

The Continued Use of Torture in Turkey



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The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys more than 20 missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

THE CONTINUED USE OF TORTURE IN TURKEY

TUESDAY, APRIL 8, 1997

COMMISSION ON SECURITY AND COOPERATION IN EUROPE WASHINGTON, DC

The Commission met, pursuant to adjournment, at 2:14 p.m., in room 2255, Rayburn House Office Building, Ronald McNamara [Commission Staff Advisor] presiding.

Mr. McNAMARA. Thank you very much for your indulgence for the moment. I'm pleased to welcome you to this afternoon's briefing on torture in Turkey presented as part of the Helsinki Commission's ongoing efforts to monitor human rights developments in OSCE participating States.

The Commission remains concerned with continued and well documented violations of international humanitarian law in Turkey, breaches which are by no means limited to Southeastern Turkey where the government has engaged in a lengthy armed conflict with the terrorist Kurdistan Workers Party, the PKK. Despite the Turkish constitution's ban on torture, and public pledges by successive governments to end torture, the practice continues. Torture remains a grave problem and stands in clear violation of Turkey's legal obligations under numerous international conventions. Regrettably, the perpetrators of torture are rarely, if ever, held accountable for their actions.

According to human rights attorneys and physicians who treat the victims of torture, most people suspected of political crimes suffer some form of torture during periods of incommunicado detention in police stations before they are brought before a court. The European Committee for the Prevention of Torture and Inhumane and Degrading Treatment or Punishment, the CPT, issued a statement in December concluding: "That resort to torture and other forms of severe ill treatment remains a common occurrence in police establishments in Turkey. To attempt to characterize this problem as one of isolated acts is to fly in the face of facts." The CPT found that despite a multitude of government instructions and circulars on the subject, the translation of words into deeds is proving to be a highly protracted process.

The Turkish Parliament recently passed a law reducing the detention periods for certain suspects, though it is unclear what impact the changes will have on the common use of torture in Turkey. I would note, before turning to our witnesses, that during last November's OSCE review session in Vienna, Turkey proposed that Istanbul serve as the venue for the next meeting of the OSCE heads of state or government. Citing Turkey's flagrant violation of OSCE human rights commitments and international law, then-Chairman Christopher Smith and Senator Alfonse D'Amato, our Co-Chairman at the time, wrote to then-Secretary of State Warren Christopher, urging that the United States reject

Turkey's offer to host the next OSCE summit. They concluded, "it would be inconceivable to allow Turkey to serve as host of such a meeting given that country's dismal human rights record."

A decision on the venue for the next summit meeting of the OSCE has been postponed until the end of this year and a decision is expected by the Council of Ministers at their meeting in Copenhagen at the end of this year.

Our panel of experts this afternoon will discuss the continued use of torture in Turkey, ongoing efforts to provide help to the victims of torture, and the prospects for a genuine reform in this regard. Our first panelist is Holly Cartner, Executive Director of Human Rights Watch/Helsinki. I would ask her to make her formal presentation before listening to the other panelists, and then we will open the floor to questions from the audience.

STATEMENT OF HOLLY CARTNER

Ms. CARTNER. Thank you very much. I'd also like to thank the Helsinki Commission for providing us with a forum today to talk about human rights issues in Turkey, and I think it's especially important that we do so now because Turkey is at a crossroads. On the one hand, Turkey enjoys a relatively free press that often debates openly and critically a whole range of issues. It's home to a growing but very active civil society. There have been hotly contested local and national elections. In addition, there's a very sophisticated and modern business community that has become an outspoken advocate on democratization and other reforms.

But, at the same time, marring these achievements are ongoing and very severe human rights abuses as well as the political will that's lacking to deal with them. There are a variety of different abuses that we have addressed at Human Rights Watch, including restrictions on speech, especially as it relates to the conflict in the Southeast. But today we want to focus on one of them most severe of those kinds of abuses, and that's torture and police abuse. I'd like to talk about the findings of Human Rights Watch/Helsinki's most recent report on the use of torture by Turkey's anti-terror police. The report is based on 2 years of research that was conducted both in Turkey itself and also in other areas, including with the regional European institutions.

As you may well know, the anti-terror police deal with security detainees charged with politically motivated offenses, both violent and non-violent, that fall under the 1991 Anti-terror Law and/or under the jurisdiction of security courts. While criminal suspects also face the prospect of torture and maltreatment at the hands of the regular police, Turkey's anti-terror police have become quite infamous because of their widespread use of sophisticated torture methods, which they consistently attempt to perfect to inflict pain without leaving the traces of their abuse.

