only country that is engaged in this. As you indicated, the European Union, certainly the OSCE are very actively engaged with Turkey on this subject right now, and on the subject of the Customs Union.

Mr. Porter. We might have taken a clue from our French and German and other allies in Europe. When the Turkish troops went into northern Iraq, they cut off help and they criticized them severely while the United States was saying, "Oh, we support this."

Mr. Shattuck. Well, we also worked very closely at that point with Turkey to make sure that the rules of engagement very clearly limited any impact on civilians, and as best we can tell from the evidence, that has been the case. I think that was, in large measure, a result of our engagement.

I didn't stop you on human rights concerns because, in fact, that is very much our shared view about the situation, particularly the concerns that we have expressed about the situation in the southeast, and also the climate of freedom of expression with respect to the anti-terrorist laws.

What we have seen recently is a livelier and broader debate in Turkey than has ever taken place before, and that is beginning to show results in the parliament. Certainly it showed some preliminary results in the parliamentary amendments to the Constitution that were adopted that broadened political participation.

Also encouraging are the directives against torture that are now coming not only from the highest levels of the Turkish government, but at lower levels as well and the Human Rights Minister's issuance of standards of police interrogation. I won't go through all the matters that we discussed and that are set out in my testimony, nor am I saying that this is by any means the full picture that needs to be painted in terms of significant change.

But I do believe that when those within the Turkish government and outside within the popular press, for example, are themselves calling into question some of these issues, I think you have the signs of more support for and more progress on human rights than we have seen in the past.

Mr. Porter. I wish I believed that, but very frankly, every time we get to this point in our discussions, there's some cosmetic thing done in Turkey. Let me say, the constitutional changes, if you look to what the changes are, are what brought them into the 19th Century maybe. That isn't going to serve that purpose. They should understand that, but I'm afraid the message we get, "Oh, boy, that's encouraging, isn't it wonderful you're doing these things," nothing's really happened.

The killings go on, the blockade goes on, the occupation of Cyprus goes on, no progress goes on in anything except they make a few changes in the Constitution which are things that anybody would say should never have been there in the first place, and we call that progress and say, "Aren't you wonderful."

I'm sorry I'm being so blunt, but you get to a level of frustration. I've been dealing with this thing for 15 years in the Congress and there may not be institutional memory because administrations change, but a lot of people here in the Congress who have been seeing this, I think see it exactly the way I do. I think the vote on an amendment to cut off just a small portion of aid to Turkey to send them a message was an indication of the frustration of this Congress with all the administrations and the lack of progress in any of this, in fact, the worsening of the situation, the appreciable worsening in recent years.

I think the time has come for the president of the United States to assert the values of this country and to tell the Turkish government that if they're going to be our ally and we are, after all, the 800-pound gorilla here, they're going to have to have some minimal standards of human rights and freedoms in their country or we're not going to play their game. We've played it long enough.

Mr. Shattuck. Clearly the goal is the same. The question is how to get there. I know that there are different points of view that we're going to have in our own government on this. I think the clarity of the message that is being delivered by all parts of our government now and the public nature of that message are very helpful.

Mr. Porter. Can Mr. Adair address the question of policy on the EU?

Mr. Adair. Sure. I'd like to address some of the other things as well if I may. In a way, as I listened to what you're saying, Congressman, I almost wish that I could agree that what you're saying is true because what you come to is a conclusion that if we would just do something, we could solve the whole situation, we could solve the problems of the region, but I don't believe that.

Mr. Porter. Well, my conclusion clearly is that if we do nothing, it will only worsen.

Mr. Adair. OK. Well, I guess what I'm saying is I think that your evaluation of the situation is more simplistic, more simple than I would describe it. Specifically on several of those issues—well, let me first say that Turkey—you made the point that Turkey has terrible relations with all of its neighbors. We've said this before. Turkey is lo-

cated in a very difficult neighborhood, and Turkey is not the only country in the neighborhood that has difficulty with all of its neighbors. Virtually every country does.

Mr. Porter. All of its neighbors are far smaller, weaker countries than Turkey is. There's no threat to Turkey's existence from Greece or Armenia or Cyprus.

Mr. Adair. The issue is not just whether it's actually being threatened. The issue is the difficulty of having good relations in the area, and you have the situation, of course, a little bit further away in the Balkans where you've got an active war going on. At least we do not have that to that degree in and around Turkey.

Let me just address a couple of the things that you mentioned there. With regards to the situation with Armenia, it is true that Turkey has closed the border with Armenia. They did that in response to the events in Nagorno-Karabakh and what they believed was Armenia's support of essentially the taking of Azeri territory.

Now, you can argue about where this all started, but they believe that they have a valid concern there, and I would say to you that in our dialog—we have talked about this constantly with Turkey and also with the government of Armenia—we've tried to encourage both countries to find a way to patch up their differences or at least begin doing it so that they can open those borders. We believe that they are both working that way.

Mr. Porter. I hate to interject this, but we're talking not about military material. We're talking about energy supplies, medical supplies—

Mr. Adair. I know.

Mr. Porter [continuing]. Food for starving people. That was what we're worried about. It wasn't a military blockade, it was a total blockade.

Mr. Adair. And as you know, Turkey recently has opened an air corridor into Armenia and they are talking, both with Armenia and with others, about how the land border can be opened, and we think that's possible to do. It's not a black and white situation. It's extremely complex with regard to politics in Turkey and in Azerbaijan and in Armenia, but we do think that they are trying to make progress. We do think there has been some progress.

