

**COMMISSION ON SECURITY
AND COOPERATION IN EUROPE**

**CODEL DECONCINI
TRIP REPORTS ON TURKEY AND POLAND
AUGUST 1989**

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AND COOPERATION IN EUROPE**

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TRIP REPORT ON POLAND
22 - 26 AUGUST 1989**

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I. MEMBERS OF THE DELEGATION

Senator Dennis DeConcini, Chairman of the Helsinki Commission
Mrs. Susan DeConcini
Senator Frank Lautenberg, Helsinki Commissioner
Ms. Ellen Lautenberg
Mr. William Fritts, Commissioner Designee, Department of Commerce
Representative Bob McEwen
Mrs. Liz McEwen
Representative Jim Moody

Ambassador Samuel Wise, Staff Director, Helsinki Commission
Ms. Jane Fisher, Deputy Staff Director, Helsinki Commission
Ms. Erika B. Schlager, Staff Member, Helsinki Commission

II. OVERVIEW AND OBJECTIVES

The Commission on Security and Cooperation in Europe, more commonly known as the Helsinki Commission, was established by law in 1976 to monitor and report on compliance with the 1975 Helsinki Final Act. The Helsinki Final Act, as well as successor agreements,¹ includes provisions regarding military security; trade, economic issues, and the environment; and human rights and humanitarian concerns. Thirty-two European countries participate in the Helsinki process, plus the United States, Canada, and the Soviet Union. The Helsinki Commission is currently chaired by Senator Dennis DeConcini (D-AZ) and co-chaired by Representative Steny H. Hoyer (D-MD), and has 18 members from the Senate and House, as well as one each from the Departments of Commerce, State, and Defense.

In accordance with its legislative mandate, the Commission undertakes a variety of activities aimed at monitoring and reporting on all three sections (known as baskets) of the Helsinki Accords. These activities include the solicitation of expert testimony before Congress, providing to Congress and the public reports on implementation of the Helsinki Accords, and the publication of human rights documents issued by independent monitoring groups. In addition, the Chairman and Co-Chairman of the Commission lead delegations to participating States and to meetings of the Conference on Security and Cooperation in Europe.

In undertaking a trip to Poland at this time, the Helsinki Commission had two main objectives. First, the Commission hoped to evaluate the status of human rights reform in the wake of the quantitative and qualitative changes which had taken place in Poland since the Commission's trip to Poland in April 1988 and in light of the new opportunities for reform created by the Round-Table Agreement of April 1989.² Second, the delegation was interested in establishing direct contact with those segments of the National Assembly which were democratically elected.³ During the course of the trip, the delegation visited Gdansk, Warsaw, and Krakow. Meetings were held with senior leaders from key political groups, members of the Polish parliament, independent human rights advocates, opposition journalists, and environmental activists.

¹That is, the Belgrade Concluding Document (1978), the Madrid Concluding Document (1983) and the Vienna Concluding Document (1989) -- collectively known as the "Helsinki Accords."

²Representative Steny H. Hoyer, then Chairman and now Co-Chairman of the Helsinki Commission, led a congressional delegation to Poland in April 1988. The Commission subsequently published an assessment of the status of reform during the Gorbachev era entitled REFORM AND HUMAN RIGHTS IN EASTERN EUROPE (December 1988).

³Various East European parliaments have, from time to time, expressed interest in establishing contacts with the U.S. Congress. Because of the inherent inappropriateness of equating the freely elected and legitimate U.S. Congress with non-democratically selected East European parliaments, many Members of Congress have been reluctant to engage in such contacts. Thus, the Polish parliament presents unique opportunities for Members.

III. THE CONTEXT OF THE VISIT

Throughout this decade, the Polish economy has deteriorated at an accelerating rate. As part of the "renewal" plan introduced in the aftermath of martial law, the Communist-led regime initiated several multi-phase programs designed to halt or at least slow the rate of economic decline, but none were anywhere close to successful: inflation continued to sky rocket, the value of the Polish *zloty* continued to plummet, and the Polish national debt grew in excess of \$40 million. At the same time, the regime tolerated a liberalization in the political arena. After a general amnesty in 1986, relations between Poland and the United States returned to something approximating their pre-martial law (pre-December 1981) status. Between 1986 and 1988, further political liberalization in many areas⁴ key to the Helsinki process had been evidenced.

By the time the Commission's delegation visited Poland in 1988, there were no political prisoners; an ombudsperson⁵ had been appointed; and Voice of America, Radio Free Europe, and the British Broadcasting Service were no longer jammed. Although some significant remaining problems⁶ were raised by the delegation during their visit, it was acknowledged that Poland had moved to the forefront of political reform in Eastern Europe.

In spite of the relatively progressive political situation, the economy remained impervious to reform, and the rank and file of Poland's workers were unable to gain access to the decision-making process at the local or national level. As a result, twice after the Commission's visit in 1988 - in April-May and August-September - strikes rolled over Poland from the Baltic Sea to the Tatra Mountains as Solidarity union activists presented a range of demands reflecting concerns of both a political (e.g., the legalization of Solidarity) and economic (e.g., wage increases) nature. Each time, major industries were paralyzed and the country careened closer and closer toward chaos. After the second wave of strikes in the fall and the unprecedented stepping down of the entire government, the need for some kind of dialogue between the authorities and the opposition was openly recognized by all sides.

