

**Commission on Security & Cooperation in Europe:
U.S. Helsinki Commission**

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

Committee Members Present:

**Senator Thom Tillis (R-NC);
Senator Benjamin Cardin (D-MD), Ranking Member;
Representative Michael C. Burgess (R-TX);
Representative Randy Hultgren (R-IL);
Senator Jeanne Shaheen (D-NH);
Senator John Boozman (R-AR)**

Witnesses:

**Jonathan R. Cohen, Deputy Assistant Secretary, Bureau of European and
Eurasian Affairs, U.S. Department of State;
CeCe Heil, Executive Counsel, American Center for Law and Justice;
Jacqueline Furnari, Daughter of Andrew Brunson;
Nate Schenkkan, Director of the Nations in Transit Project, Freedom House**

**The Hearing Was Held From 9:30 a.m. To 11:06 a.m. in Room 124, Dirksen
Senate Office Building, Washington, D.C., Senator Thom Tillis (R-NC),
Member, Commission for Security and Cooperation in Europe, presiding**

Date: Thursday, September 14, 2017

TILLIS: Good morning, everyone. This hearing of the Helsinki Commission will come to order.

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

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

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

Today also marks 253 days behind bars for a veteran Turkish employee of the U.S. consulate in Adana who stands accused of terrorism for doing his job as he has for 30 years: communicating on behalf of the United States government with local community contacts.

These prisoners – Andrew Brunson, Serkan Gölge, and Hamza Uluçay – are the innocent victims of Turkey’s collapsing rule of law. With every passing day, the injustice of these detentions compounds itself. For the Brunson family next week, another Thanksgiving apart. For Kubra and her two young kids, another day away from their home in Houston. For Hamza, another inexplicable punishment for his dedication to the job he loves.

But the focus of this hearing is not personal, it’s principle. Just as Andrew, Serkan, and Hamza have been victims of Turkey’s failing rule of law, there are literally thousands more like them behind bars today. Since imposing a state of emergency nearly 16 months ago, the Turkish government has detained more than 60,000 people and fired or suspended upwards of 100,000 others from their jobs. The so-called Decree-Laws authorizing these punitive measures do not establish any evidentiary standard for application, thereby permitting wide-scale abuse as seen in the cases I’ve highlighted.

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

The Helsinki Commission has called this hearing today to get to the bottom of the accumulating injustices under the state of emergency. As a participating state of the Organization for Security and Cooperation in Europe, Turkey has committed itself to upholding

certain rule-of-law standards even under extraordinary circumstances. Among these commitments is the guarantee of equality before the law.

However, Turkey's commitment to this principle has been called into serious question. Just two months ago, President Erdoğan proposed an outrageous swap: Andrew Brunson, a pastor, "for a pastor" in his words. If the United States would circumvent its rule of law to extradite a free man, Erdoğan suggested, then Turkey would release a wrongfully imprisoned one. Let us be clear about what President Erdoğan proposed: This is not justice; it's ransom. The United States should not expect, much less accept, this sort of treatment from a NATO ally.

The harassment and detention of our consulate staff has also overstepped the bounds of diplomatic conduct among partners. I was glad to see the State Department in the past month impose some real cost for this behavior by suspending non-immigrant visa services to Turkey. While the department announced last week that it had resumed these services on a limited basis and received assurances about the security of our local employees, I hope that we are clear with Turkey that we will not accept anything short of true and timely justice for our detained consulate staff and our citizens behind bars.

I also hope that we will not tire in advocating for the basic rights and freedoms of thousands of Turks impacted by these sweeping purges – academics, mayors, legislators, journalists, and human rights defenders among them.

Let me conclude by saying that it is in the interest of the United States to have Turkey as a strong and reliable ally. From strengthening NATO to fighting terrorism to resolving conflicts in the Middle East, we have important work to do together, and we will be more successful if we can work as partners. The urgency of these tasks underscores the importance of resolving distractions and rebuilding the trust we need to achieve common objectives. And, as always, our partners are strongest when they are rooted in shared principles.

We have two excellent panels of witnesses today to examine these topics, and I'll introduce the panels separately. But I would like to say at the outset that I am especially pleased to have with us a State Department witness, Deputy Assistant Secretary for European and Eurasian Affairs Jonathan Cohen, to provide the administration's perspective on these developments, U.S. policy towards Turkey, and the future of the bilateral relationship.

I'm also honored to have on our second panel Jacqueline Furnari, Andrew Brunson's daughter, from my state of North Carolina, and I understand a proud student of UNC Chapel Hill.

Before I introduce the panels, though, I'd like to offer my fellow commissioners an opportunity to make opening statements.

BURGESS: Well, thank you, Senator Tillis. Thank you, Secretary, for agreeing to be here this morning. And I want to thank the Helsinki Commission for convening the hearing on what has been a pressing issue since July of 2016.

Five days ago, Turkish and American leaders gathered at the Republic's New York City consulate to commemorate the life and legacy of Mustafa Kemal Atatürk, one of modern history's great reformers. Following the conclusion of World War I, Atatürk sought to create a democracy based on the rule of law amidst the ashes of the Ottoman Empire.

As with all democracies, the Republic of Turkey has had its share of challenges and triumphs. Since its formation, Turkey has balanced between its constitutional secularism and its religious heritage. From the recognition of the Lausanne Treaty in 1923, there have been concerns that the country's religious population is under attack by its secularists. All the while, fear that Turkey will fall back into a country dominated by religious hardliners remains an inescapable concern. The constant battle between the two extremes I'm certain has left many Turks unsure of who or what will come next.

Most recently, the failed coup of July 2016 – and I join with Senator Tillis in condemning in the strongest possible terms that activity – but that left the country clawing its self-inflicted wounds. Though carried out by military groups purportedly upholding Atatürk's original vision for the country, it is hard to believe that the Republic's founder would have supported open insurrection and violence in the streets, clashes between military and civilians, or the imprisonment of innocents.

The uprising resulted in a widespread response by President Erdoğan and his ruling Justice and Development Party. Unfortunately, the crackdown has left nearly 50,000 people incarcerated. And within this massive group are a dozen American citizens, including Pastor Andrew Brunson and NASA scientist Serkan Gölge. These Americans, along with many of their Turkish counterparts, have only a tenuous charge against them: that they are agents and activists of Fethullah Gülen.

Mr. Gülen – a Muslim leader in teaching a tolerant, outward approach to Islam – is yet another individual who the Turkish government has decided to indict with almost no evidence. Despite an alliance between the Justice and Development Party and the Gülenists at the onset of Mr. Erdoğan's political ascendancy, the two leaders suffered a breakdown in relations. Following the failed coup, the Erdoğan government leveled charges against the cleric, claiming that he planned and incited the attempted regime change. Mr. Gülen has been living in self-imposed exile in Pennsylvania since 1999.

Though the Turkish government submitted a formal request for the extradition of Mr. Gülen, neither the State Department nor the Justice Department has received any information that would cause the United States to comply with this request. The Turkish government has repeated, and with no evidence made the claim that Mr. Gülen funds schools, including some public schools in my home state of Texas, to radicalize students against the current Turkish government.

Though I am opposed to much of what President Erdoğan does, I respect Turkish sovereignty and their self-determination. However, when the president begins targeting American citizens, especially our children, this is a bridge too far.

In another incident early this year, supporters of President Erdoğan, along with the president's own security, violently attacked a group of peaceful protesters outside of the Turkish ambassador's residence here in Washington, D.C. In this country, we do not attack those we disagree with. We do not start brawls to silence our detractors. In Turkey, President Erdoğan may be able to declare a perpetual state of emergency and change the constitution to better suit his desires, but Washington is not Ankara, and Massachusetts Avenue is not an avenue in Turkey.

The ongoing effort by the Turkish government to intimidate Americans must end. The current detention of American citizens became all the more clear when President Erdoğan stated, "You have another pastor in your hands. Give him to us, and we will put yours through the judiciary. We will give him to you." Despite the strong, enduring alliance between our two countries, the United States cannot be expected to forego the rule of law in our country in order to extract some hint of it in another.

I hope we can come to an amicable solution on these matters, but to do so it's going to take more than relying on the trust and goodwill that has historically been built between America and Turkey. It must require the adherence to the rule of law. I hope we move toward accomplishing that today.

Thank you, Senator Tillis, for the recognition.

TILLIS: Thank you, Congressman Burgess.

Congressman Hultgren.

HULTGREN: Thank you, Senator Tillis. Dr. Burgess, good to be with you. Thank you so much to our witnesses.