With regard to Cyprus, we all agree that this is a tragic situation and we have stated over and over again that we believe that the current situation in Cyprus is unacceptable. But we also believe that it's wrong to place all of the blame on Turkey. This is, again, a very complex situation in which two communities on Cyprus have long, particularly since the early 1960's, have a great difficulty working together.

And in the U.N. efforts to try and mediate that conflict, Turkey has played a constructive role. It hasn't turned the key to solve it, but then I would submit that Turkey doesn't really have the key to solve it. There are lots of issues that have to be dealt with, and essentially, it has to be worked out by the parties themselves.

Mr. Porter. Our great fear is that 15 years from now, your successor and mine will be sitting at the same table and will say it's 36 years, but they've been trying to be helpful. I think 21 years is a long time. I think recognition of a regime, the only country in the world

that recognizes the Turkish regime is Turkey, is not a positive development, nor shows a willingness to be forthcoming in the negotiations.

You can sit there and say, "We see these little things that they've done that are helpful." We're nowhere on this. We're nowhere and we're 21 years out and nowhere.

Mr. Adair. Well, I'm not trying to just point out the little things that the people are doing to be helpful, but I agree with you. I hope that 15 years from now, there isn't anybody sitting in this room having to discuss this particular situation. On the other hand, we have been fortunate that people have not been killed constantly on the island of Cyprus over the last 20 years.

That is something to be grateful for and we certainly would not want to see this situation to move back into that kind of a situation. I believe that we can make progress here, but I agree 100 percent with you that it's really frustrating about the pace of it.

Now, you asked me to specifically deal with the issue of the European community and the Customs Union. We have strongly supported Turkey's efforts to have a Customs Union with the European Union. The reason is that we believe that it's very important to strengthen Turkey's structural ties to Europe and to the West and this is the most immediate attainable step that can be taken.

We have reasons for doing that that are strategic, that we were talking about earlier before you came, that you're well aware of. We also believe that by strengthening those structural ties to the West, that will have an effect on the situation within Turkey on Turkish democracy and on the Turkish economy, which overall will promote change and reform in Turkey.

Now, there's no question that the European Union, which has to make the decision and actually progress with this and certainly has the right to say, "We want you, Turkey, to fulfill certain conditions before you establish these structural ties," and they have done that and they've made clear the things that they believe that Turkey has to do, and, I would submit, that over the last several months in particular, the government of Turkey has been working very hard to make some of the changes that would respond to those demands.

Mr. Porter. Could I ask you to address why the United States policy is not the same as the European policy? They are, after all, our allies and people that we find do share our values. Why are we supporting their entry and the European community is saying, "Wait, you're going to have to do these things in order to meet our values and then we'll admit you," and the United States is saying, "No, no, admit them anyway and maybe they'll do those things to support your values." Why is our policy different than our allies' policy?

Mr. Adair. Let me just answer 1 second and then I'll turn it over. Our policy is not different from the policy of the European Union. The European Union has already voted to create this Turkish Customs Union. What is remaining is a vote in the European parliament to ratify that decision.

Mr. Porter. Yes, but most people think that won't occur until some progress is made.

Mr. Adair. Well—

Mr. Porter. In other words, the European parliament certainly is not buying our line.

Mr. **Adair**. OK, but you said our position was different from the Europeans. It's not, but we do believe that the completion of this Customs Union would, in effect, encourage more reform. And you can also make the argument that the rejection of this Customs Union would make it far more difficult for those in Turkey that want to continue these reforms because it would stir up some of the worst sentiments that exist there, sentiments of nationalism, fundamentalism, and things like that. So it works both ways and it's by no means a simple issue.

Mr. **Shattuck**. Let me just add to that, Mr. Porter, because I think it's very important to understand that, like the European Union, we are stressing areas where we expect to see progress, particularly in the areas of freedom of expression and Article 8, which I know we've discussed. We don't need to get into it in any more depth here, but we know that the European Union has made those issues very clear with respect to the whole matter of the Customs Union, and we have done the same.

It is between the European Union or the European parliament and Turkey, ultimately, as to how this vote is going to take place. But as far as the United States taking a different position, if you will, the implication being that we do not see the importance of the freedom of expression progress, that is simply not the case. We've made very public and repeated points to that effect, and have certainly had discussions with the Turkish government on that.

Mr. **Porter**. John, again, I'm not critical of our efforts. I'm critical of our policy. One looking at this whole thing from outside would almost say, "How can Turkey get the United States to do these things? They must be blackmailing them or something," because the policies that we follow have no relationship to the values of our country.

And yet, we have Richard Holbrooke telling us, "No, no, we're going to support the Turkish entry into the Economic Union with Europe and we're going to hope that there's some change as a result of that," instead of just the opposite by saying, "Turkey, here's what we expect of you. Do this, this, this, and this and then you'll have our support for it."

It's just amazing to me that our policy is backward. What we really ought to do is cut off any funds for following such a policy and that might really send the right message. Thank you both very much.

Mr. **Smith**. Mr. Porter, thank you and I want to thank our panel, Secretary Shattuck and Mr. Adair, for your testimony. Both Mr. Hoyer and I have additional questions. We will give you those in writing and ask you to respond in a timely fashion. Thank you very much for your patience. It's been a long hearing.

Mr. **Shattuck**. Thank you very much.

Mr. **Smith**. Thank you. I invite our second panel to the witness table. Alan Makovsky is a senior fellow at the Washington Institute for Near East Policy. He served in the U.S. Department of State where he focused primarily on the Middle East and Turkey. His assignments include Southern Europe division chief, political advisor to Operation Provide Comfort, special advisor to the Special Middle East coordinator and analyst for Aegean Affairs.