⁴For example, the exercise of the rights to freedom of movement, freedom of speech (independent publishing), and freedom of assembly (non-violent demonstrations) had qualitatively improved, although a *de jure* recognition of these rights was often lacking.

⁵An ombudsperson is a legal institution which originated in Sweden and has since been adopted in several other West European countries. Designed as a spokesperson for civil rights, this position was enshrined in the Polish Constitution in May 1989 as a result of amendments passed in the wake of the Round-Table Agreement.

⁶For example, the delegation expressed concern over reports of politically motivated employment bans; the *incommunicado* detention of Kornel Morawiecki; the use of fines and accelerated legal proceedings against political activists; and, of course, the continued criminalization of the Solidarity trade union.

For months, pre-negotiation negotiating dragged on over the scope and framework of such a dialogue. Several times talks appeared to be imminent, only to stall out. On some of these occasions, the regime proposed patently unacceptable conditions which Solidarity would have to meet as prerequisites to discussions.⁷ Finally, so-called "round-table talks" began in February 1989, and lasted for approximately 2 months before successfully concluding with an agreement. The main features of the 7 April Round-Table Agreement are as follows:

- o **Solidarity** was re-legalized.
- o **A second chamber of parliament** was created. The existing chamber is known as the *Sejm* (lower House) and the new chamber is called the Senate (upper House). The agreement provided that elections to the Senate and to 35 percent of the *Sejm* would be freely contested; while 65 percent of the *Sejm* would be selected from a "national list" controlled by the Communists.
- o This distribution is a **one-time only arrangement**, good exclusively for the 10th National Assembly: in the next parliamentary elections (scheduled to take place in 4 years), all seats will be openly contested. The import of this is that while the Communists and Communist allies currently in the parliament were not really voted into office, they can be voted out of office in 4 years.
- o The Senate will have limited subject-matter jurisdiction (e.g., no say over foreign policy), but will have **veto power** over key legislation.
- o There is a new and powerful **Presidency**. The President is not directly elected, but elected to 6-year terms by both Houses sitting in a **National Assembly**.
- o The **President's authority** will entitle him to dismiss the parliament and call for new elections. The President also has the power to declare a state of emergency - the current legal phrase describing the martial law which seized Poland in 1981 - but that power is not unlimited. The President may declare a state of emergency for only 3 months without the parliament's approval, and during that time the President may not dissolve the parliament nor change the Constitution or electoral laws. If the President dismisses the parliament and calls for new elections, those must be completely free and open.

⁷For example, the authorities suggested that Solidarity negotiators would have to demonstrate their loyalty to Poland by swearing allegiance to the Polish Constitution -- a document which still enshrines the leading role of the Polish United Workers Party. Solidarity refused.

- o Some **opposition media** were legalized, including a daily newspaper and weekly television and radio shows.
- o Agreement was reached to give the **Catholic Church** legal status for the first time under Communist rule, and full diplomatic relations with the Vatican were established in July - the first such relations in post-war Eastern Europe.

Most commentators view the Round-Table Agreement as a binding social contract between the rulers and the ruled. However, one government spokesperson described the agreement as "political" and not "legal" in nature and some independent observers worry that Polish authorities might rescind this written agreement just as they did the original 1980 agreements which first led to the founding of Solidarity. But it is noteworthy that the Round-Table Agreement is incorporated by reference into the electoral laws passed by the Polish parliament in April. Arguably, this gives the agreement the status of statutes.⁸

In accordance with the Round-Table Agreement, elections were held on 4 June -only 2 months after reaching agreement. It was hoped by many that Solidarity would do well, but there were real barriers to that success. To begin with, independent opposition candidates had only a few weeks to get the required 3,000 verified signatures in order to have their names placed on the ballot. Some opposition candidates failed to get enough signatures. Once on the ballots, names were listed in alphabetical order, with no affiliation listed. Solidarity was concerned that it might be difficult for voters to learn who all the opposition candidates were in the few weeks between the time when the ballot list was finalized and the election. As a result, Solidarity election tactics were sometimes crude, but effective. For example, each Solidarity candidate had his or her picture taken with Lech Walesa, and the simple phrase beneath: "We must win." Finally, a complicated voting process created the danger that many votes might be invalidated.

The clear mandate given to Solidarity in its overwhelming victory surprised even the most optimistic. In the Senate, Solidarity won 99 out of 100 seats - the remaining seat went to Henryk Stoklosa, an independent candidate who has become a multimillionaire in Poland's limited private sector. In the *Sejm*, the Communist leadership managed to lose even the uncontested seats which it had been "guaranteed" as a concession at the round table.⁹ In spite of the relatively low voter turnout,¹⁰ it was this humiliating defeat levied

⁸In any case, political agreements -- such as the Helsinki Final Act -- warrant the same respect and require the same implementation as do legal ones. A failure of the Polish leadership to abide by the terms of the agreement will bring into question Poland's willingness to fulfill other political agreements.