In its December 1996 public statement, which was referred to earlier, by the Committee on the Prevention of Torture of the Council of Europe, the CPT, has stated that the maltreatment of seven suspects at the hands of the anti-terror branch of the Istanbul police headquarters "must rank among the most flagrant examples of torture encountered by the CPT delegations in Turkey." Similarly, the U.N. Committee Against Torture has stated that the anti-terror branch within the Ministry of Interior acts as a state within a state.

Torture by the anti-terror unit is neither spontaneous nor rogue. This unit has methodically incorporated torture and abuse into its daily operations, utilizing specialized

equipment, including special straps, high pressure hoses, racks for suspending suspects by their arms, and a variety of instruments to apply electric shock. While in detention, numerous methods of torture are used to gain a confession, information, or often simply to punish those who oppose the state or are perceived as doing so. The most frequently employed methods, which are often used in combination, include hanging by the arms in a variety of positions, electric shock, beatings on the sole of the feet, spraying with high-pressure water, death threats or actual commission of rape, squeezing of the testicles or breasts, and being stripped naked. Detainees are also blind-folded, often isolated, and not properly fed or given the opportunity to wash or use the toilet, and kept in cramped quarters.

As international and local scrutiny of torture in Turkey has increased, the anti-terror unit's methods have become more sophisticated. Increasingly, many of Turkey's newspapers and private TV stations have turned their eye toward documenting torture and police abuse in Turkey. Thus, torture methods are constantly updated and improved to inflict pain, but to avoid marks or bruises that can be documented by human rights groups, both locally, domestically, and internationally, as well as by state forensic doctors filling out mandatory detention medical reports. Sometimes police pressure doctors to fill out false reports. Often security detainees are tortured intensively during the first few days of their incarceration, and then they're allowed to recover for several days, and even given rudimentary food and medical care, so that the evidence of the abuse fades before the victim is then brought before a magistrate.

Torture has been a conspicuous feature of interrogation since the 1971 military intervention in Turkey. The Turkish coalition government that was in power from 1991 to 1995 took some steps, albeit imperfect ones, to address the problem. That government denounced the practice at the highest levels, though it never admitted torture's widespread nature. The prosecuted a small number of officers for torture, made amendments to Turkey's Code of Criminal Procedure to give criminal suspects more legal protection, and it appointed a state minister for human rights who both openly and vocally condemned human rights abuses.

However, notwithstanding these initiatives by the government, the anti-terror branch of the Interior Ministry's security directorate, as well as some other police units, continue to use torture and to mistreat large numbers of security detainees who pass through their hands. There are concrete reasons why these past government efforts have failed.

While legal proceedings are sometimes instituted against police for alleged abuse and torture, the overall number of prosecutions is relatively small compared to the problem. Under a law stemming from the Ottoman period, police and other civil servants cannot be brought to trial for malfeasance unless a provincial administrative council chaired by the state-appointed provincial Governor gives its approval. Such approval is rarely given, especially in the state of emergency region, the nine provinces in Turkey's Kurdish inhabited Southeast where most of the violations, in fact, occur. When trials are launched, they drag on. Police are rarely arrested. Under the 1991 Anti-terror Law, anti-terror police are not remanded into custody when they are charged with a crime. In addition, their legal fees are paid for by the state.

The ongoing trial of police alleged to have murdered a journalist in detention highlights the problematic nature of these prosecutions. In April 1996, murder charges were brought against 11 police officers for the January 1996 death in custody of journalist Metin Goktepe. Since that time, the court has held only three hearings, and none of the police have been remanded into custody. The venue of the trial has been moved twice already.

During the last hearing, held on March 28 of 1996, witnesses were supposed to confront the defendant police officers, but there was one problem, the police officers didn't show up.

When sentences are handed out, they are usually lenient. In one case in 1996, two police officers who were convicted of beating and mistreating a 12-year-old child had their sentence commuted to a fine that's about the equivalent of eight U.S. dollars. According to our own U.S. State Department's 1996 Country Report, "the climate of impunity reflected in the relatively small number of convictions probably remains the single largest obstacle to reducing these troubling human rights abuses." There was a slight increase in prosecutions in 1996 with the government bringing charges against security force members in some important cases, such as in the beating death of ten inmates in Diyarbakir in September of '96. But such actions will have to be multiplied and continue regularly if there is to be a deterrent effect.

The absence of prosecution of abusive police, especially the anti-terror police, has led to their increasing autonomy from proper authority. A report that was issued by the Republican People's Party, the CHP, in late 1995, when they were the junior partners in the ruling coalition, charged that the government did not have full control over security forces. A charge echoed in 1996 by the former State Minister for Human Rights Adnan Ekmen, who complained that he was unable to investigate abuses because of interference by security forces.

This lack of control is especially evident in the de facto diminished role of public prosecutors. Although public prosecutors enjoy wide-reaching oversight powers over the police during a criminal investigation, they do not seem to use their authority, and this is often to the detriment of the detainee. According to the Turkish Code of Criminal Procedure, all police authority and personnel must immediately inform the state prosecutor of measures taken regarding cases and detained persons under their control, and must follow all of the legal orders of the prosecutor.