I'll be very brief. I want to hear as much as I can. And I apologize, Senator Tillis; I've got two markups over on the House side, so I'm going to have to leave in a few minutes.

But I am passionate about fighting for people who are suffering around the world, people who are being mistreated, and especially when we see governments that are doing this mistreatment. I'm such a proud member of the Helsinki Commission, but also proud to be co-chairman of the Tom Lantos Human Rights Commission. And so I want to do everything we possibly can.

And that's my hope out of his hearing: to hear what we can do together – Senate, House, administration coming together to make sure that we bring these people home. Pastor Brunson is top of mind for me, but so many others that are suffering, that are wrongfully accused in so many ways, and these governments acting with what appears to be no accountability whatsoever. And we need to do everything we can to change that.

So thanks again, Senator Tillis and the Helsinki Commission, for holding this hearing. And I look forward to working with all of you, but also with our witnesses to see what we can do to, again, bring these precious people home.

With that, I yield back.

TILLIS: Thank you, Congressman.

Our first panel features Deputy Assistant Secretary Cohen. He's been deputy assistant secretary for European and Eurasian affairs, governing Cyprus, Greece, and Turkey, since August 2016. He previously served in Baghdad as deputy chief of mission from 2014 to 2016, in Paris as the acting deputy chief of mission from 2013 to 2014, and as minister – counselor for political affairs from 2011 to 2013.

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

COHEN: Thank you, Senator.

Senator Tillis, members of the Commission, thank you for inviting me to testify this morning. Today's hearing is an important opportunity to reaffirm the abiding U.S. interest in and commitment to democracy, human rights, and rule of law in Turkey. It's also an opportunity to underscore the enduring strategic value of the U.S.-Turkey alliance, despite the current strains in the bilateral relationship and the challenges facing Turkey today.

Having spent the last 65 years as NATO allies, the United States and Turkey have deep, complex relations. With the second-largest military force in the alliance, a dynamic economy, and a population of 80 million, Turkey's critical position and regional clout have given Ankara significant influence over issues of core U.S. interest over the years, from Afghanistan to Iraq to the Balkans to Korea.

For example, from the early 1990s until 2003, Turkey facilitated the no-fly zone over Iraqi Kurdistan region, allowing it to develop in peace and escape Saddam Hussein's tyranny.

In Afghanistan, Turkey was a major troop contributor to the International Security Assistance Force, while also providing use of its airspace and allowing the refueling of U.S. aircraft on ISAF missions.

Turkey's an important partner in the Global Coalition to Defeat ISIS, and provides critical bases for U.S. and coalition military forces, from which we conduct precision airstrikes; carry out intelligence, surveillance, and reconnaissance flights; maintain combat search and rescue units; and resupply coalition forces.

We enjoy a robust and growing commercial relationship, a wide array of educational and cultural exchanges, and a vibrant foreign policy dialogue on issues ranging from Russian aggression in Crimea to limiting Iranian influence in the region to ending the war in Syria to the territorial integrity and unity of Iraq. We deeply value Turkey's contributions to global security.

The United States and Turkey need each other. As Undersecretary of State Tom Shannon has said, ours is not a partnership of convenience, nor of temporary interests; it's one of conviction, a time-tested alliance built on the enduring foundations of common interests and mutual respect. Our partnership is the result of sustained diplomacy, continuous high-level engagement between our governments to address challenges, explore opportunities, and move forward on a wide range of joint interests.

Since August, our presidents have had several phone conversations and have met on the margins of the U.N. General Assembly. Secretary Tillerson and Foreign Minister Çavuşoğlu speak regularly to consult on Syria, Iraq, and other issues. Our defense ministers have met twice since August. And of course, Prime Minister Yildirim visited Washington just last week to consult with Vice President Pence.

The United States-Turkey relationship extends beyond our mutual interests in stability and security in the Balkans and the Middle East. Both President Trump and President Erdoğan have committed to strengthening our trade and investment ties. Our extensive exchanges of students, scientists, and professionals ensure that our countries remain interconnected on a people-to-people level, and provide valuable opportunities for innovation and entrepreneurship, which are vital to our knowledge-based economies.

Ankara seeks further improvement in each of these areas of cooperation, and so do we. We will continue our efforts to develop constructive dialogue with Turkey in order to maximize the enduring benefits of our strategic alliance.

My remaining remarks today will focus on the U.S. government's concerns about Turkey's protracted state of emergency, which has had negative effects on democracy and democratic institutions, on human rights, and on rule of law. Chief among those concerns is the security of and protection of human rights and fundamental freedoms for U.S. citizens in Turkey and locally employed staff at the U.S. Mission in Turkey, a number of whom have been arrested on dubious terrorism charges under the state of emergency.

As I highlight these concerns, it's in the context of Turkey being a longtime friend and ally, and with deep empathy and appreciation for the fact that on July 15th, 2016, Turkey endured a traumatic coup d'état attempt in which nearly 250 perished and thousands were wounded. The coup attempt was an evil attack on the Turkish nation and a tragedy for Turks, who bravely took to the streets to defend their democracy.

A few months after that, I stood in Turkey's parliament building, the Grand National Assembly, and observed the destruction that Turkish Air Force F-16s had wrought on the people's house, in which all political parties sit. The Turks asked me to imagine the national trauma for us if such an attack were to happen here on our Capitol dome. It was a moment of profound impact for me. The Turkish nation was deeply shaken by the coup attempt, and remains so.

It's to be expected that Turkey would – and we support its efforts to – investigate and arrest those who directly participated or materially aided in the planning, preparation, and conduct of the coup attempt. The U.S. government is carefully reviewing material provided by Turkey related to the Turkish government's request that the United States extradite Fethullah Gülen, and will give similarly careful consideration to any new extradition requests related to the coup attempt. We again underscore our willingness to assist Turkish authorities in their investigation of the attempted coup and support bringing to justice those who participated.

But now, more than a year later, a restrictive state of emergency remains in place and appears to have been used expansively to target many Turks with no connection to the coup attempt. We were concerned to see Turkey extend the state of emergency for a fifth time on October 17th for an additional three months. The prolongation of the state of emergency has, in the view of the U.S. government, negatively impacted Turkish democracy, rule of law, and respect for fundamental freedoms. We call on the Turkish government to expeditiously end the state of emergency, release those not proven guilty of criminal offenses, and cease the seemingly indiscriminate prosecution of individuals – in many cases, individuals that appear to have been targeted because they criticized the government, its officials, or its policies, or have had contact with those who did.

There have been dozens of U.S. citizens detained or delayed by Turkish security services in some capacity since July 2016. Several U.S. citizens, including U.S.-Turkish dual nationals, remain in prison under the state of emergency, all facing what we believe are dubious terrorism and coup attempt-related charges.

Andrew Brunson, a U.S. citizen and Christian pastor who has lived in Turkey for nearly 25 years, has been in prison since October 7th, 2016. The outlandish charges against Mr. Brunson include gathering state secrets for espionage, attempting to overthrow the Turkish parliament and government, and attempting to change the constitutional order.

The United States consistently calls for Mr. Brunson's release at the highest levels. President Trump, Vice President Pence, and Secretary Tillerson have all raised his case multiple times with their Turkish counterparts. On August 15th, Secretary Tillerson publicly called for his release during the International Religious Freedom Report rollout. Our embassy in Ankara continues to engage on this case, and provides consular services to Mr. Brunson and his family, meeting with him and his wife on a regular basis.

We remain deeply concerned about the detention of all U.S. citizens, including U.S.-Turkish dual nationals, who have been arrested under the state of emergency. We will continue to visit them when possible, raise their cases with our Turkish counterparts, and seek a satisfactory resolution of their cases.

In addition to the other U.S. citizens I've mentioned, it's worth pausing to note that Henri Barkey, a highly respected Turkish-American, has been subjected to a particularly vicious and groundless series of attacks in the Turkish media, which allege that he is the subject of criminal charges related to the failed coup attempt last year. I want to state clearly that there is absolutely no merit to the absurd idea that Henri Barkey, who has served with distinction in various expert

capacities both inside and outside the U.S. government, had anything to do with the coup attempt, or that he was acting to undermine the government of Turkey. Such accusations set back our relationship with Turkey, and undermine the credibility of the Turkish media as well as the Turkish judicial process.

Under the state of emergency, the government of Turkey has arrested two of U.S. Mission Turkey's locally employed staff on what we believe are specious grounds. Longtime U.S. Consulate Adana employee Hamza Uluçay has been in detention since February 23rd, 2017. On October 5th, Turkish authorities detained longtime Consulate Istanbul DEA local employee Metin Topuz. It appears to us that Mr. Uluçay and Mr. Topuz were arrested for maintaining legitimate contacts with Turkish government and local officials and others in the context of their official duties on behalf of the U.S. government.