⁹At the insistence of the Communists, voting procedures required that winning candidates must receive at least 50 percent of the total number of votes cast. What the Communists failed to anticipate is that voters, after making their selections for those seats which were truly contested, would then turn to the "national list" (uncontested) seats and *vote against every single name* (by crossing it out), even though there was no one to vote *for*.

¹⁰Only 62 percent of the eligible voters turned out in the 4 June election, and less than 20 percent turned out for the 18 June run-offs.

on the Communists which would ultimately lead the opposition to take the reigns of power by the end of the summer. Shortly after the first round of elections in June, Solidarity rejected an offer from the Communists to enter into a coalition with the regime, indicating it would remain in opposition and cooperate with the Communists on an "issue-by-issue" basis.

At the time of the Round-Table Agreement, it was widely believed that the newly created and powerful position of President would certainly go to Wojciech Jaruzelski. But after the embarrassing June elections, Jaruzelski suggested he did not have the support to be President, and advocated that his ally General Czeslaw Kiszczak¹¹ become President instead. Lech Walesa gave his support to Kiszczak, but the Solidarity parliamentary caucus opted to neither oppose nor support him.¹² The vote was postponed until after President Bush's visit on July 4.

Against this backdrop, Adam Michnik, a senior opposition leader, unveiled a proposal under the heading, "Your President, Our Prime Minister."¹³ Initially, this proposal was widely greeted with skepticism even within Solidarity. It was believed that even if Solidarity were to take the Prime Ministership, the Communists would retain key pockets of power. The resulting situation could leave Solidarity with the blame for a failed reform over which it had no real control in implementing.

After the Bush visit, as attention refocused on the Presidential election, Communist Party leaders asked Jaruzelski to reconsider his decision not to run. Walesa indicated he would support Jaruzelski's candidacy, while Solidarity spokesperson Janusz Onyszkiewicz stated that Solidarity Senators and Deputies would vote against Jaruzelski or abstain from voting.¹⁴ It was at this time that reports emerged of some Solidarity parliamentarians openly suggesting that the overwhelming mandate Solidarity received in the June elections obligated Solidarity to try to take the Presidency. Other Solidarity leaders argued that the spirit of the Round-Table Agreement guaranteed the Presidency for the Communists.¹⁵

¹¹Kiszczak was Minister of Interior during the martial law period and the man held responsible for the detention of thousands of persons - including many now elected to the Polish parliament. Kiszczak was also the key negotiator for the Communists at the Round-Table and had some respect among the opposition as an "honest enemy."

¹²This decision was taken after a debate within the caucus. It was decided that the time was not right for Solidarity to try to form a government.

¹³GAZETA WYBORCZA. 3 July 1989.

¹⁴Assuming the Communists were able to maintain discipline within their own ranks and within the two main parties traditionally allied with the Communists - the United Peasants Party and the Democratic Party -- Jaruzelski was assured the Presidency, as Solidarity had only 260 out of 560 seats in the National Assembly and 270 votes were the required simple majority for the Presidency. Thus, Solidarity representatives could vote against Jaruzelski or abstain, thus maintaining their credibility with their constituencies, while Walesa could tacitly approve of Jaruzelski, helping to pave the way for the Communist Presidency to which Solidarity was in fact reconciled.

¹⁵It was also believed that assuring a Communist Presidency was one of the gestures necessary to placate the Soviets.

On 19 July, General Wojciech Jaruzelski was elected President of Poland for a 6-year term. The vote was 270 for, 233 against, and 34 abstentions, with 537 legislators present - the bare minimum with which Jaruzelski could win. Since the Communists and their traditional allies controlled 300 votes, this means that some of them broke rank and failed to support Jaruzelski¹⁶ - yet another step which ultimately contributed to the decision of Solidarity to seek to form its own government. But at this time, because Solidarity wanted to assure Jaruzelski's Presidency, 1 Solidarity representative voted for Jaruzelski, 7 Solidarity members invalidated their ballots, and 11 did not attend the vote. If even only one of those members had voted against Jaruzelski, he would have lost the election.¹⁷

Having secured the Presidency, Jaruzelski then turned to the task of selecting a Prime Minister and forming a government. Once again, he appealed to Solidarity to form a coalition government with the Communists. The Solidarity leadership reaffirmed its decision to remain an opposition party, but the possibility of a Solidarity government - one which would leave the Defense and Interior Ministries to the Communists - was discussed with greater enthusiasm as several key Solidarity leaders¹⁸ began to advocate this strategy.

Among the events which may have served to promote the concept of a Solidarity government was the mere reshuffling of top leadership positions among the Communists elite. To avoid the appearance of monopolizing power, Jaruzelski resigned from his position as General Secretary of the Polish United Workers Party (PUWP) after his election as President. He was replaced by out-going Prime Minister Mieczyslaw Rakowski,¹⁹ who became the new head of the party. In turn, Jaruzelski appointed former Minister of the Interior and former Presidential nominee General Czeslaw Kiszczak as Prime Minister. This game of musical chairs reinforced the view that the Communists were engaged in promoting the appearance of change without real change,²⁰ and that such people would be unable to lead Poland out of her crisis.

¹⁶One Communist voted against Jaruzelski, and one was absent from the vote. Six members of the Communist-allied Peasants Party (76 total votes) voted against Jaruzelski, and 13 abstained. Four members of the Democratic Party (27 total votes) voted no, and 3 abstained. All members of the Communist-allied Catholic parties (17 total votes) voted for Jaruzelski.