Christopher Panico is a research associate at Human Rights Watch/Helsinki, with primary responsibility for monitoring compliance with the Helsinki Final Act in Turkey and the former Soviet Union. He

has conducted fact-finding missions to Turkey and Central Asia, documented various human rights issues and abuses, and published articles and reports on the situation of the Kurds in Turkey. Mr. Makovsky, you may begin.

STATEMENT OF ALAN MAKOVSKY

Mr. Makovsky. Let me say first what an honor it is, Mr. Chairman, for me to testify before this body. During my many years as an official in the State Department, I admired the unique and often creative focus of the Helsinki Commission, and maintained an excellent relationship with Helsinki staff, which has continued. I'm very pleased and flattered to be here.

The focus of my remarks will be somewhat different than those on the first panel. I've been asked to make some overview remarks and to confine my remarks to seven to 10 minutes and I'll try to do those things. The title of this panel is "Turkey-United States Relations: Potential and Peril." Preliminarily it should be said, as you've heard from the first speakers this morning, that Turkey is a long-standing friend of the United States and a NATO ally, and by far, the most democratic country in the Islamic world—unfortunately there's not a lot of competition there—and a state firmly committed to secularism.

Let me also say, based on a recent trip to Ankara, that I believe that the tone of U.S.-Turkish relations, at least on a state-to-state level, is at a high point for recent decades. Turkish officials readily talk publicly and positively about U.S. friendship and world leadership in a way that the arms embargo of the mid-1970's had long made politically unacceptable in Turkey.

On foreign policy, Turkey's primary concerns are its neighbors, and its worries about Russia, Syria, Iran, and northern Iraq, in particular, match and at times go beyond U.S. views, in some cases diverging from them. Three of Turkey's neighbors are on the State Department list of state sponsors of terrorism.

Another point I should add is that Ankara is placing great hope on its newly-growing relations with Israel, relations which have really blossomed in the wake of the 1993 Oslo Agreement between Israel and the PLO. I know some of these issues came up just moments ago in Q&A on the first panel. I'd be happy to address any of those issues in our Q&A, as time allows.

Clearly, the most important "peril," to use the word from the title, that Turkey faces is its future stability. This appears assured in the near term, but Turkey must win the ongoing challenges of the threats of Islamic fundamentalism and terrorism, particularly from the PKK, and the need for democratic reform.

In this regard, I'd like to make just a couple of observations about domestic politics. First, the secularist mainstream in Turkish politics, about 80 percent of the public, to judge from last year's nationwide local elections as well as from ongoing poll results, remains very concerned about the rise in public support for the pro-Islamist Welfare Party, or Refah Party as it's called in Turkish.

Indeed, it should be noted that Refah's share of the vote total has increased in every Turkish election since the return to civilian rule in 1983. There are various explanations for Refah's persistent position at or near the top of the polls, and I heard several during my trip. Some see it as a rejection of the corruption of many secularist politi-

cians; others say that the de-ideologization of the left in Turkey, in other words, particularly the willingness of the moderate left to serve as a junior partner in a government led by the right, has established the Refah Party as the only party demonstrating clear sympathy for the downtrodden and impoverished and thus, the only vehicle of protest for the poor.

Nevertheless, it is clear that Turkish politicians apparently believe that there is a revival of traditional religious values in Turkey that could also explain the sustained popularity of the Islamists. There's much evidence of this revival of traditional religious values.

Again, we could go into that in the Q&A. Several secular Turkish politicians, including Mrs. Ciller, have recognized this trend. For example, they have held publicized meetings with a liberal, avowedly pro-democracy religious leader in an effort to channel religious sentiment in a positive direction, as well as to affirm their own religious credentials with the populace. After signing the Customs Union Agreement with the EU on March 6th of this year, Ciller reassured the Nation that the agreement would not lead to the undermining of traditional Turkish values.

Obviously, that she issued such a reassurance demonstrates her sense that traditional values are of continuing importance to the Turkish nation and apparently growing in importance. Most of the secularist parties have indicated that they will enter a coalition with the Refah Party after the next national elections, which must be held by fall 1996. That is positive.

But ongoing disputes on both the right side and the left side of the Turkish political spectrum will no doubt make coalition formation very difficult, as it traditionally has been in Turkish politics. A one-party majority is an extremely rare thing in Turkish politics, almost as rare as it is in Israel, as a matter of fact.

The challenge will be for secularist parties to overcome their differences and coalesce to assure an all-secularist government. I think that process will have to be very closely watched. One should note that a predecessor party to Refah did take part in three different governments during the 1970's.

Turkish leaders emphasize that the pro-Islamist and anti-Western forces will be the big winners if Turkish accession to the Customs Union with the EU is not ratified by the European Parliament. It is true that making that argument simply makes good tactical sense from the Turkish point of view, particularly with Europeans increasingly concerned about Islamic fundamentalism. Still, the argument is advanced sincerely, I believe, and more important, it is probably accurate.

If Turkey is rejected from the Customs Union, those like Refah who have opposed Turkish integration with the West and have said that the West will never accept a Muslim state, ipso facto, simply because it is a majority-Muslim state, they will have acquired a very powerful new talking point.

Second, a word about human rights, specifically Article 8 of the anti-terrorism law and related public attitudes. The repeal of the now famous Article 8 about which we've heard so much in the first panel, which prohibits, to quote, and I believe this is an accurate quote, "pro-

paganda that threatens the indivisible unity of the state,” was a centerpiece of the human rights program proposed earlier this year by the Ciller government.