The targeting of U.S. local staff, particularly those responsible for law enforcement coordination, raised our concern over Turkey's commitment to provide proper security for facilities and personnel, leading to Mission Turkey's suspension of non-immigrant visa services on October 8th. We have received initial high-level assurances from the government of Turkey that there are no additional local employees of our Mission in Turkey under investigation. We have also received initial assurances from the government of Turkey that our local staff will not be detained or arrested for performing their official duties, and that the Turkish authorities will inform the U.S. government in advance if the government of Turkey intends to detain or arrest a member of our staff. Based on these preliminary assurances, we determined that the security posture had improved sufficiently to allow for the resumption of limited visa services in Turkey.

However, Mr. Uluçay and Mr. Topuz remain in custody, and we continue to have serious concerns about their cases. We'll continue to engage with our Turkish counterparts to seek a satisfactory resolution of these cases as well.

As a longtime ally and friend, we want Turkey to be the best democratic partner it can be. We have long supported – and we will continue to support – democratic development there, because we believe that respect for the rule of law, judicial independence, and fundamental freedoms are sources of strength and expand our potential for partnership. We will continue our constructive dialogue on the range of foreign policy and bilateral challenges, and we will also continue providing the assistance our imprisoned citizens and local employees need. We will not rest until all of their cases are resolved.

Members of the Commission, thank you for your attention today, and I look forward to your questions.

TILLIS: Thank you, Mr. Cohen.

I am going to defer first to Congressman Hultgren, then Congressman Burgess, so that they can get back to other business. If you don't know what markups mean, that means the chairman gets mad when you don't show up because they need a quorum to get going forward, which is one of the reasons why some of the Senate members may come in and out.
Congressman Hultgren.

HULTGREN: Thank you, Senator.

And again, thank you for your service. Thanks for being here today.

I'll be very brief because, again, as I mentioned, I'm going to have to sneak out in a couple minutes, but wonder just briefly if you could talk a little bit more about what we could do as the Senate and the House, working in these specific cases. You talked quite a bit about Pastor Brunson. I'm grateful to hear that you've been able to provide consular service to him and his family there, also with the dual citizen NASA scientist Serkan Gölge. I wonder if you could talk a little bit more of what we can be doing to help, if anything, especially for Pastor Brunson, to get that release as soon as possible.

And then, as much as to the extent that the Privacy Act restrictions allow you to answer, I wonder how many U.S. citizens, including dual citizens, are currently detained in Turkey on coup-related charges. And do all of them have that same access to consular service? And is there anything else we can do for those people?

COHEN: Thank you for those questions, and let me start with the last question first. Because I don't have Privacy Act waivers, I can't be specific on the numbers, but we have fewer than a dozen. I would say several, including U.S. citizens and dual nationals.

The U.S. citizens were granted consular access quickly after they were detained. The dual nationals were not. Turkey does not consider dual nationals to be foreign citizens for purposes of consular protections. We consider anyone who has U.S. citizenship to be a U.S. citizen, and we pressed strongly for access for them. We were granted access last month – October – and we now, I believe, have access to all of the dual nationals who are in custody.

Similarly, some of the people in custody had difficulty getting access to legal counsel. After we pressed, we believe that they all now have had access to legal counsel.

And this gets to the first part of your question, what you all and what we all can continue doing to help. Engagement is critical. The fact that the Senate and the House have sent letters to Turkish officials expressing their concern is important. I would encourage you, if you travel to Turkey, to meet with Turkish officials and raise these issues; if you have the opportunity here in Washington to meet with representatives from the Turkish embassy, to do the same; or to meet with Turkish officials when they come and visit.

I should say I was in Ankara last month working on this basket of issues, and the approach that the Turkish officials had was a constructive one. They want to get past this problem as well. There are challenges on their side even for the people with the best will, because they also have a legal system that they have to navigate, and we have to be respectful of the limitations on them.

But I would urge you to continue your engagement, and also to continue comparing notes with the State Department and the Department of Justice as we go forward.

HULTGREN: Thank you. We will definitely do that, and please stay in touch with us if there's anything else that comes up that you think would be helpful. We want to do anything we can to come together to get this done. So thank you again.

Thank you, Senator Tillis and Dr. Burgess, for letting me jump in front here a little bit. Thank you.

TILLIS: Thank you.

Congressman Burgess.

BURGESS: Thank you, Senator Tillis. And again, thank you for convening this hearing.

Secretary Cohen, thank you for your mention of Northern Watch. My youngest child was a young airman back in 2000 and was stationed at Incirlik and was part of that activity, and at least through the eyes of a 19-year-old at the time was always well-treated by the citizens of Incirlik. And he certainly enjoyed his time there.

You mentioned that you're now able to visit the people who are being held. Can you speak to the fact as to how you perceive or your staff perceives the people who are being held and how they're being treated? Is their physical condition good?

COHEN: The reports that I've seen indicate that their physical condition is acceptable. Again, I don't have Privacy Act waivers for most of them –

BURGESS: Sure.

COHEN: – so I can't get into the specifics. But the concern is with detention, not so much the conditions of the detention.

BURGESS: I understand.

COHEN: There have been some instances where people were detained in overcrowded facilities. In some cases they were able to get moved to less-crowded facilities. So there have been some improvements, and I want to acknowledge the cooperation of the Turkish authorities in that regard as well.

BURGESS: And in response to Mr. Hultgren's question, you gave an answer of less than a dozen United States citizens are being held. Does that include dual nationals in that number?

COHEN: Yes, sir.

BURGESS: OK.

Just to give context for people who may be watching and unfamiliar with the situation, how is the crackdown that's occurred in Turkey, how is that affecting the average Turkish citizen? How are they dealing with that?

COHEN: I think it's hard to speak about the average Turkish citizen. What I can say is that it has a chilling effect on public discussion about politics, certainly. It has had a chilling effect on the freedom of media, free expression, civil society organizations, all the points that were mentioned in the opening remarks by the members of the Commission. It's palpable when you're in Turkey. You can feel that the nature of public debate has been narrowed.

BURGESS: Very diplomatically put. What – and, again, forgive my lack of depth of knowledge of this. This state of emergency, is that in place at the order of the Turkish president, or is that the Turkish parliament? Who has actually enacted that state of emergency?

COHEN: If you'll bear with me, I have a little fact sheet that I can go through.

BURGESS: OK.

COHEN: The government decrees issued under the state of emergency restrict suspects' access to legal assistance, allow suspects to be held without charge for up to a month and, in some cases, froze the assets of suspended or fired civil servants and their family members. Human rights groups documented some cases in which family members were held or subjected to restrictions on their freedom of movement in lieu of suspects who remained at large.

Under the state of emergency, detainees could be held without charge for up to 30 days, but there were numerous accounts of people waiting beyond the 30-day mark to be formally charged. Bar associations reported that detainees had difficulty gaining access to lawyers, both because government decrees restricted lawyers access to detainees in prisons, especially those not provided by the state, such as legal aid lawyers, and because many lawyers were reluctant to defend individuals suspected of ties to the coup attempt.

A variety of sources reported instances of individual wrongfully detained for ties to the coup based on poison pen allegations driven by personal or other rivalries. And the state of emergency itself is extended by the parliament, proposed by the government.

BURGESS: Those restrictions of rights, those were applied to your two consular employees who were detained, or still are detained?

COHEN: I don't have the detailed information on that, but to the best of my knowledge they both have had access to their legal counsel. Hamza Uluçay is actually on trial. So his case has been brought to court on several occasions. I believe his next hearing is in December. So he has been formally charged. I'm not sure if Metin Topuz has been formally charged yet or not.

BURGESS: But still held?

COHEN: Yes, still held.

BURGESS: That 30-day requirement has long-since passed. So under what authority has that been extended?

COHEN: Well, Metin was arrested on October 5th. So we're still relatively close to the one-month mark. And I can get back to you on whether or not the charges have been formalized.

BURGESS: And just, if you can, you may not be able to do this, but for those two consular employees, you mentioned assets have been frozen. Did that apply to our two consular employees?

COHEN: I am not aware of that.

BURGESS: All right. Thank you.

I realize this is asking for an editorial opinion. You may not be able or at liberty to give it. But what would have to happen for the Turkish parliament to decide that it's no longer necessary to impose these restrictions?