¹⁷On the one hand, Solidarity was more or less reconciled to a Communist Presidency, believing that this was 1) true to the spirit of the Round-Table Agreement, and 2) a necessary gesture to placate the Soviets. On the other hand, Solidarity did not want to do anything that could be construed as actually *supporting* Jaruzelski. The defection of some Communists from the Jaruzelski camp put Solidarity into a tough spot, since it required Solidarity to act affirmatively to save Jaruzelski's election.

¹⁸Notably Jacek Kuron and economist Witold Trzeciowski.

¹⁹Although Rakowski is considered by many a liberal reformer, he is remembered for his role as a government negotiator of the original August 1980 agreement which legalized Solidarity and on which the Government subsequently reneged. His popularity has been further diminished by his last official act as Prime Minister: removing price subsidies on food stuffs on 1 August, thus causing their prices to skyrocket by 500 percent. The price increases worsened the sporadic wildcat strikes which took place throughout the summer.

²⁰It is worth noting, however, that at the July Central Committee meeting Rakowski was voted in by only 171 to 41; including Jaruzelski, 5 of the 17 members of the Politburo resigned and were replaced by younger men. These changes, however, were perceived by the opposition as insufficiently substantive.

By the time General Kiszczak's election came before the *Sejm*,²¹ divisions within the Communist camp had appeared again. Following indications that most members of the United Peasant Party and even some Communists would oppose Kiszczak, voting was delayed for several days. At this juncture, the United Peasant Party began to suggest openly that it form a government with Solidarity. This was followed by a reversal without explanation of Lech Walesa's previous support of Kiszczak. It appeared that only last minute, back-room politicking persuaded the United Peasant Party to support the Communist candidate.

Kiszczak succeeded in winning the election to Prime Minister on 2 August by a vote of 237 for, 173 against, and 10 abstentions, out of a possible 420 votes (i.e., by a margin of 26 votes). It is possible that Solidarity in alliance with the United Peasant Party could have blocked Kiszczak's election, but at this point the two groups had not yet developed a joint strategy. (Solidarity would later be criticized for failing to block Kiszczak at this stage.) But once again, it appeared that several members of the Communist Party had voted against their own candidate, and several more abstained from voting.

Within a week of Kiszczak's election and before he could form a government,²² Solidarity leaders took the offensive and began to lobby for a Solidarity led government in alliance with the United Peasant Party and the Democratic Party. Lech Walesa stressed that Kiszczak's nomination proved that nothing had changed and that a status quo government would only exacerbate the existing crisis. Initially, both parties rejected the Solidarity proposal, saying it should have been made before Kiszczak's election. But within a few days, they reversed themselves and indicated that they would vote against the Kiszczak cabinet when submitted for confirmation.

By mid-month, on 15 August, Czeslaw Kiszczak suggested that he would step aside for conservative Roman Malinowski, leader of the United Peasant Party and former Speaker of the *Sejm*. But this move smacked of a further recycling of the Communist leadership,²³ and was not supported by Solidarity. Instead, Solidarity, along with the United Peasant Party and the Democratic Party, moved that Lech Walesa lead in the formation of a government, although it was initially unclear whether Walesa himself would be Prime Minister. (According to the Constitution, the Prime Minister must be nominated by the President.) On 17 August General Kiszczak resigned the Prime Ministership, and President Jaruzelski announced he would consider the Solidarity proposal.

²¹ Although the President is elected by the Senate and *Sejm* sitting together in a National Assembly, the Prime Minister and his or her cabinet are confirmed by the *Sejm* alone.

²² Kiszczak had once again asked Solidarity to form a government with the Communists, offering several Solidarity legislators cabinet positions. All declined the positions.

²³ Although technically not a member of the Polish United Workers Party, Malinowski belonged to that wing of the Peasants Party which had been particularly supportive of the Communists.

Walesa submitted three names for Jaruzelski to consider for the Prime Ministership: Solidarity firebrand Jacek Kuron, historian Bronislaw Geremek (the odds-on favorite of many), and lesser-known Catholic intellectual Tadeusz Mazowiecki.²⁴ In spite of all the risks associated with assuming the leadership of one of the sickest economies in Europe, on 19 August Tadeusz Mazowiecki accepted his nomination as Poland's first non-Communist Prime Minister in over 40 years.

With the Prime Minister's nomination pending before the *Sejm*, no government in place yet, and Poland entering its greatest period of transition since World War II, the Helsinki Commission delegation arrived in Poland from Turkey on 22 August.

²⁴Walesa apparently opted out himself, believing his leadership role in both the Solidarity Trade Union movement and the Solidarity political caucus would be enhanced by his distancing himself from the Prime Minister's position.

IV. MEETINGS

Wednesday, 23 August 1989

The delegation's first meeting was at the Gdansk Solidarity headquarters with Lech Walesa, Chairman of the Independent Self-Governing Trade Union "Solidarity" and chief negotiator for Solidarity with the Communist-controlled government at the February-April 1989 Round-Table Talks.