The prosecutor also has the right to demand from the police every type of information, but lawyers which were interviewed by our researchers who deal with cases where the anti-terror are involved state that prosecutors often rubber-stamp police actions, and detainees interviewed state that prosecutors often ignore their claims of mistreatment at the hands of the police. The CPT, in its December statement, called on prosecutors to take a more active role in combating ill treatment and torture by the police rather than to try and apologize for it.

Another problem is the increased politization of the police. Since the 1980 coup, security forces in Turkey have increasingly attracted personnel from supporters of far right extreme nationalist or fundamentalist political parties and groups. The depths of these links were exposed near the town of Susurluk in Western Turkey in November of last year, when the head of the Istanbul police academy was accidentally killed while traveling in a gun-laden car along with an ultra-rightist militant implicated in seven political killings, and wanted by Interpol, as well as with a woman alleged to have links to organized crime. A parliamentarian who is also a Kurdish tribal leader and commander of a pro-state village guard militia was also injured in the accident.

There are other indications of this link. A report released in the fall of 1995 by the then junior coalition partner, CHP, indicated that nearly 48 percent of Turkey's provincial security directors had either extreme nationalist or fundamentalist background. In September of last year, a leading daily in Istanbul reported that the general staff headquarters had issued a directive ordering security forces, especially highly abusive special

team members, not to wear or make signs or symbols connected with ultra-nationalist groups. Just another indication of the concern of those links.

Police with such views are extremely hostile to left-wing ideologies and/or Kurdish nationalist ideas, the very ideologies with which most of the security detainees who report torture are believed to be associated. Human Rights Watch found a widespread perception that the police are politically biased in the discharge of their official duties, and may be more inclined to mistreat exactly those detainees.

Recently the Turkish government announced a plan to eliminate torture and other police abuse. On March 6 of this year, the parliament passed a law which was referred to earlier, that resulted in the reduction of maximum detention periods for security detainees in the state of emergency region from 30 days to 10, and from 15 days to 7 elsewhere. It also reduced maximum detention periods for collective criminal offenses that are not under the jurisdiction of state security courts, nonpolitical offenses that are committed by three or more persons, from 8 days to 7.

Shortly after that, Deputy Prime Minister and Foreign Minister Mrs. Ciller announced that "our Governors and police directors will not permit a single act in prisons and police stations against our laws and our international commitments," and stated that Turkey would take steps to end torture and other human rights abuses. As part of that program, the foreign minister announced, among other things, that a committee at the level of undersecretary would be created to monitor implementation of human rights commitments. However, security detainees continue to be exempt from many of the due process guarantees that are included for regular criminal suspects, including the right to immediate access to counsel at the time of detention. This new law does not address that issue.

Human Rights Watch/Helsinki welcomes the efforts by the government and the statements that have been made, and we hope that these statements will be realized fully. It's obviously too early to determine what the outcome of these efforts will be. But I would point out that it is not solely or primarily a matter of legal reform in Turkey that's necessary for ending torture. In fact, torture has been prohibited under the Turkish constitution for quite a long time. For the latest government efforts to be successful, the greatest obstacle to ending torture and other police abuse in Turkey is police impunity. This must be overcome. The only way to do that is by making clear through the increased prosecution of abusive police officers that torture and other abuse will simply not be tolerated.

A first step in that direction would be to act on the recommendations of the so-called "Susurluk Commission" of the Turkish Parliament, which recently found links between security forces and right-wing gangs. The Chairman of the Commission fingered the former interior minister as well as the Kurdish tribal leader Sedat Bucak, commander of the state militia, but both men enjoy parliamentary immunity, and a prosecutor's request to lift this so both men could be prosecuted for malfeasance is currently caught up in red tape.

Thank you.

Mr. McNAMARA. Thank you very much.

I'm pleased to introduce Dr. Erik Holst, the president of the Rehabilitation and Research Center for Torture Victims, and vice president of the International Rehabilitation Council for Torture Victims, from Denmark.

Thank you.

STATEMENT OF ERIK HOLST

Dr. HOLST. Thank you, Mr. Chairman.

I'm going to say a few words about the medical aspects of torture, and you will find how this relates to our subject today. Specific concern with medical aspects of torture was first expressed by the World Medical Association in its Declaration of Tokyo from 1975, which contained guidelines to prevent physicians from getting directly or indirectly involved in the practice of torture. These concerns were reemphasized in the Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was contained in Resolution 37/194, which was adopted by the General Assembly of the United Nations in 1982.