COHEN: When I asked this of Turks – and I'll rely on what Turkish contacts have told me – they say given the breadth of the conspiracy that was perceived to be behind the coup, they believe they have more work yet to do before they end the state of emergency. And they cannot point to a time on the calendar when they believe that will be accomplished. To our mind, the number of people that have been swept up in the counter-coup is such, and the amount of time that has passed is such, that it looks to us like the state of emergency has exceeded its reasonable limits.

BURGESS: Have they – and, again, forgive me for asking something that may be just absolutely obvious – but have they identified the one, two, or three critical points that they need to see altered, changed?

COHEN: I think that's a question you'd have to address to the Turks.

BURGESS: OK.

COHEN: Sorry.

BURGESS: Thank you, Mr. Chairman. I'll gladly yield back to you.

TILLIS: Thank you, Congressman.

Mr. Cohen, to what extent is there any evidence to support the Turkish administration's position that there were those in the military associated with the Gülen movement that were responsible for the coup?

COHEN: The military participation in the coup is the most clear-cut. It is indisputable that Turkish military officers used Turkish military hardware against state institutions and facilities on July 15th, 2016. So that's not an issue of dispute. What gets into a less clear category is who they were working with. And that is, I think, what is behind the scope of the purchase that we've seen.

TILLIS: I am interested in the current state of the rule of law, particularly in light of the April 17th constitutional referendum. Can you tell me a little bit about what the current state of the rule of law is in Turkey?

COHEN: Well, the April 17th referendum was to make changes to the constitution that transferred the state system from a prime ministerial, parliamentary-based system to a presidential system, putting more power in the executive. Those changes don't go into effect until 2019. So it's too early yet to be able to say how that will impact day-to-day life in Turkey. But I can refer you to the Venice Commission report, which suggests that Turkey will be losing a number of checks and balances in its system by implementing these changes.

TILLIS: To what extent do we really understand the mood of the Turkish people with respect to these changes, the current situation and future situation with these constitutional changes. Do we do any polling to get some idea of what the Turkish people think about this new change in leadership?

COHEN: Yes, we do, as well as some very well-known American institutions, like IRI, which is out there doing excellent work in Turkey. But the best indicator, I think, is the result of the referendum itself. It passed by the thinnest possible majority, sort of 51 percent, which suggests that some 49 percent of the Turkish public has misgivings about the changes.

TILLIS: Can you tell me a little bit about the charges against Mr. Brunson and Mr. Gölge? And in your own opinion, the reasons for their detainment and the charges brought against them, and shed light on your own view, or the view of the department, about the veracity of the charges?

COHEN: Well, as I said in my testimony, the charges against Pastor Brunson include gathering state secrets for espionage, attempting to overthrow the Turkish parliament and government, and attempting to change the constitutional order. We do not believe there's any merit to any of these charges. We believe Pastor Brunson is an innocent, wrongly accused.

TILLIS: And on Mr. Gölge?

COHEN: We don't have a Privacy Act waiver for Mr. Gölge, so I can't comment on his case. But we also have not seen any indication that he's guilty of any criminal wrongdoing.

TILLIS: We have several questions that I want to submit for the record, but we'll move to the next panel in a moment. I have spent nine days in Turkey. I was there briefly for two days last year, but was focused on the refugee camps. But about 2011, I was there for about nine days and it was a very different Turkey. While the United States and several other countries were

going through a serious downturn in the economy, there was just huge optimism in this country. We met with chambers of commerce. We met with a lot of Turkish families, spent time with Turkish families. That's when I learned you never tell somebody their food looks good, because you'll be eating most of what's on their plate. They're very good people. They were very optimistic. How would you view the mood of the Turkish people today?

COHEN: It's more tentative. As I mentioned in my remarks, Turkey suffered a national trauma. And the sense of that trauma permeates every aspect of society and it remains palpable today, or after the coup attempt. That said, the economy continues to grow at something like 5 percent, which is an enviable growth rate. And the Turkish economy continues to have great potential, including for American business. And I would reference the perspective deal between Boeing and Turkish Airways to sell some 40 Dreamliners, which is a deal worth over \$10 billion that would employ 25,000 Americans. So there's a lot still to be accomplished in our bilateral economic relationship. And the Turkish people will benefit from continued economic growth, provided that it continues on the path it's on.

TILLIS: After that visit I hosted a delegation from Kayseri. I was in Izmir, Ankara, Kayseri and Istanbul. And my last city was Kayseri. And I spent a day with the mayor there, and other members of parliament who came back to visit me in then my capacity as speaker of the House in North Carolina. And we were all optimistic about building great business relationships. I think the sooner we get past these sorts of things – which do not make me inclined to do anything with Turkey at this point in time – then we can get on to building those great relationships that I think would be mutually beneficial.

The last thing you mentioned about, in traveling to Turkey, meeting with officials there. One question that I had is we met with several members of parliament when we were in Ankara. Are there any members of parliament who are openly sympathetic to our desire to have these people, who we think were inappropriately detained, released?

COHEN: I suspect there are. I haven't had any conversations since these arrests took place with any members of parliament which led to this line of conversation. But it's an excellent question. I'll ask my colleagues in Ankara to see if we can find out.

TILLIS: I would like to do that. We had a very good discussion with several members that were there. And I would like to know that. Also, I'd like to know, if some of us were to travel to Turkey, would we be allowed to meet with the detainees?

COHEN: I hope so. That would be up to the Turkish legal authorities. But we have facilitated Turkish official visitors here having access to people that are incarcerated in the U.S. So it's certainly something for which we would advocate.

TILLIS: Well, we'll work with your office, because I have an interest in going there. And I would have an interest in seeking the opportunity to meet with the detainees and to also identify any members of parliament that we may be able to meet with to really build a case for doing what I think is the just and right thing.

Mr. Cohen, thank you for being here. We've got a number of questions that the staff have prepared that I think would be very helpful and instructive to the Commission in terms of our path forward. So we'll submit them to you and would appreciate your response. Thank you.

I should have said this to begin with, thank you for your very long service to the country. And thank you for the very enlightening testimony.

COHEN: Thank you, Senator.

And thank you, Commission.

TILLIS: We will take a brief pause and transition to the next panel.

(Recess.)

TILLIS: Our second panel consists of three superb witnesses.

First, we'll hear from CeCe Heil, Pastor Brunson's U.S. attorney. Ms. Heil is executive senior counsel for the American Center for Law and Justice, specializing in public policy and global legal matters, including the United Nations. She manages the ACLJ's global partners and heads a team of lawyers handling cases in defense of life, protection of U.S. national security interests, and dealing with Islamic extremism.

Then we'll hear from Jacqueline Furnari, Pastor Brunson's daughter. Ms. Furnari is the 19-year-old daughter of Andrew Brunson. She has two brothers, Jordan and – is this right, Jacqueline – Blaise? She's currently earning her bachelor of science and business administration from the Kenan-Flagler Business School at the University of North Carolina at Chapel Hill. She expects to graduate in December 2017, with a concentration in entrepreneurship and operations management. Jacqueline was raised in Izmir, Turkey, where her father served as pastor of the Izmir Resurrection Church. In February Jacqueline married a Blackhawk pilot in the U.S. Army – which is why I'm convinced you're going to end up living in North Carolina after he retires from distinguished service, Jacqueline.

Finally, we're going to hear from Nate Schenkkan. Did I pronounce that right, Nate? Schenkkan. A long-time Turkey expert who serves as project director for the Nations in Transit, Freedom House's annual survey of democratic governance in Central Europe and Eurasia. He previously served as senior program officer for Freedom House's Eurasia programs, covering Turkey and Central Asia. He was a lead researcher and co-author of two Freedom House special reports, including "The Struggle for Turkey's Internet," and "Democracy in Crisis: Corruption, Media and Power in Turkey."

Ms. Heil, we'll recognize you first for your testimony.

HEIL: Thank you, Senator Tillerson, Representative Burgess, for inviting me to speak before you today to discuss the case of our client, Andrew Craig Brunson, who's a United States citizen from North Carolina who is wrongfully imprisoned in Turkey. Pastor Brunson has lived

peacefully in Turkey for 23 years, serving as the pastor of the Izmir Resurrection Church, and raising his family with no incident. But after the failed coup attempt in July of 2016, President Erdoğan started arresting anyone he deemed a threat, which included Christians. So on October 7th, 2016, Pastor Brunson was arrested as a threat to national security and detained, pending deportation.