Chairman DeConcini opened the discussion by noting the extraordinary time of the delegation's visit, and expressing his hope of meeting with Prime Minister nominee Mazowiecki. He said that he knew that Mr. Walesa would be in the United States later in the year, and hoped that it would be possible to meet with Mr. Walesa then as well, perhaps on the occasion of a joint session of the House and the Senate. Chairman DeConcini noted the common faith which he shares with Mr. Walesa. He regretted the economic situation in the United States is not as bright as one would like, but that would not be used as an excuse: Poland would be a priority for Congress.

Senator Lautenberg extended his congratulations on what Solidarity had achieved so far, but remarked that the economy inherited by Solidarity left him with mixed feelings. Much is at stake - perhaps Mr. Walesa could come to New Jersey and carry a message to the Polish-American community.

Representative Moody assured Mr. Walesa that the recent U.S. economic initiatives are the first chapter of many chapters. He reiterated Chairman DeConcini's interest in meeting the new Prime Minister nominee. Representative McEwen extended his prayers.

Mr. Fritts informed Mr. Walesa that Secretary of Commerce Mosbacher would be coming to Poland in September, with the hope of concluding a commercial agreement.

Mr. Walesa took the offensive in explaining the current situation and Solidarity's position. Poland needs \$10 billion, he said, but this should be seen as an investment and not loans. He urged the establishment of an American bank to encourage normal economic business activity and to draw money out of Polish mattresses. Poles don't trust the Communists and won't give their money to Communist banks. Open up companies in Poland which you can own in whole or in part, don't let the Communists cheat you, and you'll make money, vowed Walesa. Poland is the best market for sales, because Poles don't have anything.

Walesa assured the delegation that this was not a matter of sentiment - this is pure business. China had economic development without political reform; Poland is just the opposite. Choosing the Prime Minister may have been Solidarity's greatest mistake, but it

couldn't be helped. Now, Walesa explained, we have lifted up the iron curtain. But we cannot hold it up ourselves: we need your help.

Chairman DeConcini asked whether the United States should take economic risks on Walesa's good word. Senator Lautenberg, noting his background as a business representative, expressed concern that creating the inducements to business would not be as easy as Mr. Walesa made it sound.

Walesa commented that the Communists were like a bad bacteria, destroying the organism which supports it. With a Solidarity government, things would be different. Poland is an ideal place for Western investment now, he asserted. Since Poles have nothing, investors will find an open market for practically everything. In addition, they will also have a highly skilled work force available to them.

Although members of the delegation continued to press Walesa on the barriers to economic reform which they believed would be difficult to surmount, Walesa impressed them with his dedication to his cause and his faith in his country and fellow citizens.

After a wreath-laying at the Solidarity Monument (located at the gate to the Lenin Shipyard) to those killed by government forces in riots over unannounced food-price increases in 1970 and erected after the legalization of Solidarity in 1980-81, the delegation proceeded to a tour of the Lenin Shipyard, led by Mrs. Barbara Piasecka-Johnson. Mrs. Piasecka-Johnson has signed a letter of intent to purchase the controlling share of the Lenin Shipyard from the Polish Government. Also joining the delegation were Mr. Tadeusz Deptala, Naval Architect and Technical Director of the shipyard; James D. Whisenand and Lee M. Zeichner, attorneys to Mrs. Johnson, of the firm of Homsby & Whisenand; and Wojciech Piasecki, Mrs. Johnson's nephew.

The delegation was then hosted for lunch by Mrs. Piasecka-Johnson and Father Henryk Jankowski at Father Jankowski's residence. Father Jankowski is Mr. Walesa's confessor and the parish priest of the St. Brygida Church. After lunch, Father Jankowski took the delegation on a tour of his church. Mrs. Johnson accompanied the delegation for a tour of Old Town Gdansk.

On Wednesday evening, the delegation travelled from Gdansk to Warsaw. After a briefing at the U.S. Embassy for the delegation by Ambassador John R. Davis, the Ambassador hosted a dinner for the delegation and Solidarity-allied parliamentarians at this residence.

Thursday, 24 August 1989

The delegation met with Speaker of the Sejm (lower House) Mikolaj Kozakiewicz (member of the United Peasant Party), at the parliament.

Chairman DeConcini opened the meeting by expressing his pleasure with the changes which have occurred in Poland. He noted, however, that not all of them were understood by him: why, for example, did the Speaker call for the relegalization of Rural Solidarity? Why did the United Peasant Party agree to form a coalition with Solidarity?

The Speaker began by explaining that he does not have a peasant origin, but was a teacher in a rural area. The views he would present would be his own personal views. Then delving into Polish history, the Speaker traced current events back to the immediate post-war era. At that time, who was responsible for the electoral defeat?²⁵ We were all collectively "executed" for the sins of "big brother," he commented. Now, there are one-half million members in the United Peasant Party. Faced with tremendous pressure for changes in the party, including changing Roman Malinowski's leadership, and to work with Rural Solidarity, the decision was taken to form a coalition with Solidarity.

In the current parliament, he continued, 80 percent of the Deputies are first timers. One-third of the Deputies were elected against the will of the Communist Party. Because everyone who secured 3,000 signatures could run, one-third of the parliament is now independent from the Communist Party hierarchy. But that also means that most of the Deputies have no parliamentary experience. The Communist Party used to control the "clubs" (i.e., party caucuses), but now that's reversed. The Speaker quipped that everything is being stood on it's head, but maybe that's the only position from which you can get a good view in Poland.