Sensing that there would be difficulty with repeal, Turkish government officials are now saying that they will try to modify rather than repeal Article 8. It now appears—at least I picked this up from soundings during my recent trip—that the Turkish leadership is concerned that it will be unable to take the desired action before the end of this year, that is, not before the currently planned time of the European parliament vote on Turkish Customs Union.

Most observers believe that Turkish action on Article 8 is crucial to European Parliamentary approval of the Customs Union. The good intentions of the Ciller government on this issue cannot be doubted. The government fought considerable opposition before finally passing a package of 17 constitutional amendments in July, as referred to by Assistant Secretary Shattuck. The vote total in parliament, ultimately lopsided, did not reveal just how difficult a political struggle it was.

Rather, the apparent difficulty on Article 8 illustrates the degree of polarization currently in Turkey over PKK terrorism and the Kurdish issue. Many Turkish politicians feel that Article 8 is an important instrument, either substantively or symbolically or both, in the struggle against terrorism. Moreover, they feel its repeal or circumscription would project weakness and further embolden the PKK.

They cite, for example, Turkish reforms on the Kurdish issue in 1991, which in fact were followed by an increase in PKK activity. One Turkish opposition leader frames the question thus, and it's resonated very much in the Turkish body politic. He asks, “How can Turkey change Article 8 and thereby abet terrorism at the same time it is sending its sons off to die in the southeast?”

As I said, much of the Turkish public is responsive to that point of view, and the emotional dimension of this issue shows the difficult task ahead of Prime Minister Ciller and her government in fulfilling their pledge to alter Article 8 in a meaningful way that allows for full freedom of expression.

This polarization is obvious in other ways. Certain seemingly dispassionate phrases and phrases that were used just a few years ago in Turkey, 3 years ago—such as “the Kurdish problem” or “political solution” or “Kurdish minority”—are often heard by Turks as synonyms for separatism. This, of course, mystifies many outsiders, but this is the way these phrases are heard among many Turks.

A recent Turkish Chamber of Commerce study about the Kurds was more heatedly debated for the motive of the author than for the content of the study's findings, although there was some debate as well over the content of the study's findings, and that's positive.

Despite this passion and polarization, I believe there are grounds for optimism about Turkey's political evolution. The Turkey of the 1990's is a far more open democracy than ever before. The taboo on discussing the particular concerns of what the Turkish press and politicians call “Turkish citizens of Kurdish origin,” indeed, the taboo on the use of the word “Kurd” has ended for good in Turkey. That taboo persisted almost from the beginning of the Turkish Republic in 1923,

until President Turgut Ozal and then Prime Minister, now President, Suleyman Demirel broke the ice in 1991 by formally acknowledging the existence of Kurds in Turkey.

Of course, as we all know, Ankara is still dealing with the implications of Demirel's December 1991 declaration that Turkey "recognizes the Kurdish reality." And, of course, it is important that Turkey work its way through those implications. As Turkey makes its difficult transitions through democratic reform, I think all people of good will should remember that Turkey is a loyal friend and ally of this country and that it deserves our full support during this difficult process and, at a minimum, in the battle against terrorism and in defense of its territorial integrity. Thank you, Mr. Chairman.

Mr. **Smith**. Thank you, Mr. Makovsky. Mr. Panico.

STATEMENT OF CHRISTOPHER PANICO

Mr. **Panico**. Thank you very much. I'd just like to thank the commission for inviting Human Rights Watch, Helsinki. We've appeared before and we cherish the forum that you provide and respect the work of the commissioners and the staff. I would just like to summarize my written testimony, which has been submitted, for the sake of time.

Looking at Turkey, I think there are multiple realities that I'd like to address. What Ambassador Shattuck said, I think to a certain extent, is true in some areas, both geographically and in terms of venue. There is a lively press; people discuss topics; there are new talk shows; people criticize the government, and I think that's what Prime Minister Ciller refers to as a minimum democracy in a speech in June.

But the problem is that there are serious obstacles to get beyond that point. In certain areas, especially in southeastern Turkey and especially with respect to Kurds, there's not even that minimum respect for democracy. Something that has really shaken the United States and influenced our policy is the whole Turkish counterinsurgency campaign in southeastern Turkey that's been directed against the PKK.

In research I've done, in research other people from Human Rights Watch have done, and research that the U.S. Government has done in the State Department report, in comments by Turkish politicians, it seems quite clear that in a majority of cases, the forced evacuations and the burning are conducted as a campaign by the Turkish government.

Recently, one area of Turkey, Tunceli province, has been especially affected by these evacuations. The junior partner in the ruling coalition in Turkey, the CHP, or the People's Republican Party, has had to have kind of a party meeting to discuss what will we do, this is happening, because the deputies from that region are from this party.

Also, Article 8 is still a serious problem and when you hear words like, "Well, Article 8, it defends terrorists," it's strange because of certain people who are charged under it—people like Mehmet Ali Birand, whom I think one of the commissioners mentioned, is the Turkish equivalent of Dan Rather—or people like Yasar Kemal. The charging under Article 8 of Yasar Kemal, the most famous of all Turkish writers, is like charging Ernest Hemingway in 1955 at the height. I mean, it's just something that affects everyone. It's not limited to one or the other.

As far as I know, there are 2,000 cases presently before state security courts and about 150 people are in prison under Article 8 for non-violent expression. Also, in terms of political activity, what are known in Turkish as actor unknown murders occur with great frequency. Over the past 3 years, there have been 1,200 and that strikes human rights activists, suspected PKK members, Kurdish politicians, especially from the banned DEP party, and the continuation of that party called HADEP. It's been a serious problem. And also, in terms of the PKK, the PKK has continued over these years to abuse human rights and to violate the rules of war.