The widespread use of torture in military dictatorships in Latin American led Amnesty International to ask physicians at that time to develop methods of medically documenting torture in victims, and this challenge was taken up by a group of Danish physicians, and they found both short-term and long-term medical consequences of torture among the many victims that they examined for this purpose, and these consequences were both physical, mental and, of course, social.

Based on these findings, the first Rehabilitation and Research Center for Torture Victims was established in Copenhagen, Denmark, in 1982. This was soon followed by centers in other countries, like the Center for Victims of Torture in Minneapolis, who were receiving torture victims from among refugees from dictatorships in the beginning mainly from Latin America, and more recently mainly from the Middle East. But I think it should be said that most of these centers have seen victims from very many countries, and I think the number in Copenhagen at this point has passed 55 countries. So you would admit that this is obviously a global problem.

However, it proved possible in these centers to help victims through a combination of psychotherapy and physical therapy combined with social assistance of resettlement in a new culture and environment, and this knowledge was soon transferred to health professionals in countries where torture had been practiced during recent repressive regimes, or still formed part of traditional practice of law enforcement or legal punishment.

The knowledge about previous or ongoing practices of torture accumulated in the medical records of these centers could not be used directly in campaigns against torture due to the strict observation of confidentiality which is a precondition for establishing any professional contact with victims of torture who are a difficult group to approach, who are very cautious as to whom they approach, and who will not turn to services which are not guaranteed from any kind of relationship with previous or existing public authorities who have been involved in torture.

But this information that has been accumulated is now being published or has been published in professional journals and in annual reports from these centers, and they have collectively turned out to be very strong evidence of past and ongoing torture in a number of countries. This evidence is accumulated today not only in centers receiving refugee victims from these countries, but increasingly from centers in those countries themselves.

In some situations, the result of medical examinations of victims of torture showing irrefutable evidence of specific torture sequelae has forced the judiciary to accept that torture has been used during interrogation in specific cases, and to throw out the cases presented by the police. This has had a direct influence on the use of such torture methods

during interrogations. I think that Turkey has also delivered an example of this in the case of falaka which is no longer being used in some places where the centers, the medical centers, have been able to provide diagnostic, irrefutable documentation for falaka.

The first center in Turkey was established in 1990, 7 years ago, by the Human Rights Foundation of Turkey, which was specifically created for this purpose in response to a clear need for such services in that country. It is called the Human Rights Foundation because it was not possible as a nongovernmental organization with the word "torture" in its title to get accepted, to get registered.

Four centers are now operating, one in Ankara, one in Izmir, one in Istanbul and one in Adana, which among them have seen more than 3,000 clients. The centers function primarily as counselling and referral centers identifying the therapeutical needs of the clients, and assisting them in obtaining services needed. The centers have systematically recorded their findings and published statistical data clearly documenting past and, unfortunately, ongoing use of torture in Turkey.

Turkish authorities, including members of government, who previously denied allegations of torture in their country, have now repeatedly, as the previous speaker has pointed out, admitted the sad reality, but also stressed that this tradition is not part of government policy, and that steps were being taken to put an end to this practice. This was expressed by the minister for human rights who was present, as I was on behalf of the International Rehabilitation Council for Victims of Torture, at the opening of the center in Adana, in southern Turkey, which has since come under fire from the authorities for illegal provision of medical services, and failure to provide confidential information to these authorities.

Clearly, the attempt to force centers to give up names of their clients is a very serious threat to the existence of these centers, and clearly if the authorities were successful in getting through this message, or getting through with this request, clients would no longer have the courage to turn to these centers for assistance, because during their torture they are often told they are not, of course, supposed to tell anything about their experiences, and that is exactly what they are doing when they are seeing doctors to obtain help. Talking about their experience is an essential part of the treatment. So that this call for providing confidential information is a very crucial part of the attack on the services in Turkey, and has raised great concern in the professional medical world around the world, and the World Medical Association and other international bodies are watching the outcome of these trials now.

I think that it can be safely said now that as an attempt to silence the international concern for torture in Turkey, the court action has clearly failed, and this failure must have led to the reconsideration of policy in the Turkish government.

I have placed outside there a short background and case story on the trial in Adana, where you can see how this trial has progressed, or rather not progressed, as the previous speaker mentioned. This thing is being drawn out. We are still hoping for a final decision by the government to withdraw the case, or by the courts to throw out the case, which is clearly unjustified.

Most recently, as was mentioned also by the previous speaker, the Turkish Minister of Foreign Affairs Mrs. Ciller has communicated to the world at large, and more specifically, which I think is interesting, to the U.N. Commission on Human Rights presently in session in Geneva, the passing of the new legislation reducing the period during which people can be detained before being presented to court, and as far as we are understand-

ing, giving better access for lawyers to see and assist their clients. It also indicates, this message from Mrs. Ciller, the will to put an end to the practice of torture where it may still exist. Of course, you don't admit that there's torture, but you say, we'll do away with it, where it exists.