The Speaker said that the United Peasant Party was weak, but wanted to keep what power it had. Thus, it took the risk of a political shift with the hopes that this would lead to a renaissance of the party. The Communists had offered them 5 slots (Ministries), so they would want more from Solidarity. Yet he soberly noted that no one in his own party had the experience and training necessary to take over the Foreign Ministry portfolio. (Prime Minister designee) Mazowiecki's first challenge would be to form a government.

Senator Lautenberg recalled the remarks of Lech Walesa: that business investment is necessary now to hold up this house of cards. But, cautioned the Senator, investment is

²⁵This appears to have been a reference to the first elections in Poland after the end of World War II, held in 1947. During a period of virtual civil war as Soviet-backed Communists attempted to gain control of the country and destroy the remaining anti-Communist forces, the election process was tightly controlled by the Polish Workers Party (the precursor to the Polish United Workers Party -- today's Communist Party) and designed to lead to its own success.

not likely to be drawn to Poland under the present circumstances. What could Poland do about that? How would the transition be made from totalitarianism to free democracy?

The Speaker responded that Walesa believes not only in God, but in John Paul II and the U.S.A. This faith in the United States is nice, but also proof of the unrealism of the traditional Polish romantic. In contrast, the Speaker claimed to be a realist about money. He is aware that all of Poland's money currently goes to pay interest. It's necessary to change Poland's infrastructure. The Belgium model for this is useful. The Speaker noted that Japanese trade experts were in Poland 2 days earlier, and that they may follow the Belgian model, according to which the Government guarantees business risks undertaken for carefully defined projects which have withstood a feasibility study.²⁶ This has already resulted in an agreement for car production. Of course, it may take several years before these projects bear fruit, but they will produce.

The problems Poland faced with food were due in part to the unstable food prices. This has caused the farmers to hold back goods. No one wants to sell until the prices stabilize. This situation may be even worse next year, because it has led to diminished production. On the other hand, the efforts of farmers has contributed to the success of the water projects run by the Catholic Church.

The Speaker added that Poland also needs consumer goods, not just food. Here, the big problem is a lack of trained managers. The pace of change is outstripping the skills of the leaders.

Kozakiewicz added that Poland's economic situation has been further complicated by the fact that Poland has had no real working government since March (when the Round-Table discussions got underway). "I dream of having a Prime Minister," he joked.

Representative McEwen inquired by what means or circumstances would the Government fall. Speaker Kozakiewicz began not with the fall but the formation of the Government. According to Prime Minister designee Mazowiecki, a cabinet list would be announced within 7 days. This would allow for a plenary session of parliament and vote on 31 August - the anniversary of the creation of Solidarity. But this might not be possible, since disputes over the Ministries may take longer to settle. Moreover, there is a meeting of International Young Parliamentarians scheduled to take place in Poland from 29 August to 2 September. This will further slow down work.

As to the dissolution of a government, the Speaker said this could happen three ways: 1) if no government is formed in three months from the date of elections,²⁷ the President

²⁶This is similar to how the Overseas Private Investment Corporation works for the United States.

²⁷Elections were held on 4 July; therefore, President Jaruzelski could dissolve the parliament and call for new elections if a government has not been formed by 4 October.

may, but is not obligated to, call new elections; 2) the President could dissolve the parliament if it fails to pass a budget; and 3) a two-thirds majority of the parliament may vote it's own dissolution. In the event that the parliament was dissolved, the new elections would be openly contested, but the Speaker maintained that the opposition is unsure of it's seats and would not want new elections now.

Representative Moody returned to Senator Lautenberg's theme and wanted to know more about how Poland would make it's economic transition; he also asked how Poland would relate to Romania, Bulgaria, and Czechoslovakia in the future.

Speaker Kozakiewicz asserted that 100 percent classic capitalism is not going to appear right away in Poland - not for ideological reasons, but for psychological reasons. How do you liquidate unusable factories and create unemployment? Everyone accepts this in theory but not me, said Kozakiewicz. He added that he did not know how Prime Minister designee Mazowiecki intended to tackle these problems.

As for Representative Moody's second question, the Speaker noted that all people - and he distinguished between people and their governments - in the East are watching the Polish experiment and wish Poland success. The Soviet Union is watchful and sympathetic. The problem is, how long will Gorbachev last? As for what will come next - anything is possible. Hungary is not only sympathetic, but competitive. But Hungary has been reformed from above, with less opposition, less destruction of the economy, and more control. The GDR is changing. It has been reluctant to criticize Poland and has been more informative in its official press. With respect to Czechoslovakia, the Speaker remarked that he had just had a visit from the Czechoslovak Ambassador protesting the actions of the Polish parliament.²⁸ Kozakiewicz also noted that Gorbachev made a 45 minute phone call to (Secretary of the Polish Communist Party) Rakowski that week,²⁹ and that Rakowski has since gone on an "urgent" visit to some other Socialists states. But Poland is not only interdependent with these other states, to some extent it is actually dependent. For example, Poland gets almost all of its petrol, cotton, and iron from the Soviet Union. Other Polish industries are also dependent on Romania, Bulgaria, and Czechoslovakia.