However, Pastor Brunson was never deported. He still sits in a prison cell today, wondering if he's been forgotten, as today marks the 404th day of his detention. And as unbelievable as that may seem, given the current state of emergency and the subsequent emergency decrees from Turkey, all protections afforded in the Turkey constitution and with international declarations and covenants to which Turkey is a member, including the OSCE, all of those protections just disappear. And as a result of the rapidly diminishing state of law in Turkey, Pastor Brunson's file has been sealed, all of his visits from his attorney are recorded, and he can literally be held for up to 7 years without ever being formally charged, completely destroying any ability to prepare an adequate defense, and obliterating all rights to due process.

So Pastor Brunson has remained languishing in a prison cell with literally no end in sight. And while Pastor Brunson has been in prison, he has lost over 50 pounds, he has lost precious time with his family that can never be replaced. And, worst of all, he has lost all hope, wondering why Turkey, a NATO ally and a country that he has loved and served for over two decades, has been able to hold him hostage, an innocent United States citizen, for over a year.

Pastor Brunson's plight has caught the attention of hundreds of thousands of people across the world, and there's been an unprecedented amount of demands for his release from the highest level. As we've heard, President Trump has repeatedly demanded his release. Vice President Pence has repeatedly demanded his release. And Secretary Tillerson has demanded his release. And actually, most of you on this panel signed a bipartisan, bicameral letter that was sent to President Erdoğan, demanding his release.

And yet, on August 24, Turkey responds by levying additional ridiculous accusations against Pastor Brunson, these just as ludicrous as and disconcerting as the original. And still, not one piece of evidence has been presented to support any of the accusations against this innocent pastor. Pastor Brunson maintains his innocence and denies all the accusations, and reiterates that he has been in Turkey for the past 23 years was for one purpose, and one purpose only. And that was to tell about Jesus Christ. So the question remains, why are they still holding him?

And perhaps President Erdoğan has given us the answer to that question in his recent demands for a swap of Pastor Brunson for either Fethullah Gülen or Reza Zarrab. So Pastor Brunson has literally become a bargaining chip for Turkey, proving that he is not a criminal to be prosecuted or convicted but a political hostage that Erdoğan wants to trade. Turkey is our NATO ally, and we should be able to say, give us our American, and they should give us our American. So we are asking you today to demand that Turkey give us our innocent American. Thank you.

TILLIS: Thank you, Ms. Heil.

Jacqueline.

FURNARI: Thank you for the opportunity to testify on behalf of my father.

Having grown up in Turkey, it has been so hard for me to understand the current state of events. My parents moved to Turkey in 1993, so that's where my brothers and I grew up. In fact, my brothers were raised there – they were born there. We even went to Turkish grade school because my parents wanted us to learn the language and feel comfortable in the culture. To me, it was home. My family, school, and friends were in Turkey. I grew up in the mix of Turkish and American culture, and loved seeing the beauty in both. On holidays, we sometimes hung a Turkish flag from our balcony, as our neighbors did. We loved and respected the Turkish people, and my parents were dedicated to serving them for as long as they could. My brothers and I used to joke that we would have to bring our future children to Turkey to see their grandparents.

As I grew up, I saw how my father poured himself into his work, and how willing he was to sacrifice his needs and wants for the sake of others. He believed – as I do – in a greater purpose in life, and actively lived out his life with the purpose of showing people the love and grace of God. He taught this message in the home, too. My parents' continued commitment to serving God and the people of Turkey was such a wonderful example for my brothers and me to see. We were truly blessed to be raised by such faithful parents.

I know my dad and his character, as only a daughter can, and I know the charges against him are absurd. My father is not an armed terrorist trying to overthrow any government, my dad is a pastor who went to Wheaton College, then on to seminary, and got a Ph.D. in New Testament. He has selflessly served Turkey for 24 years now. Everything in his life is centered on his faith. For my family, who has loved, served, and prayed for Turkey and its people, seeing these absurd charges brought against my father has been an extremely painful experience. The past year of our lives has been filled with uncertainty, worry, tears, and countless unanswered questions.

My family kept assuming this situation would end soon. But it kept dragging on, month after month. My brothers and I didn't get to spend Christmas with my mom, because she was scared of what might happen to us if we flew into Turkey. I missed a last Christmas as a single woman with my family. I was about to transition into a different phase of life, and I wanted that one last family Christmas before things changed. In February I got married. We didn't want to get married without my parents present, but because my husband is in the military we could not postpone it. We had received my dad's blessing, but we felt so terrible about getting married while he was imprisoned. Neither of my parents were there, and I will never get that moment back.

For those of you who are fathers to daughters, I'm sure you would want to walk your daughter down the aisle. My father didn't get that. My husband and I decided to have a civil ceremony and to postpone our wedding until my father is home. I'm still waiting for my wedding. I'm still waiting to wear the wedding dress that I got almost a year and half ago. I'm

still waiting for my dad to walk me down the aisle. And I'm still waiting for that father-daughter dance.

I'm graduating from college in December. My dad doesn't want to miss seeing graduate. He invested a lot in helping me find a career path. However, unless a miracle happens, I will be achieving yet another life milestone without my parents. In his letters, my father says that the hardest part of his imprisonment is missing out on being with his family. That is what he most wants. He has missed his only daughter getting married, and might miss my college graduation. He has missed helping my older brother make career choices and witnessing his accomplishments at Cornell. He has missed being with my younger brother who has so badly needed his dad and mom in the last year. These are the things that pain my dad the most, not being able to be with us.

In August, I took a risk and flew to Turkey to visit my dad and support my mom. I never really processed that visit because it makes me too emotional. I will never forget any moment of the day we got to visit. I remember hearing my dad's voice for the first time in a year as they brought him into the room. I remember how broken, tired, and desperate he sounded as he tried to fight to meet in a room where he could hug and hold us for the only hour he would have seen us the whole year. We sobbed the entire visit. It was hard to fit words in because the emotions were too strong and only led to more tears. It was difficult to see my dad so broken, so thin, and so desperate. He hated having his kids see him that way.

During my summer visit, he was already talking about how fearful he was at facing the cold winter in that poorly insulated prison. That he was already concerned about the winter in the middle of August shows how hopeless he was. And now, the cold that he feared so much has started. Seeing him in that much pain broke me. He's been changed by this experience. My whole family has been changed. In a recent visit with my mother, my father said: I plead with the Lord to release me by Christmas so I can be with our son in his last year in high school and at our daughter's graduation before she moves to Germany. But if I'm still here at Christmas, I'll thank God for sending Jesus to be born. If I'm still here at New Year, I'll thank him for helping me make it through this year. If I'm here on my birthday I'll give thanks for the life I've lived.

My father is now dealing with anxiety and depression, but he is handling his situation better than he was before. But we still want so desperately for him not to have to face another Christmas imprisoned. We want him to be home again, with his family. My family has suffered greatly because of these absurd and false charges. Please, make any and all efforts to secure my dad's release and bring him home for Christmas. He's been imprisoned falsely for far too long.

TILLIS: Thank you, Ms. Furnari.

Mr. Schenkkan.

SCHENKKAN: Thank you. Senator Tillis, members of the Commission, it's an honor to testify before you today. I'm going to focus in my spoken testimony on some of the development in rule of law since the coup attempt. I know we've covered some of this ground already. But I think, if anything, we may be understating how severe the crisis is in Turkey.

And I think that affects how we look ahead in the U.S.-Turkish relationship, and how it needs to be approached. My written testimony contains some more context about the state of rule of law in Turkey prior to the coup attempt. So I ask that you refer to that with questions on the matter.

Under the emergency rule for the last 16 months, some 150,000 people have passed through police custody on the basis of terrorist offenses, membership of armed groups, or involvement in the attempted coup. Of these, at least 62,000 have been arrested. One hundred and fifty-three journalists are in prison. More than 111,000 people have been fired from public service, which also means that they are placed on a blacklist, which largely prevents them from finding private employment.

The state has also closed and seized institutions around the country: 1,412 associations, 15 universities run by foundations, 162 media outlets, 2,271 private educational institutions, and 19 unions, 969 companies valued at roughly \$11 billion have been seized, 94 mayors have been removed from office and replaced by appointed trustees, 10 members of parliament are in prison, two members of the Constitutional Court were removed from office and arrested, along with 37 personnel of the Constitutional court, 4,240 judges and prosecutors have been dismissed, 28 lawyers associations or law societies have been closed, at least 550 lawyers have been arrested, and 1,400 lawyers are facing criminal prosecution.

As has been discussed, these emergency decrees under the state of emergency reduced very important protections for those accused or under investigation for crimes related to the coup attempt or membership of terrorist groups. These have led to increasing, and increasingly credible, reports of torture and forced disappearances in detention, which was a problem considered largely eradicated prior to the coup attempt in Turkey.