As a final international message at an occasion like this one, I want to stress that continued international pressure, not least from Turkey's best friends around the world, among whom I certainly include the United States, is necessary to convince Turkish authorities that the world cannot tolerate or excuse the use of torture for any reason by law enforcing agents in a member country of the Council of Europe and a member country of NATO. That Turkey is also violating its commitments to specific obligations contained in the U.N. Convention Against Torture and the Council of Europe's Convention on Prevention of Torture, which Turkey has voluntarily ratified, only adds to the necessity for its government finally to take serious action to rectify this situation.

Thank you.

Mr. McNAMARA. Thank you very much, Dr. Holst.

Our final panelist is Doug Johnson, executive director of the Center for the Victims of Torture, located in Minneapolis.

Doug.

STATEMENT OF DOUG JOHNSON

Mr. JOHNSON. Thank you, Ron. Also thank you to the Commission for the opportunity to talk about the issues in Turkey. I just want to say at the outset that the center is a treatment center primarily for victims of torture, and provides technical assistance to colleagues around the world in this area, as does IRCT. So, for that matter, our knowledge and relationship about Turkey comes from a rather intimate, technical advisory relationship and interchange with the Turkish Medical Association and the Human Rights Foundation of Turkey. So this gives us a particular narrow view, but also, I think, a very important one. It's from that point of view that I want to speak today.

It was just 11 months ago that Dr. Holst and I spoke before this Commission about the persecution of our colleagues at the Human Rights Foundation of Turkey. I had already attended two different trials of the foundation in January of '95 and again in January of '96. It happened that the day of our testimony here, the second trial, the one that was initiated and began in January of '96, was finally ended with an acquittal, just as the first one had as well. But on the very next day, after our testimony, a new trial against the foundation began in Adana. So, we've witnessed in a 2-year period three different prosecutions against the Human Rights Foundation, so that's the context on which this present attack needs to be considered.

The other trials were frightening, I believe, primarily because they imposed tremendous constraints on free speech, as well as a danger to human rights leadership in Turkey of imprisonment on what we would consider to be spurious charges. Now, how could you insult a constitution by calling it imperfect. But that was, in fact, one of the charges in that second trial. But, even the political establishment in Turkey had to relent on the absurdity of that charge, and there was an acquittal.

But the new charges are more ominous, both because of their germination and what they seek to accomplish. The foreign ministry was very much stung by the report of the U.S. State Department on Human Rights in Turkey that relied so heavily on data from the Human Rights Foundation. So, they convened a meeting of the ministries to strategize

basically how to shut down the Human Rights Foundation of Turkey. The creative energies of that group conceived of a multi-faceted attack against the foundation, of which the trial in Adana was really only one part.

The representative of the foundation's Adana branch is a lawyer who has been long active in human rights issues in Adana. Mr. Mustafa Cinkilic was charged with operating an illegal health clinic, as Dr. Holst said, because the foundation's treatment center was not registered as a health clinic with the Health Ministry. The chief physician of the Adana branch, Dr. Tufan Kose, was charged with not reporting a crime, the crime of torture, to the authorities. The foundation representatives responded that they were not operating a health care clinic as defined by the particular laws in the charge and, in fact, they were organized under the laws governing foundations in Turkey. They rightly pointed out that the idea of turning over the names of their clients to those responsible for their torture was a direct violation of universally held and respected norms of physician-client confidentiality.

Now, the charges which were developed by the strategy meeting were simultaneously forwarded to the prosecutors in the four cities where the Human Rights Foundation has offices and treatment centers. The prosecutors in Ankara and Izmir decided basically that there was no basis for the charges, and did not proceed with prosecution. The judge in Istanbul held one session and then promptly threw the case out. But, despite that, the charges had an intimidating effect on the foundation's client base, and on the network of physicians who provide care through referrals to their clinics and hospitals. Given both the threat and the way the cases were settled in those cities, the opportunity for a re-emergence of the charges could occur at any point.

The charges did stick in Adana and the subsequent trial has really turned to the bizarre. The trial began in May 1996, as I said. It was immediately postponed until July, then to September, then to November, then to January, then to February, then to March, and again now to May 2nd. During this extended session, each trial, each session, averaged about 15 minutes. Seven sessions have been presided by four different judges, each claiming to be unprepared to make a decision. The other very important part of this is, according to Turkish law, a trial can only be, I think, 6 months in length. So, officially, the trial had to be over by early December. So that the last four sessions that have occurred have been in violation, in fact, of Turkish procedures. So, at the January session, where I also attended, the expectation was that the case would be thrown out on a technicality, thereby, again, giving the threat that it could be revived at any point. But it was not. The judge, again, had an interesting excuse for postponing it.