I'd just like to address, after kind of giving a lay of the land, the constitutional amendments. Certain of the constitutional amendments are good, and they do address certain real issues like allowing trade unions to participate, allowing professors and students to join political parties. But having said that, they are not a solution, and if they are put forth as a solution to Turkish human rights violations, it's incorrect.

One very good example of that is Article 84. Article 84 allows for the banning of political parties. Under the old Article 84, if any member of a party made a statement and the party was banned, all the deputies would lose their immunity. That is one of the articles that was recently amended. Under the new amended article, only the person who made the statement for which the party is banned loses his immunity.

The Democracy Party deputies, five of whom are presently in jail, applied to the Turkish Constitutional Court after Article 84 had been amended, but the court rejected this petition. The Democracy Party Deputies lost their immunity and the party was closed under the old Article 84 for statements the leader of the party made. I haven't seen the finding, I don't know what the constitutional arguments were under which it was rejected, but that would have been one, if the constitutional amendments, however praise-worthy some of them might be, if they were truly addressed to these issues, they would have been freed under the amended Article 84. That did not happen.

Also, Article 8, which Prime Minister Ciller has vowed to change, still exists, and more importantly, the articles in the Turkish constitution, Article 13 and 14, which Prime Minister Ciller also vowed to amend, still exists. Those articles basically broadly limit the freedoms of the constitution in order to defend the territorial integrity of the Nation.

Now, there are some steps that have been taken and I'd like to discuss some of those and to see how those steps make any change. There have been some very brave statements by the Turkish human rights minister and the Turkish justice minister. They criticized human rights violations, criticized extrajudicial killings, criticized torture, but the problem, and this is extremely important, is that almost all of those signals have been counter-balanced by negative statements by people either in the police or the security forces.

The head of police in Istanbul openly criticized the human rights minister for criticizing abuses, human rights abuses. This is again where there's multiple realities. It was debated in the Turkish press, people criticized the chief of police of Istanbul, but when it came right down to it, he wasn't punished. He's a civil servant and the human

rights minister is a member of Parliament and a part of the government, and it even was a violation, I believe, I'm not sure, of Turkish law for a civil servant to criticize this.

Deputy Secretary Shattuck addressed the—

Mr. **Hoyer**. Mr. Panico, can I just interrupt, please?

Mr. **Panico**. Sure.

Mr. **Hoyer**. It seems to me that's not unusual in the United States. I'm not sure what you're arguing for. The Los Angeles police chief thought the Human Rights Commission in Los Angeles was wacko and was wrong in the King case in particular, but also in other cases. I'm not sure I get your point.

Mr. **Panico**. Well, I think the difference is that the power of the police is different in the United States than in Turkey.

Mr. **Hoyer**. We have absolutely very evil human beings in the police departments, i.e., Mark Fuhrman, in the United States. Now, we don't tolerate that as a national policy. What I'm trying to get at is, what's the distinction you're drawing? A police chief is criticized by human rights organizations, and every police chief in America responds.

Mr. **Panico**. I'm sorry. It was the opposite. The Human Rights Commissioner made some very brave statements on human rights and the police chief attacked him for making those.

Mr. **Hoyer**. It's not the opposite. That's exactly it. I understand that.

Mr. **Panico**. Oh, I'm sorry.

Mr. **Hoyer**. And to his credit, the Human Rights Commissioner did that in an environment that I think is much different in the United States, but then your point was, the police chief criticized him. My experience has been that that is not an unusual happenstance in the United States where police chiefs feel that human rights groups are tough on their police officers. That's my only point.

Mr. **Panico**. Right. I'm sorry, I misunderstood. I think the difference is that the police chief is a civil servant and this man is a government minister. He's not an NGO or a group like that. And the other difference, I think, is that Mark Fuhrman hasn't been alleged to have been involved in extrajudicial killings. The police in Turkey have been alleged to have been involved in some extrajudicial killings.

Mr. **Hoyer**. I apologize.

Mr. **Panico**. I don't know if that has addressed that.

Mr. **Hoyer**. I perhaps clouded the situation by bringing up Mr. Fuhrman's name, but—

Mr. **Panico**. In other areas, the prime minister has issued memorandums very critical of torture in Turkey. She issued one earlier this year, and she issued one in March, but it appeared that she issued those under threat from the European Committee to Prevent Torture to make public a report that they had written.

Now, in December 1992, the committee did the same thing. They went to Turkey and they issued a public report. Now, this is important because the committee's findings are always confidential and should never be made public, but I think the European Committee to Prevent Torture found the situation in Turkey so bad that they felt they needed to make that report public.

I understand that the reason why the prime minister felt forced to make those statements, which were fairly powerful statements, is that the committee also threatened or said, "If you don't take serious action, we will make the report public again."

I'd just like to close by giving some figures. There seems to have been a drop in some human rights abuses from 1994 to 1995. Using the same source, which is the Turkish Human Rights Foundation, a respected and legal group in Turkey, in 1994, they list 423 death squad killings and in 1995, they have 98 as of July 30th.

In deaths in police detention, in 1994 there were 34, and up to July 31st of this year, there were five. And in disappearances in police custody or under suspicious circumstances, in 1994 they list 55, and up to July 31st, they list 16. Now, they are significant drops and I'd like to try to address why those drops have occurred.

First, the past 3 years were an all-time high. In the past 3 years, there were approximately 1,200 death squad killings in Turkey. Two or three years ago in the Kurdish areas of southeastern Turkey, you had much more open political life, you had open illegal political actions, you had much more human rights monitors and monitoring. Villages that have now been de-populated were there. You had an intifada in the early 1990's, you had intifada-type campaigns by the PKK. All those targets are gone, all those people are gone. I think the number of targets has been reduced.