Regarding the constitutional referendum and the changes, I must respectfully disagree, slightly, with DAS Cohen regarding the effect on rule of law. Yes, the changes do not go into effect until 2019, but it is clear what that effect will be. The referendum changes increase the president's control over the judiciary. The president will have the power to appoint six out of the 13 members of the Council of Judges and Prosecutors, which controls the appointments of the judiciary. The remaining appointments will be made by the parliament which is currently, of course, under majority control of the president's party. The oversight role of the Constitutional Court has been downgraded, as that has that of the Council of State. In addition, of course, in this shift to a presidential system, the prime ministership is eliminated as an office and the president gains the power to appoint ministers.

It's within this context and the ordeals of Pastor Brunson, America's foreign service nationals, and tens of thousands of Turkish citizens, including leaders of civil society like Osman Kavala that we need to understand this context of deteriorating rule of law. The executive branch in Turkey is constrained at this point neither by the balance of powers by the rights of individuals when it chooses to use politicized justice to achieve its political ends.

There will be three major elections in 2019 in Turkey. There will be nationwide local elections in March, parliamentary and presidential elections currently scheduled simultaneously for November. Each of these will be extremely important for President Erdoğan's goal of

remaining in power and of retaining or, even better, strengthening his control over the levers of the state. We should not expect an improvement in the rule of law prior to the elections. It's not in President Erdoğan's interest, and it's not in the AKP's interest to have the system work more fairly or more justly at this time. Nor should we expect an improvement after the elections, unfortunately. If President Erdoğan and the AKP win, they will continue their effort to consolidate a paternal regime. If they lose even one election, they will have to tighten the screws in order to maintain power. This is what happened after the AKP lost its majority in parliament in the June 2015 general election. So this problem of rule of law in Turkey is one that will be with us for a long time.

So let me say in that light a few words about U.S. policy towards Turkey in this area, regarding rule of law. The biggest problem is, first, that we treat it as something that we believe can be solved soon, or solved quickly. Of course, the first priority is returning U.S. citizens and protecting American employees, foreign service nationals, from persecution. But we need to recognize, no matter what the outcome is of these cases, this is a durable problem that will be with us. We need to recognize that the use of anti-Americanism and anti-Westernism by President Erdoğan and other political leaders in Turkey is driven by a domestic political dynamic. And nothing that the United States does is going to change that.

Instead of starting from a position of seeking to solve the problem of Turkey's political leaders taking anti-Western stances for their political gain, we need to define clearly first, for ourselves, what the U.S. core interests and values are in our relationship with Turkey, and then articulate policies to achieve those interests and values, including taking measures with Turkey to enforce them if they're threatened and violated. And I think there's been a lot of progress on this in the last year.

We also, though, need to keep an eye on the medium and the long term in Turkey, and what we want to see in Turkey. I believe the U.S. has a long-term, strategic interest in Turkey being a stable state, based on the rule of law, in which political and ethnic minorities enjoy fundamental rights, including the ability to participate fully in political processes. The U.S. cannot make Turkey into such a state. But this should be a key pillar for any U.S. strategic vision for the Middle East, and one that can be supported through measures taken now.

Some of those measures would include, first, using new instruments, including the Global Magnitsky Act, to sanction Turkish officials responsible for grave human rights violations. And of course, the congressional role in collecting those cases and forwarding to the State Department can be very important. Second, I believe Congress should mandate funding for human rights defenders, civil society activists, and journalists in Turkey. Congress should create a special fund for those who support the country's future as a democratic, rule-of-law state.

Third, and this is where I think most of the progress has been in the last year, the United States can make clear that the rule of law in the United States and the rights of American citizens and employees of the U.S. government are non-negotiable in the relationship with Turkey. If Turkish officials flout U.S. law, they will face criminal prosecution. We've seen this already, I think, in the Reza Zarrab case, which is one of the reasons why it's so important, beyond its implications, of course, as simply enforcing U.S. laws. The Van Hollen amendment is also an

important step in this direction, reinforcing the importance of U.S. laws by underscoring that violations of our laws will affect U.S. support and cooperation with Turkey.

We also have to do the same regarding American employees and American citizens overseas. If the U.S. concludes that the detention of an American citizen is not based on a legitimate, criminal accusation, it should sanction officials responsible for their detention. And this is why I support the Lankford-Shaheen amendment, and why Freedom House supports it. The U.S. must also stress that attacks on U.S. employees, including the offensive conspiracy theory regarding Henri Barkey and the imprisonment of foreign service nationals, will also result in the continuation of visa restrictions or other punitive measures, as needed. And I think Congress should be prepared to request sanctions against individual officials responsible for illegitimate detentions of U.S. employees.

There are no magic bullets for improving the U.S.-Turkey relationship. There are diverging values between these two allies. We should prepare for a very rocky short-term relationship and take necessary measures to guard the U.S.'s core interest and lay the groundwork for future improvements. It's my hope that the U.S. will stand with the many Turkish citizens working for democracy and rule of law in Turkey, and that circumstances will one day improve to allow the bilateral relationship to return to a less tense basis. Thank you.

TILLIS: Congressman Burgess, would you like to ask any questions before?

BURGESS: I have to leave, but thank you.

Thank you for your testimony.

TILLIS: Thank you.

Senator Shaheen.

SHAHEEN: Thank you, Mr. Chairman.

Thank you all very much for being here and the work that you're doing. And, Ms. Furnari, I'm sorry I pronounced your name incorrectly, but no one should have to go through what your family has gone through. And I think all of us are in sympathy with your situation, and will do everything we can to try and address it.

Mr. Schenckan, I appreciated the opportunity to work with you as we were working on the legislation with Senator Langford and on trying to restore some of the funding to address the efforts in Turkey around civil society. I wonder, in your testimony you said that we should not expect any improvement in the next few years. Can you talk about how matters could further deteriorate?

SCHENKKAN: I may, yes. What I think we should expect, unfortunately, in the short term politically, prior to the 2019 elections, is an expansion, in fact, of the prosecutions on conspiracy theory grounds around the state of emergency. I think it was asked in one of the

earlier questions at what point the Turkish government would consider their response adequate or to be finished regarding the coup attempt. I was in Turkey a month after the coup attempt interviewing various members of civil society, as well as politicians and others. At that time, the most fervent hope, in August 2016, was that the investigation of the coup attempt would remain within the appropriate framework, and confine itself to the coup attempt.

It was already clear within two weeks after that, that it was beyond that framework. And it has now spilled far, far, far beyond that. Unfortunately, under the state of emergency and under existing Turkish laws prior to the state of emergency, there are virtually no limits to how far a prosecutor, with a cooperative judge, may go in persecuting people for normal interactions with others. It's a guilty by association system. So the allegations currently being pressed against Osman Kavala, whose case I mentioned, a very prominent civil society leader, that involve Henri Barkey, former State Department official, these allegations in and of themselves can expand to include hundreds, maybe even thousands of people. Unfortunately, we face a very severe conspiracy theory scenario in Turkey.

SHAHEEN: So, given what's happened, can you talk about how that's affecting the Turkish economy, and to what extent Erdoğan is affected by – I don't want to say a downgrade – but a worsening economic situation in the country?

SCHENKKAN: Yes. The economy is built on fragile ground. The Turkish economy had previously been orienting itself more and more towards an export-led approach, driven especially by cultivating new markets in the Middle East, in the Balkans, in Europe. Strained relations with Europe – that, again, President Erdoğan has cultivated for his own domestic political reasons – have begun to affect economic relations and investments coming from Europe. The strained relations with Russia that Turkey had previously engaged in – although now there's been a détente – had also contributed to undermining some of the bases for economic development.

So while DAS Cohen mentioned the very strong growth rate that Turkey currently posts, that's possibly based on some meddling with the numbers, according to economists. They changed how they calculate GDP recently. It also ignores the very high inflation right now in Turkey, which is well over 10 percent, and may be quite higher when we talk about food products which, of course, is the most important for the largest part of the population. So economic issues are very important for President Erdoğan. He's looking for ways prior to the 2019 election cycle to make sure that the average Turk, or at least his core base, feels that the economy is working for them. That requires some short term measures – as it has over the past several years – that may not be best for the long term.

SHAHEEN: Thank you. I see my time is up.

TILLIS: If you have other questions, you're welcome to –

SHAHEEN: No, go ahead.

TILLIS: I've been deferring to everybody to make sure you had an opportunity. Thank you for attending.

Ms. Furnari, you spent so much time in Izmir, right? How big is the congregation?

FURNARI: The church congregation? The size varies. Depends on the week, depends on the year honestly. I would say, to the best of my knowledge, around 50 people. Some weeks lower, some weeks higher.