So what's going on in Adana? Well, there are alternative interpretations. I think none of them are particularly complimentary to the Turkish authorities. The charges conceived in the Foreign Ministry's meeting were dropped in other parts of the country, but pursued in Adana. Why? I think we have to realize that Adana is much more isolated from the international community and press than are Istanbul, Ankara and Izmir. At least, for example, 15 embassies monitor the trials of the foundation in Ankara. But only the Danish Embassy, and the U.S. Consulate which is based in Adana have sent trial observers to the Adana trials.

Now, perhaps this isolation means that the Turkish authorities continue to try out the tactic in Adana because they assume it will be less publicly visible, and if it succeeds it could reemerge in other parts of the country. Or, perhaps the local authorities have sufficient autonomy to pursue the case for their own purposes. The judge's actions are also curious. If they were truly independent, this action in the United States would lead to a

charge of gross incompetence. But the passing of the trial to new judges gives the appearance, really, of passing a hot potato. This must be, we think, truly a no win situation for the judges involved. Because, on one level, if they pass against the foundation, they'll lose the respect of their legal colleagues because the charges are really without basis. But, if they dismiss the charges, they face pressures from the local political establishment and the police authority.

Whatever the reason for this behavior, the results are pretty much the same. The foundation is under terrible pressure from the charges, being drained of their resources, of their energy and their leadership, distracted from their primary responsibilities of helping survivors of torture recover their health and activity.

Torture victims worry that their names and their medical records will be turned over to their authorities. From our clinical exchanges with the foundation, we know that one of the chief reasons already that survivors drop out of the program is because they're often rearrested by the police and tortured again. The report from Adana is that this has become increasingly true in Adana since this trial began.

The medical community in Adana, where the foundation's treatment center is only very recently established, is intimidated from the voluntary participation and support of working with the treatment of torture victims that it has enjoyed by the foundation's centers in the other major cities.

The scenario of a prolonged trial seems likely to continue, as long as the authorities in Turkey see these results as useful in their attempts to damage the foundation, and as long as they pay no costs for doing so. So, what should be done?

So far, only the judges have had to face the interest and concern of the international community represented by the many medical authorities and international human rights people who have attended the trial. But even the judges have kept their face-off comfortably short. The first trial I went to in July was under 10 minutes. The one in January was 11. We urge that the State Department instruct the American ambassador to attend the next hearing in Adana, and that he organize other Ambassadors to attend with him as a show of diplomatic clout and international concern. This would clarify to the authorities in Ankara as well as Adana that our government takes this intimidation very seriously. While there, our Ambassador should meet with all levels of Turkish authority, civil, police, military, business community, to express his concerns about the trial.

Similarly, the human rights community and medical authorities gathered in Adana should actively meet with local government, legal, and business community leaders, so that they understand that this trial has damaged their community standing in the international community.

Congress and this Commission should send an observer to the trial as well. A member of the Commission's staff did attend the trial in July. But they should go to join the parliamentarians from Denmark and other Scandinavian nations who have attended. Your presence would underscore the importance that we all hold for the foundation's vital work.

Finally, let me raise a difficult issue. The day before the Adana trial that I attended in January, another judge issued his verdict in the trial of the children and young people in Manisa. Despite the fact that the only evidence against them were their confessions under torture, a judge sentenced a number of them to jail terms ranging from 2 to 15 years. Some of the children involved in this were only 14 years old when they were arrested and tortured.

This trial indicated the ongoing weaknesses within the Turkish legal system. But it

also raised another personally embarrassing issue. In a magazine article about the torture of the Manisa children, a side bar quotes a local police official justifying the actions of the police in this situation. The article reads: "I do not want to believe that there has been torture in the Manisa police department. Friends who work in the anti-terror squad know techniques of torture very well. They know how to treat people. These people have been trained in the United States. They have received certificates at the end of their training."

He went on to describe the kind of training that he believes they got, which was a form of psychological torture. It's easy to dismiss his statements as sliding responsibility for the actions of his department onto others, or simply repeating rumors, or creating disinformation. But the forms of torture he described, psychological torture, are within the framework of recent revelations from both the Department of Defense and CIA training programs, and they are repeated in Turkish magazines, forming the basis of distrust of the American people, and of our government by our friends in Turkey. Something must be done to address this situation.

As a nation, we are very actively involved in the struggle for human rights. Why would we allow a small group of people within two powerful U.S. agencies to pervert the interests of our people in promoting democratic cultures and human rights. As an American citizen, I'm embarrassed that my colleagues must ask me about these issues. And, as an American taxpayer who spent last weekend reminding myself that I am, I'm also angry that our scarce resources are squandered on someone's paranoid fantasies of how to protect American interests.

I was very encouraged by the recent struggle in Switzerland, and I believe it's important to remind us that a nation on the verge of international embarrassment quickly converted themselves into a model of forthright action, thereby gaining the respect of the entire world community. Can we do no less?