There have been some government actions. Over the past 2 years, 66 members of an extremist Islamic group called Hezbollah that has been indicted in death squad killings were arrested, and they have been indicted in 77 killings. Now, that is a welcome arrest, but the problem is that a Turkish parliamentary report on death squad killings that was issued in April 1995 specifically said that some of the security services have a role in Hezbollah and have a role with groups that carry out these death squad-style killings.

As far as I know, there has not been any further attempt to investigate that police Hezbollah death squad connection. We also have had certain allegations like that. And then I think Western pressure has helped to a certain degree, as in the case that I stated about the prime minister's issuing a harsh statement against torture which seems to have come from pressure from the European Committee to Prevent Torture. Thank you.

Mr. Smith. Thank you for your testimony. I will ask a few opening questions. Mr. Panico, how many political prisoners do you estimate are in the jails in Turkey?

Mr. Panico. I would estimate—and this is only those who are charged under Article 8 for non-violent expression—I would say between 120 and 160.

Mr. Smith. Are there others charged for other reasons in the prisons of Turkey, or is that the primary offense?

Mr. Panico. For clear-cut cases of non-violent expression, I would say, as far as I know, those are the cases that I am best aware of, Article 8, non-violent expression, between 120 and 160 cases. There are others that I have not researched as well.

Mr. Smith. Has Human Rights Watch documented, or have you documented, the use of U.S.-supplied military equipment in actions against civilians?

Mr. **Panico**. Yes, we have. I documented cases last year, and a group that went to Turkey this year, that initially went to look at the displaced, found a pattern of such abuses and started to do research on that. On the most basic level, in village evacuations, Turkish troops ride to those evacuations in U.S. trucks, in U.S.-supplied armored personnel carriers, and command and control over the operations is carried out in U.S.-supplied helicopters. That's on a basic level.

On other levels, there have been indiscriminate fire incidents, killings, shootings.

Mr. **Smith**. I'd asked the previous panel what the response from the U.S. Government has been or will be. I'm not sure I got much of an answer other than the fact that they chronicle as much of this information as possible and then raise it with the Turkish officials. As Mr. Porter indicated earlier, there are some of us in Congress who believe that legislative action needs to be more direct. I offered the Humanitarian Aid Corridors Act language to the authorizing bill; Mr. Porter offered that and a very modest, but significant, cutting amendment for Turkish aid to the appropriations bill.

My question is, what do you think the U.S. Government response should be when evidence is shown in a way that is very clear, compelling, and unmistakable, that U.S. materiel has been used in one or many of these operations? Do you support congressional actions like what Mr. Porter, I, and others have attempted to do?

Mr. **Panico**. Well, I think that this is in U.S. Law 907[b] which says one should cut off weapons supplies to habitual abusers of human rights unless they document—unless the president documents why that should not be the case, and we've called for that in reports.

I'd just like to add one thing. Secretary Shattuck's report was welcome and I think it is true that Secretary Shattuck, over the past years, has been very vocal and it has been referred to in open public statements, but in preparing that report, they themselves admit that they didn't have access to these areas over a long period of time, especially over the period of time when most of these evacuations were being carried out from early 1993 into 1994. So I think that also kind of—

Mr. **Smith**. Do you know if we requested access?

Mr. **Panico**. I am not aware of that. I don't know whether we did or not.

Mr. **Hoyer**. Mr. Panico, I would ask you to provide for the record, if you have it, the comparative statistics that you referenced. A dramatic drop in some of the indexes, but you indicated that the previous 3 years were highs. Do we have statistics that pre-date that? In other words, what you're saying is that there was a relatively level number, a spike up, and now back down to what would otherwise be average numbers clearly indicating a continuing presence of human rights abuses, notwithstanding the fact that there has been a reduction in the spike. Do you have statistics?

Mr. **Panico**. Yes. They're somewhere in the record and I would be happy to provide more. I think your comment was correct. From 1978 to 1980, these abuses were high; they were high for about three or 4 years after the military took power. In the mid-'80's, they kind of leveled out and went down. And then around 1991 or 1992, they started to skyrocket. In 1994, they hit a high, and now they seem to be going down again. But we could provide those figures.

Mr. **Hoyer**. And your point is that there's no reason for us to take solace in that—

Mr. **Panico**. Not at all.

Mr. **Hoyer** [continuing]. Because essentially we're remaining at what were average levels, notwithstanding a horrendously high level for two or 3 years?

Mr. **Panico**. I would say above average levels now, yes. Certainly above average levels.

Mr. **Hoyer**. All right. And then I catch the important points so we don't draw an inference that perhaps it's not valid. Let me say, in terms of both your statements, I appreciated your statements. I think they were balanced. I think what I hear both of you saying is there's been some progress; that Mr. Makovsky indicates that his perspective is that the prime minister's intentions are positive, but in my own opinion I'm not sure how much influence the prime minister has. But that aside, obviously it's a positive.

Mr. **Panico**. She has a tough political struggle.

Mr. **Hoyer**. That's true and we all understand the situation there and we're hopefully going to help by putting extrinsic pressure on to assist.

Mr. **Smith**. Mr. Makovsky, did you want to comment?

Mr. **Makovsky**. Mr. Chairman, I just wanted to make a remark on your question, the previous question about Congressional legislation. You asked about the efficacy and the value of that, and I think certainly Congressional action, raising the issue in forums like this, I think, are very effective. Turkey can take the criticism in the right spirit. Indeed, there are a lot of Turkish officials who criticize their own human rights record.