TILLIS: And in your time there, do you recall any time where you felt like you were being harassed or targeted by Turkish authorities, or your parents? Before the events that led to your father's detainment?

FURNARI: I would say there wasn't a feeling of that from Turkish authorities. But I think about six or seven years ago there was an attempt on my father's life by a gunman that came to the church. So I did have that sense of some risk and some fear and concern for my parents.

TILLIS: And Mr. Cohen testified that from the State Department's perspective, the conditions of your father's detainment were adequate. And then Ms. Heil and you both testified that he's lost 50 pounds in the 404 days that he's been in confinement. How do you reconcile adequate facilities with that outcome? And Ms. Heil, either you or Ms. Furnari. It sounds like the conditions are not the least bit acceptable.

HEIL: I would say the other situation that Mr. Cohen also referenced was being kept in a cell that was overcrowded, well, that was Pastor Brunson as well, because during a time of his detention he was kept in a cell that was built for eight, but had 22 prisoners in it. And of course, he's the only Christian. So, being kept up all hours of the night, not being able to walk outside, just the stress of not being able to sleep. And, again, being the only Christian just the verbal abuse and the stress of missing his family have just led him to losing weight and being beside himself, with no end in sight.

TILLIS: Ms. Furnari, are you able to communicate with him, either through written correspondence or through telephone?

FURNARI: Yes, I have been able to send him letters. Every once in a while, I get one from him. It's been very difficult for him to bring himself to write, though, because it reminds him of what he's missing out on.

TILLIS: Ms. Heil, it almost seems to me that maybe from the beginning of his apprehension that they viewed him as possible trade bait for someone here in the United States. Do you see anything that any reasonable person – have you seen any evidence that would substantiate any of their reasons for detainment that in a U.S. court would hold water at any level?

HEIL: No. In fact, his file has been sealed under the state of emergency, so no one has seen any evidence. So we have no idea. We have heard that there is a secret witness, but that's all. And every chance we've had, we've tried to demand concrete evidence. But no one has seen any evidence. And he has not been charged with any crime. He's still simply a suspect being detained.

TILLIS: Doesn't it defy logic that if the Turkish government and Erdoğan had a compelling case against Mr. Brunson that they would want to put that forth to really communicate more effectively their basis for the illegal detainment?

HEIL: Certainly. If they had evidence to support their accusations of the crimes, you would think that they would go ahead and charge him and let the case proceed. But they have not.

TILLIS: Mr. Schenkkan, the referendum back in April of 2017, how have international observers judged the legitimacy of that referendum?

SCHENKKAN: The OSCE had a long-term observation mission in Turkey, as well as short-term observers, a full team. And their appraisal was very negative, in the measured terms, of course, that the OSCE monitors, ODIHR, typically uses.

TILLIS: Yeah, so you've got a referendum that passed by the slimmest of margins, and then questions about the legitimacy of the referendum to begin with. Is that fair to characterize it that way?

SCHENKKAN: It's very fair.

TILLIS: You mentioned something, I want you to go back to it. I can't remember your precise words, but you were talking about the seizure of certain businesses that equated to the billions. Can you tell me a little bit about those businesses and why they would have necessarily been targeted?

SCHENKKAN: Of course. The Turkish government's position is that the Fethullah Gülen organization, which they call FETO – which is not a name that the network uses for itself, but was provided by the Turkish government in the last three years – included large business interests. And so businesses and businesses owned by affiliated businessmen were seized and handed over to the treasury, and they will be gradually auctioned off, again, in a process that is starting now.

In those auctions in the last 10 years, we have many examples of this auction process taking place when companies go into bankruptcy or are otherwise passed over into state hands. These auction processes are very frequently, if not universally, manipulated to ensure that especially strategic interests in areas like media wind up in the hands of parties friendly to President Erdoğan and to his government.

TILLIS: When I was in Turkey for that extended period a few years ago, I had the opportunity to meet with the ecumenical patriarch, Bartholomew. And interestingly enough, at that time he was pretty optimistic that things were getting better. What's the state of Christians in Turkey today?

SCHENKKAN: Well, I would have to say, first of all, that like we say in freedom of the press issues, the death of one journalist or the imprisonment of one journalist has a very severe chilling effect. The imprisonment of one pastor has an extremely severe chilling effect throughout a whole community.

Of course, the Orthodox and the Armenian communities in Turkey have special legal constitutional protections under the Lausanne Treaty, and in that sense also have a different relationship with the authorities than do Protestant Christians in Turkey. I think the main factor undergirding what's happened – which is affecting all Christian communities, including the official protected ones – is a very hard nationalist turn of the last three years; that has President Erdoğan embarking on a very anti-Western and very Turkish nationalist course in order to consolidate a different political coalition than the one that had backed him in the 2000s. He's increasingly needs to marginalize and to push out ethnic minorities and religious minorities. And so the hate speech against them has certainly increased.

TILLIS: How much of Erdoğan's behavior, do you think, is rooted in his own belief of where he wants Turkey to go, versus just reading the political tea leaves and trying to maintain some order within the nation?

SCHENKKAN: It's one of the top questions among anyone interested in Turkey. I think it is principally about the political moment first and second about where he wants to go, because where he wants to go falls within a very wide spectrum, but where he wants to be when Turkey gets there – which is at the very top – is always the same. And so Turkey can get to a lot of different places with President Erdoğan at the top, and I think he's been maneuvering back and forth along different options as the political dynamics and the geopolitical dynamics change around him.

TILLIS: I did also want to ask you just briefly, you mentioned an amendment by Senator Van Hollen, I believe, and you also mentioned the effort on the part of Senators Shaheen and Lankford. What more should we be considering, beyond being supportive of those measures, as specific actions of Congress?

SCHENKKAN: Correct. Regarding the U.S. employees, foreign service nationals, I think we should be considering either widening Senator Shaheen's and Senator Lankford's amendment to include employees of the United States or adding a separate amendment for that purpose, because I think where we've arrived now – and it's correct, as DAS Cohen indicated in his testimony – that there has been some progress in the past couple of months, and in particular since the visa suspension, that that got the attention of the Turkish authorities and improved access to some detainees. It led to some changes regarding the potential detention of a third foreign service national.

That said, it hasn't led to the release of Serkan Gölge, of Pastor Brunson, or Metin Topuz, Hamza Uluçay. We're still just back at the beginning, which is not a good situation. So I think that it needs to continue to press forward. I think that's one.

I think, two – and this is more about the medium term and the longer term and how, I think, want to see Turkey as a stable rule-of-law state that is more inclusive and more democratic – there should be funding for civil society, for journalists in Turkey. The U.S. government typically has not provided this kind of D&G assistance for Turkey, except in very small ways – through the party institutes, through the occasional DRL call. USAID does not do work oriented inside of Turkey. There should be consideration for whether there should be a special fund or other mechanism for those who support a democratic rule-of-law state in Turkey.

TILLIS: Thank you.

Senator Shaheen.

SHAHEEN: First of all, let me go back to the coup. Has there been any reliable information released from the Turkish government about who was responsible for the coup, who in the United States we believe is objective and factual?

SCHENKKAN: Well, I can't speak for the United States government or how they are perceiving.

There are multiple trials currently going on of varying relationship to the coup attempt. So you have some that are very much on the periphery and that prosecutors have claimed are connected to the coup attempt, like the case against Pastor Brunson or against others, the case against Osman Kavala or against the Amnesty International human rights defenders. All of these mentioned the coup attempt and implied that these people were somehow involved, but there was, obviously, no evidence.

There's another set of cases involving officers, involving military figures, as well as some civilians who are around the military bases. Those cases are taking place. There is a gradual buildup of evidence around what happened.

A couple of really severe problems with that.

SHAHEEN: Yeah, and I'm really asking not what happened, who were the responsible for the events of that period.

SCHENKKAN: Yeah.

SHAHEEN: I'm more asking is there any evidence around who was behind initiating that. The military, I haven't seen anything that suggests the Gülen network was actually responsible, but is there any evidence that's come out that would suggest that?

SCHENKKAN: There is evidence that there were members of the Gülen movement or network, some in the military and some who were civilians, who participated in the coup attempt. What their role was, whether they were the exclusive leaders or whether they were co-participants along with members of other factions in the military, is not yet clear, in my opinion. And this is, obviously, hotly hotly debated right now.

SHAHEEN: Right.

SCHENKKAN: Second – and I would say this even more strongly – there has been no genuine evidence offered of the coup attempt being directed from Pennsylvania, which is of course the implication, from Fethullah Gülen.