We urge this Commission to provide leadership in Congress, to call for special public hearings on the recently revealed training manuals on torture techniques, and to conduct an independent investigation to assure the world community that all has been found. A number of our colleagues will be here this week from South Africa, and they have been involved in providing technical assistance to the Truth Commissions there. Well, let us begin by seeking and telling the truth to ourselves and to our friends.

Secondly then, let's consider the issue of justice. It's not sufficient for our great nation, which is truly a nation of laws, to accept the premise that no one is responsible for the development and promulgation of these training manuals. As we seek to address the war crimes in Bosnia and Rwanda, let us be sensitive to our obligations to model to the world and to ourselves that no one is above the law, especially when it comes to heinous crimes like torture.

Third, let's remember the victims of this abuse. Our clients consistently tell us that it was not the physical forms of torture, but the psychological, emotional forms that have the most long-term impact on them as people, and that are the most difficult for them to recover from. If, in Congress' investigations, we understand that these manuals were used in Latin America and even in Turkey, as implied by this police commissioner, then we must find a way as a people to make amends and reparations.

As the strongest nation in the world, we have the strength to face up to what we have done wrong as well as what we have done right. We ask for your leadership to help make this clear to the people of Turkey as well as to ourselves.

Thank you.

Mr. McNAMARA. Thank you very much, Doug.

We will be providing a copy of the transcript and related materials to the members of the Commission, those who could not be present with us here today. I would also note that a delegation of the OSCE Parliamentary Assembly under the leadership of the assembly's president from Spain, Javier Ruperez, is scheduled to visit Turkey at the end of this month, and the Commission will be represented on that delegation. That visit will be another opportunity for concerns to be expressed.

I would like to open the discussion to questions from anyone in the audience. Because we are providing for a transcription of the proceedings, if you use the microphone in the front here, to will help ensure that your question is heard and recorded properly. If you could indicate your name and any affiliation, that would also be useful.

Well, as you are formulating your questions, why don't I start with one that I had myself. Dr. Holst had referred to the problems in Central America. Torture has been a problem in numerous countries over the years. Amnesty International has recently released a report on the question of torture in Russia. Are there some specific recommendations you can make based on experience in states that have successfully dealt with this, and concrete steps that they have undertaken to try to remedy this problem? I wonder if our panelists would have any thoughts on some concrete steps that need to be taken?

I guess the announcement of the establishment of this oversight Commission in Turkey made up of government officials, of course, the one is, I guess, struck by the fact that the perpetrators who have been alleged to undertake torture are, themselves, instruments of the state. So, I guess the other question I have is regarding the role of independent or non-governmental organizations in effectively monitoring and helping to remedy this issue?

Dr. Holst. Thank you. I think, increasingly, it's been my impression that there is a difference between countries who almost have an episode of military dictatorships or repression. One of the first countries we were able to work in was in Greece, which had a relatively short spell of military dictatorship during which torture was, in fact, used extensively and cruelly, and there's a center now. It was one of the first centers that was established there to deal with the citizens of their own countries who had been tortured by their own countrymen.

However, I got the impression, and this has been increasingly the case, looking at situations in Latin America, that these almost episodes of torture are relatively rapidly put behind. The practice which has not been sufficiently well established in the system can be done way with, and that you end up in a situation where torture stops being used. You have other situations, like the ones we have found in Eastern Europe, where the repression has had a very long duration, where we're talking about 50 years of this kind of systematic abuse of people in many and terrible ways. This, I feel, is a slightly different situation. But even there, it seems that the practice of torture disappears or goes away, it becomes definitely less prevalent with the advent of a democratic change.

Finally, there are some countries where you almost feel that the torture is what we in public health call endemic. It's part of the culture. It's something that's been done all the time. Being picked up by the police means automatically that you get a good beating to soften you up, and so on, before you ever reach the police station, and definitely before you reach the judge, to extract confessions so that you can have a high confession rate, not a high clearing up of criminal acts, but a high confession rate, which then allows people to progress in the system, and finding that this kind of practice is useful, and that they are then copied by their successors.

It would seem that getting rid of torture in this last situation is a challenge that we have not yet found any very good way of dealing with. I have a feeling that for Turkey we are standing in a situation where you have to accept that this is an endemic situation, but at the same time you also have these spells of military dictatorship periods with more systematic abuse, but we have also this background of constant abuse.

Another aspect of what you were saying has been the question of how to deal with it, how to get beyond this point. I think for many of us the situation in South Africa is very interesting, very important because it seems that this is a country that has decided the truth about this matter is essential. As far as I am concerned, there has been no truth in Latin America. There has been some truth in Eastern Europe because the changes were more dramatic.