Mr. Fritts asked the Speaker how long would the new government have to institute reforms before the people take to the streets. Kozakiewicz said that question must be answered by Mazowiecki. If he and his new Solidarity cabinet have a sufficient psychological

²⁸Members of the Polish parliament visited Prague in July, openly meeting with Czechoslovak dissidents and announcing their support for *A Few Sentences* (a petition calling for the release of all political prisoners and a reappraisal of the 1968 events). The week of the delegation's visit, the Polish parliament passed a resolution condemning the 1968 Soviet-led invasion of Czechoslovakia.

²⁹During the various stages of political crises in the summer, some Communists and Communist allies had suggested that the Soviet Union would not accept a Solidarity government, although there was no information supporting those claims. In fact, in Gorbachev's call to Rakowski, the Soviet leader called on Polish Communists not to block the election of Solidarity advisor Mazowiecki as Prime Minister. This episode serves to heighten questions of credibility which arise when Polish hardliners point to Soviet pressure as an excuse for their own recalcitrance.

effect to create the "first wave of hope," then the chances for the new government are good. This will be the critical point.

The delegation then met with Chairman of the Democratic Party, Jerzy Jozwiak, at the headquarters of the Democratic Party.

After introductions and wishes for success, Chairman DeConcini asked Mr. Jozwiak for his assessment of events in Poland, why the Democratic Party agreed to a coalition with Solidarity, and what the Democratic Party wanted in the new government.

Jozwiak explained that the old coalition - the Communists, United Peasant Party, and Democratic Party - could have formed a government "by force," but that such a government would have no chance for success. When Walesa came forth with his proposal, it was against a backdrop of a bad situation: strikes, increasing inflation, *et cetera*. Thus, the groups were encouraged to come up with their joint proposal which they submitted to Jaruzelski. That proposal was accepted within 1 hour.

The Democratic Party, stated Jozwiak, supported Mazowiecki over (the other candidates) Kuron and Geremek. This new government will be a government of the Democratic Party, the United Peasant Party, Solidarity, and the Polish United Workers Party (the Communists). The Communists will have at least three or four Ministries, but the coalition will dominate economic and social reforms. The Democratic Party will get a Deputy Prime Ministership, two Ministries - one for local self-government, and one for cooperation with the *Sejm* - and the head of a central office.

Within the Democratic Party, explained the Chairman, we have many private owners. Thus, we want to create the conditions necessary for a private sector. The Round-Table decisions will be followed.

Senator Lautenberg asked what percentage of Deputies does the Democratic Party have in the *Sejm*. Chairman Jozwiak stated that the Democratic Party has 27 seats (12 percent of the new coalition, 7 percent of the Government). That's not many, but that number was established by the Communists, he explained. In the old coalition, there was no competition between the Communists and the Democratic Party; but the percentage of Poles in the Democratic Party was historically larger than the percentage allowed by the Communists.³⁰

After proceeding to the Sejm, the delegation was able to observe the election of senior Solidarity Advisor and Catholic intellectual Tadeusz Mazowiecki as the first non-Communist Prime

³⁰That is, Mr. Jozwiak was suggesting that in a freely contested election, the Democratic Party would be able to win more seats than the number currently allotted to it by the Communists.

Minister in Eastern Europe in over 40 years. Mazowiecki won by a vote of 378 for, 4 against, and 41 abstentions.³¹

The delegation hosted a lunch at the Victoria Hotel with Ministry of Foreign Affairs officials responsible for CSCE matters: Jerzy Nowak, Director of Department Programs and Studies; Ambassador Stanislaw Przygodski; Janusz Rychalak, Deputy Head of the Polish delegation to the Paris Meeting of the Conference on the Human Dimension (June 1989); and Dr. Marek Grela, delegate to the Paris Meeting of the Conference on the Human Dimension.

At the U.S. Embassy, the delegation met with members of the Helsinki Committee in Poland: Ms. Halina Borotowska-Dabrowska, Dr. Jerzy Ciemniowski, Mr. Marek Nowicki, and Mr. Stefan Starczewski.

At the outset of the meeting, it was noted that this was an historic day for such a gathering, as this was the first time in 50 years that Poles had hope for rule of law. In response to a question by Chairman DeConcini, members of the Helsinki Committee in Poland described the workings of the 12-member body, pointing out that the group represents a much larger number of interested persons. Members of the Committee had been arrested in the past, although it was not clear whether they were arrested for their Helsinki Committee work or some other reasons, as they were not charged. The members suggested that the whole of the nation's activity had become centered on human rights.

Senator Lautenberg asked what the major concern before the Committee was now. Echoing the remarks of Speaker Kozakiewicz, Committee members indicated that the country had been paralyzed since the Round-Table talks, with no coherent system of government after the June elections. Representative McEwen wondered if one could expect real changes as long as the Communists held on to the Ministry of Interior. Committee members argued that the specific individual in charge of the Ministry was not as important as the legal framework of the Ministry. That framework is still the 1983 law on the Foreign Ministry, which continues to be abused although not as much as it used to be. Solidarity now has its own agenda for action within the Government: this will be good for the Polish Helsinki Committee.