As for punitive measures by Congress—just speaking analytically—I think the record shows that Turkey has not been very responsive to that type of pressure. Now, people may want to use this approach for whatever reasons, but as a way of affecting Turkish behavior, I think the record probably shows they're not very effective.

Mr. **Hoyer**. Will you yield, Mr. Chairman, on that?

Mr. **Smith**. Sure.

Mr. **Hoyer**. You know, Jackson-Vanik, of course, was discussed for long periods of time. I visited the Soviet Union probably two or three times a year for a period of about six or 7 years, or accepted visits from them, and I had people tell me that they didn't think Jackson-Vanik was particularly useful, it wasn't much of a trade. They were internally, or within the Warsaw Pact bloc, Soviet bloc on trade. They really didn't care much about it.

Never once did I either go to the Soviet Union or have them come here that they didn't talk to me about it. And so, whatever practical effect it had in terms of impacting on trade, and I happen to believe it had a great psychological impact on the Soviet Union, in terms of a statement that we were not going to do business as usual with people that we perceived violated basic principles to which they had agreed, i.e., Jackson-Vanik, of course, pre-dated—about contemporary with the Helsinki Final Act, but in terms of U.N. documents.

So I understand what you're saying about Turkish response. Frankly, there comes a time when whatever the response is, the leader, the moral leader of the free world and we are an imperfect moral leader, I understand that, but we nevertheless are that leader, and to

the extent we compromise on our principles, the rest of the world will feel comfortable in compromising on theirs and, in fact, most of the world is much more likely, even as I said earlier, by economic and military considerations, to compromise those principles.

Mr. **Makovsky**. Analytically, I don't think we have a disagreement. I was just talking about the past record of such efforts—

Mr. **Hoyer**. I thank you for—

Mr. **Makovsky** [continuing].—Regarding Turkey.

Mr. **Hoyer**. I understand.

Mr. **Panico**. I'm also a strong supporter of Jackson-Vanik.

Mr. **Smith**. Just so the record is very clear, I think the Congress is really much more serious about this issue than ever before. I know that it seemed to be a coin toss on the Humanitarian Aid Corridor Act in terms of whether or not it would pass when I first offered it, and after a very robust debate in committee, it passed overwhelmingly.

The same goes for Mr. Porter's efforts on reducing some of the economic aid. There was a very protracted debate, as there ought to have been. When push came to shove, I think Congress is beginning to say in a more serious way—and I hope it is not lost on the Turkish officials—that we only have scarce resources and we are going to divvy up the pie, the remaining moneys, in the most prudent way possible. If there are human rights problems in this country or that country, we are going to limit and condition that aid much more precisely than we have in the past. Mr. Porter?

Mr. **Porter**. Very briefly, Mr. Chairman. Let me thank both the gentlemen for their very good statements and balanced statements. My understanding is that in the 1920's, Ataturk created a Turkey that was not only intended to be and became a more secular state with the importance of religion downgraded, but also fairly repressive, in fact, very repressive of minorities to try to create a closer nation.

Now the attitude seems to be changing toward religion, and I understand the Muslim religion can be taught in schools, for example, over the last decade or so, and Mr. Panico seemed to say that there's evidences within Turkish society of changes toward minorities, also, at least the Kurdish minority.

I want to see in this some positive signs of changes away from the monolith that was intended to be created and maybe the chance for Turkey to be more forthcoming. Yesterday, the PKK indicated that they would cease-fire and seek to negotiate if the Turks would do the same. Is this the time when we can expect Turkey to be forthcoming on such an offer? It was not taken up in 1993 when they had a cease-fire for almost 3 months.

Perhaps we can hope that there might be the same kind of situation developing between the PKK and the Turkish government as is developing in Northern Ireland where the IRA and the Protestant forces have laid down their arms for some time now and get on with some negotiations there. Is there any hope for that?

Mr. **Panico**. Let me focus on the 1995 and 1993 aspects of your question instead of the 1920's part. My understanding of the 1993 cease-fire effort is somewhat different than yours. Actually that was, I think, a fairly creative attempt and a difficult and secret attempt behind the scenes to try to work something out between the Turkish government and their PKK nemesis. I think it broke down maybe not

completely at the fault of the leadership of either of the two main parties that were trying to work it. It did break down with a Kurdish terrorist action, however, directed against unarmed Turkish soldiers, of whom approximately three dozen were killed.

As for 1995, if the PKK has made this offer you mention, and they have made some offers like that in the past, my sense is this: A ceasefire would be excellent and, if lasting, would indeed contribute to a better environment in which progress could be made toward a solution, and I think the Turkish government should be generous if the PKK is indeed about to lay down arms and accept an enduring ceasefire. If so, the Turkish government should be generous on the issue of Kurdish reform. And I think we would have the right to expect that, since the Turkish government has said repeatedly over the years that the persistence of terrorism is the major obstacle to reform.

If, however, we're talking about the Turkish government actually negotiating a solution with the PKK, then as an analyst, my judgment is the PKK, as a terrorist group, is simply too far beyond the pale right now to be Turkey's main interlocutor on this issue. I think too much blood has been shed. That's my sense. I recognize some people would say, "Well, Israel used to feel that way about the PLO." But it took years for that situation to evolve, and the PLO was a far more politically mature organization.

My sense is that the PKK should not be seen as the major interlocutor for the Kurds. I think the PKK should cease fire, for its own sake—for the sake of peace—and step aside and let legitimate democratic processes take place.

Mr. Porter. Although it's obviously quite different because the United States played a role of Great Britain and tried to be the focal point where we could bring the two sides to us, perhaps together, and stop at least the violence on an ongoing basis?