In South Africa, the changes were politically dramatic, and I think that this search for truth is probably an important element in allowing societies to continue after a situation where you have had torturers on one side, victims of torture on the other side, and the large side, the majority, in the middle who are co-responsible of course for the torture, and who are unable, after the fact, because of the practice of impunity, to deal with the torturers.

This is where we have found that the offer of assistance to victims of torture may be, along with the truth about what has happened, will assist such societies in finding ways back to where they can live with each other as torturers and victims of torture will have to do in these societies.

Mr. McNAMARA. Doug or Holly?

Ms. CARTNER. Well, going back to some of the legal reforms that have been proposed, I mean, I think that the reason there are recommendations to the Turkish government at this point related to the periods of detention, to the role that medical professionals should be playing in evaluating the physical and mental well-being of inmates and so forth, of detainees, is because in a variety of countries there has been quite an experience that, in fact, longer periods of detention, where there is no access to a lawyer, do foster a phenomenon of torture. So, on the one hand, it is a positive step that the Turkish government has taken, has decided to reduce the period of detention. I'm not clear on the role, the access to lawyers. My understanding is that lawyers are still not allowed, during the detention period, but only at the time that the charge is brought, but perhaps that requires some clarification.

The point that I made earlier, and I'd just like to emphasize here, is that legal reforms are important, and that there need to be additional steps taken in Turkey to remove any impediments that currently exist in the law to actually prevent prosecution of abusive police officials. So those would be certain concrete recommendations that we have made in our report. However, the real crux of the matter is the political will to actually address the problem. It's not a matter of promoting a new law or a new restriction in a legal form, but of holding the officials that are responsible for enforcing the law accountable. That's where I think it's a matter of a political as opposed to a legal recommendation in that respect.

Mr. McNAMARA. Yes, Doug.

Mr. JOHNSON. Well, I fully agree with Holly that if we could prosecute the perpetrators, then it would stop overnight. But, of course, the magic question is, how do you prosecute the perpetrators. I think, in truth, there is no silver bullet to the issue of how you stop torture, because it's a very complex question. Even if we find the right lever, this is the place to do it, the question is, how do you construct that lever? Because it begs the question of, how do we develop the political will, and I think, even more importantly, the

cultural will within a country in order to stop it?

In the conversations we've had in Turkey, one of the things that has impressed me, there are groups, for example, who are now beginning to take the human rights dialog back to the question of domestic violence. I remember one conversation I had with a political leader who described watching a demonstration on television where, basically, there was a little girl, a 12-year-old, 14-year-old girl being beaten up by the police on TV at a demonstration. Then they took off chasing somebody else down the street, and another policeman came by, and here this girl is prostrate and basically knocked out on the street, the policeman runs by and whacks her on the head again with his baton as he's running after the other demonstrators.

He said, and I think he was right, you know, that policeman wasn't even aware that he did that. That the whole notion of beating as an appropriate form of political control is something that people learn from childhood. We have to go all the way back to the childhood in many ways, which I think is an indication that really we're talking about a cultural question.

Physicians for Human Rights did a survey among forensic doctors of Turkey. There are only 130 forensic doctors in the country. We were, together with a training program for them, together, PHR, CVT and the Turkish Medical Association in January of '95, and at that point in the survey, something like 7580 percent of the forensic doctors did not recognize beating as a form of torture, when it very clearly is. Similar surveys among the Turkish population don't conceive of beating someone as a form of torture, which it clearly is.

So, I think part of the issue is that we need to look much deeper into the creation of links within society and how do we develop those links. One encouragement, of course, is the work out of Putnam and others that say that the way to build democratic societies that respect human rights is through building civil society, building civic organizations. I remember talking about this research with a high up official in the prime minister's office, and as we talked about this suddenly a light went on in his head and he said, you know, in Turkey we're a country of 60 million people, and of the 60 million people only 1 million are involved in any kind of civic association, and that includes boards running mosques and so forth. Do you know why, he asked me, it's fear. People have learned to be fearful about being involved, about participating.

That's really, in the end, what torture is about, it's creating a culture of fear, creating a culture of apathy based on fear. I believe that that's essentially what we have to begin addressing for looking at long-term ways of addressing the issue.

That's why I believe the role of the Human Rights Foundation is so important, because with the doctors and the psychologists, and the social workers and others engaging in trying to not only heal the wounds and the scars of torture, but also to deal with the problem of fear among themselves and among their clients is a very important lesson for the entire community in Turkey.

Mr. McNAMARA. Great. Thank you. I wonder if there are any questions from the audience?

[No response.]

Mr. McNAMARA. If not, then I want to express on behalf of the Commission our appreciation for your presence here this afternoon, and any way that we can help, you've given some suggestions, and we'll try to follow through on those.

Mr. JOHNSON. Thanks.

Mr. McNAMARA. OK.

[Whereupon at 3:15 p.m., the Commission adjourned.]