SHAHEEN: Right.

SCHENKKAN: That evidence continues to be circumstantial. It continues to be based on inference and not based on something that would stand up, I would say, in a U.S. court of law.

SHAHEEN: And so what has been the impact of the recent reports that someone associated with the current administration, in the Trump administration, was meeting around the potential to extradite or to send Gülen back to Turkey?

SCHENKKAN: Well, I think the biggest impact is that it damaged the clear message that the U.S. needs to send and has been working to send, that our system of rule of law is inviolable. The implication that there could be a side deal outside of the normal legal channels for the extradition or rendition of an individual who's legally entitled to be residing in the United States right now is very damaging. And so I think it is very important that – and I think the State Department has likely done this- we communicate that this is not the way to go about business.

SHAHEEN: And how much does it undercut that message when we have the president embracing Erdoğan and not raising concerns about human rights issues in Turkey?

SCHENKKAN: I think it's a genuine issue that we want to make sure that human rights issues remain at the forefront of the agenda with Turkey. And we want them to remain there not only because they're our value and because this is what we stand for, but because this is in our strategic interest. This is an important part of how the United States wants to see events develop in the Middle East. Many of the issues that we see ourselves grappling with in Syria, in Iraq, as well as in the Balkans, have strong ties to the settlement and development of a democratic rule-of-law society in Turkey.

SHAHEEN: Nate, Turkey has played an important role in NATO, and they have certainly been helpful in a number of the conflicts where NATO has participated. Can you talk about what, if anything, NATO might be able to do to address some of the rule-of-law and other issues that are happening in Turkey right now?

SCHENKKAN: Certainly, NATO remains principally a military alliance. It is a military alliance –

SHAHEEN: Right.

SCHENKKAN: – and it has military tasks that it performs. The integrity of that relationship with Turkey has also been threatened by these developments, and that is one of the reasons why this is a strategic goal, to create democracy and rule of law in Turkey.

I think the NATO relationship will primarily be of use in this regard in that it is a means to communicate with Turkey how seriously the United States takes these issues.

SHAHEEN: And the EU, I assume.

SCHENKKAN: Yes, of course.

To indicate that the kind of cooperation within NATO that Turkey will be involved in, and the level of Turkey's rank within NATO and what it has access to and where it falls within the hierarchy – because, of course, as such a large alliance, there is a hierarchy – that connecting these two will help. And I think it can be used in that way. I would not put on the table any kind of withdrawal or any kind of exclusion of Turkey from NATO, but –

SHAHEEN: I would agree with that. I don't think that's helpful.

SCHENKKAN: Yeah. But within the alliance itself, there continue to be very differing levels of cooperation. And I think making sure that when the United States says we value Turkey's strategic alliance and participation in NATO, what is understood by that is: and that participation will increase, along with improved cooperation on these other measures, rather than “and we will continue to participate no matter what, we will continue to offer you the same access no matter what” would be an improvement.

SHAHEEN: Finally, I would just say that one of the things you point out – and I agree with this – is that we should recognize in the United States that Erdoğan's anti-Western, anti-Americanism message is about his own interests, and that there's nothing that we can do that's going to change that tide. I would just qualify that a little bit, because you then go on to point out that, based on some of the proactive actions that we've taken in the United States, it has changed Turkey's behavior. And I would argue that we need to continue to look at those proactive ways in which we can change Turkey's behavior, and in some cases that means not only with incentives but also, as we've done through the Van Hollen amendment, try to provide some disincentives for Turkey, some penalties that they have to expect in terms of how we deal with them, and that that's very important for us to do. And as we look at how we deal with some of the people that they've imprisoned, we ought to be thinking about what ways we can invoke some of these incentives and disincentives to try and influence their behavior in terms of releasing those people who are improperly imprisoned.

SCHENKKAN: Absolutely. And I agree with how you understood or reframed my point. I think what I was trying to get at is we should not react on the basis of rhetoric and we should not react on the basis of trying to assuage or placate something that the Turkish

government is doing. We should act on the basis of these are our interests, these are our values, this is what we need to do to enforce them, because there's been a shifting and a perception from the Turkish side that maybe what were red lines are not red lines anymore. And those need to be enforced.

SHAHEEN: Thank you.

Thank you, Mr. Chairman.

TILLIS: Thank you, Senator Shaheen.

Senator Cardin.

CARDIN: Thank you, Mr. Chairman. I apologize for not being here throughout the hearing. We have a little tax bill in the Senate Finance Committee that we're bringing up. But I wanted to stop by.

Thanks, Senator Tillis. Thanks, Senator Wicker; Senator Shaheen, who is a key member of the Senate Foreign Relations Committee as it relates to this issue in Europe.

Our dilemma is this: Turkey is a very important strategic partner of the United States. Its location is critically important. It's critically important in regards to our campaign against ISIS, and it's a NATO partner. All of the above. But we ignore human rights and values at our own peril. If we don't package our policies in Turkey based upon respect for human rights of the Turkish citizens, it's going to be counterproductive to U.S. national security interests.

And it's been really challenging. It's been challenging under this administration because the Trump administration has not been clear at times as to American values. That makes it more complicated for us to stand up and say that we will not tolerate the mass arrests and the violations of dissent being tolerated in their country. So this is not an easy issue for us to figure out how we need to proceed.

But we have direct problems when Turkey is purchasing its military arms from Russia, which violates NATO uniformity and consistency, and violates our sanction bill with Russia. We've got to take action. You can't sit by and let those types of activities occur without the United States being strongly engaged on that issue.

I was in Europe this past weekend and had a conversation with our German colleagues in regards to Turkey. There is concern well beyond the United States on these issues.

So, Mr. Chairman, I don't have any specific questions for the witnesses, but I just really wanted to thank the Helsinki Commission for holding this hearing. I think this is extremely important. We've got to get this right. We need Turkey. I would suggest Turkey needs us. And their sensitivity on certain issues are, quite frankly, beyond us understanding. But we do stand for universal values, and they need to embrace a more open way in which we can have those discussions as partners. Thank you.

TILLIS: Thank you, Senator Cardin.

Ms. Heil, we've had some questions about what more we can do as a matter of policy, and some of the amendments we've talked about already. But what more can we do to help you?

HEIL: As has been mentioned before even when you discontinue visa services out of Turkey, if there's any opportunity for negotiation, that Pastor Brunson never be forgotten as part of those negotiations.

As far as what will make Turkey respond, I think we would defer to the administration and the State Department because they have had direct negotiations and talks with Turkey, and they would be in a better position to tell you what they think would be helpful. But I would urge you to let them know how important this issue is to you.

TILLIS: Mr. Schenkkan, the discussion around the challenges that Senator Cardin did a great job of summarizing – on the one hand, they're an important ally in the fight on terror, and they're actually host to tens of thousands of refugees who are seeking refuge from the fighting in Syria. But the president has publicly asked for the release of the detainees. The secretary of state has. What more should we ask of the administration beyond the posture and the public positions they've taken?

SCHENKKAN: I think that these issues of detention, especially the treatment of American citizens first and foremost, can be worked into other aspects of the relationship. I think, as my co-testifier was saying, there are many, many, many interactions with the Turkish government on a daily basis on a bilateral basis at the working level, of course. There are also many more medium-level and then high-level interactions. And I think that making it clear that this is not a matter of a single public statement or two public statements – that this will affect the NATO relationship, it will affect the security relationship – is an important thing to communicate to Turkey, and to communicate how it will affect that relationship going forward.

One of the things that we're seeing now regarding Turkey due to the detention of American citizens, due to the charges and conspiracy theories advanced about other Americans, is fewer Americans, especially those who would be most interested in working with Turkey – whether on a business basis or on a foreign policy basis or in other areas – being unwilling to travel there. And I think it's important that Turkey understand they're going to lose a large generation of people who would otherwise be very supportive and would be their allies if this continues.

TILLIS: Thank you.

Well, thank you all for your testimony. And, Ms. Furnari, I look forward to your father being at your ceremony.

FURNARI: Thank you.

TILLIS: We're going to hold the record open till the end of the week. We will have other members probably submit questions for the record. I have some that we'll be submitting to seek your input. But certainly, you have an invitation to contact my office with a North Carolinian illegally detained, and all of the offices of the members of the Commission, to do everything we can to continue to provide support. So at this point we will adjourn the hearing. But we will leave the record open through the end of the week. If you have any other additional information you'd like to submit for the record, we welcome you to do that.

And again, thank you again for your testimony and for being here today. Commission's adjourned. (Sounds gavel.)

[Whereupon, at 11:06 a.m., the hearing ended.]