Mr. Makovsky. You mean whether the United States should try to do the same with the Turks and the Kurds?

Mr. Porter. Yes, whether we can be a peace broker in this situation.

Mr. Makovsky. I don't think it would be effective or appropriate for us to try to open links to the PKK and try to broker this. Better, I think, is the way we dealt with the PLO issue, where we took the attitude that we couldn't and shouldn't push the Israelis to deal with the PLO. The PKK is a terrorist group, and it's inappropriate for us to push an ally to deal with it.

Mr. Porter. That's a little far from our mandate. I would just add that both groups, regardless of the Turkish government's security force and the PKK, regardless of statements they make, have continued, through the conflict, pretty habitually, violate human rights, but as to the political issue, that's beyond our mandate.

Somehow we have to begin this by stopping the violence and if we have one side agreeing to stopping the violence if the other side will, it seems to me every one of us, I don't care what roles we have, ought to do everything we can to bring about stopping violence on both sides. Then at least we have a better situation for negotiations of some type to take place.

Mr. **Makovsky**. I do think an end to the violence would be an important step forward, and I think we should urge that the PKK, simply for the sake of not pursuing political change through violent means, end its armed attacks.

Mr. **Porter**. But they have to have some hope that political change can come through some other means. If there's no hope that there's ever going to be any change through other means, what is left of them?

Mr. **Makovsky**. Once the violence ends, I think reform is very possible, and it should be encouraged. The Turkish government has not said that reform on the Kurdish issue is undesirable, but it has been taking the position that there will be no further reform until the war against terrorism is won. I talked about Article 8 and the way the opposition has framed the issue, very much in terms of no reform while violence continues. We saw some real political breakthroughs in Turkey on the Kurdish issue in 1991, 1992; then there was a flare-up of violence for several years, and reform essentially stopped.

I think the PKK should lay down its arms—and at this point, frankly, the violence is mainly hurting the Kurdish citizens of Turkey. The violence does not benefit the cause of expanding Kurdish rights. Maybe the PKK gets some satisfaction out of the fact that it puts Turkey in a vulnerable political position with the West when they fight back against the PKK using extraordinary and excessive means. But the real victims of this violence are people who live in the southeast of Turkey, who inevitably get squeezed between the two sides in the cycle of violence and counter-attacks. That's what PKK violence does.

Mr. **Porter**. But this is the same cart and horse problem we were talking about a minute ago. How do we leverage this into getting something actually accomplished? And if we put all of the burden on the one side and none on the other, it seems to me it's time to leverage the Turkish government to be forthcoming.

If people who feel they are being—their rights are being so violated that they have to fight back with violence are willing to say, “OK, we're going to stop our only means if you'll be just a little forthcoming and find a way,” it seems to me all of us ought to be pressuring the Turkish government to be as forthcoming as absolutely possible in order to make some progress on this. Otherwise, there's only violence, isn't there? Thank you.

Mr. **Hoyer**. Mr. Chairman, I would like to make an observation before you close the hearing. I know we're past time. It is important, however. Mr. Porter and I agree on much of the approach of this Commission and the objectives that we seek. But I feel constrained to point out that it's very important that this Commission make it clear, and my own personal position, that I am viscerally opposed to the premise, outside of the ambit of self-defense, that terrorism is an acceptable alternative.

I don't think Mr. Porter argues for that; I want to make that clear. But it's important that our Commission make it clear. Those associated with the PKK, as those associated with the IRA, as those associated with other democratic movements, in one sense, that employ terrorist behavior, terrorist activity—the consequences of which, as you point out, in my opinion are dire, in most instances, to the majority of people allegedly for whom the terrorism is carried out—need to be aware of the fact that this is unacceptable behavior.

In point of fact, I think one of the things we've learned throughout the Helsinki process behind the Iron Curtain was that a relatively small number of people can make a compelling case in a peaceful manner, many of whom were incarcerated for long periods of time. But the moral power of their incarceration was more powerful than the blowing up of a bridge or the blowing up of a train or the maiming and killing of innocent civilians, whether they be Kurds or any other ethnic majority or minority.

I want to make it clear that I believe that some of the terrorism that the PKK has sanctioned, perhaps not sanctioned, but has somehow given a cover for, is totally, absolutely unacceptable, and, very frankly, I think it hurts the case of the Kurds, not helps it. I think it gives a rationality for Turkish military action, where military leaders say, "We have no option but to respond in this way because we are under assault."

It has historically been, and continues to be, the purpose of the Commission not, for instance, to argue except in clearly identified instances, Bosnia-Herzegovina being one, where the international community has recognized a state, but the Helsinki Commission is not about the political objective of sanctioning the creation of new states out of existing states.

Self-determination is one of the most complicated issues with which the Helsinki Commission has to deal with.

Having said that, John, you and I agree, I know we're not disagreeing, but I just want to make it clear that I have sympathy with a Turkish government that wants to defend its own integrity. Every government in the world wants to do that. What I have zero sympathy for is adopting the tactics of the terrorists to do so. That is as self-defeating as the terrorist acts themselves. Thank you, Mr. Chairman.

Mr. **Smith**. Thank you, Mr. Hoyer. Mr. Makovsky and Mr. Panico, thank you for your testimony. I have, and I think my other fellow commissioners have other questions as well that we'd like to submit to you for the record and I ask you to respond as quickly as possible.

Mr. **Makovsky**. I'd be delighted.

Mr. **Smith**. This hearing is adjourned. Thank you.

[Whereupon, at 1:59 p.m., the Commission was adjourned.]

[Written inserts follow]