Chairman DeConcini asked if Solidarity had taken a specific stand on any particular changes in the law, and was told no, but that there is now a special committee in the *Sejm* which is looking into the activities of the Ministry of the Interior and Police. The Chairman then asked what were the specific abuses of law with which the Committee was confronted now. He was told that the situation was better now than even a few months ago, that the authorities had been forced to change. There have been no political prisoners since Captain Adam Hodysz was released last year. However, there is continuing abuse of people arrested or detained, of criminals and prisoners. This has led to some riots in prisons. The critical

³¹ With 423 legislators present, Mazowiecki needed 212 votes to win.

issues are pay for prisoner labor, prison conditions (e.g., health care, food), and pensions after prison. Many of the problems are related to Poland's generally bad economy. The Committee members denied that some prisoners are treated differently than others, comparing the situation to Czechoslovakia where there are three categories of prisons. They emphasized that prison conditions are not just a legal problem, but a social problem of prison systems and personnel. Members of the Committee suggested that contact between Polish prison officials and their Western counterparts might help. Visits from the U.S.-based Helsinki Watch had been helpful and should continue.

The Committee drew the delegation's attention to another problem of great concern to them. The Committee noted that freedom of movement is part of the Helsinki Accords, and of late, Poles have been able to travel. But they are frequently met by ugly questions and harsh procedures. The United States does not have the best reputation for how it treats prospective visitors. Members of the Committee emphasized that their complaint was not with visa refusals, but how those visas requests are handled.

Finally, the Committee noted that there were at least four known refugees from Romania currently in Poland. They suggested that the situation in Romania had grown worse, and that there were other Romanian refugees in Poland besides these four. The Committee encourage the delegation to work to redress the egregious situation in that country.

The delegation hosted a dinner at the Victoria Hotel with Solidarity-affiliated journalists: Helena Luczywo, Deputy Editor of GAZETA WYBORCZA (the Solidarity daily newspaper); Tomasz Kuczborski, Head of the Graphics Department, GAZETA WYBORCZA; Edward Krzemien, Head of the Domestic News Desk, GAZETA WYBORCZA; and Edward Gielzynski, writer. After dinner, the delegation was taken to the offices of the newspaper to see the actual working conditions of the journalists.

Friday, 26 August 1989

Prior for departing Warsaw for Krakow, the delegation met with newly elected Prime Minister Tadeusz Mazowiecki at the Council of Ministers.

Chairman DeConcini extended his congratulations to Prime Minister Mazowiecki. Admitting that no one looks to the United States for all the answers or all money, he stated that the U.S. wanted to help Poland, and that Congress needed to know what the Prime Minister's priorities are.

Prime Minister Mazowiecki responded that he was faced with many challenges, but no details yet. When he has a good cabinet in place with a good Foreign Minister, then he will have some answers. In the meantime, it's necessary to persuade the people that things

--U.S. Helsinki Commission--

won't get worse and that they will get better - maybe not soon, but that at the very least it won't get worse, especially as regards inflation. Wise Communists understand the failure of ideology.

Continuing, the Prime Minister said that Poland needs time, a credit of time. The Communist economy has come to be seen as nobody's economy. People have learned not to be thrifty - they expect the State to do everything for them.

Senator Lautenberg extended his congratulations as well, and assured the Prime Minister that the Senator was on his side. If this can succeed, asserted Senator Lautenberg, then so can world arms reduction. Agreeing that people need to learn to be thrifty, the Senator added that they must also learn to be productive. When the Prime Minister's house was more in order, he should visit the United States to get more support.

Prime Minister Mazowiecki thanked the delegation for their support and the invitation, commenting that Poland needs not only expanded political relations, but expanded business relations as well.

The Helsinki process is vital for human rights in Poland, continued the Prime Minister. Poland must become a country of rule of law. The first priority in this effort is to ensure the genuine independence of the legal system. It's necessary to move forward on two legs: the economic and the political. Democratization can't move forward on one leg.

Representative McEwen stated that watching the Prime Minister's election was one of the most thrilling moments of the Representative's life. He then offered some advice: President Roosevelt told his advisors that mandates don't last; what we do, we must do quickly. Roosevelt passed a bill a day. Representative McEwen wished the Prime Minister every success with his mandate.

Representative Moody observed that no one has yet written the plan on how to go from communism to a market economy. The Prime Minister interjected that he had served in the parliament before, and has some experience, albeit not with this specific situation. It is as though he has been asked to be "prudent rapidly" - it's almost impossible. But if you think about it, he observed with a smile, we have already almost achieved the impossible.

Mr. Fritts presented greetings from Secretary Mosbacher who would visit Poland the following month with the hope of meeting with the Prime Minister and his Trade Minister. Mr. Fritts remarked on the deep impression his visit to the *Sejm* had made on him.

Chairman DeConcini closed the brief meeting by asking the Prime Minister what response he expected from the Communists. Prime Minister Mazowiecki described the voting as a good sign. But, he warned, if the Communists fell into an opposition role, it would be dangerous. They must be kept as participants in the Government.

From Krakow the delegation was able to visit to the Auschwitz (Oswiecim) and Birkenau (Brzezinka) death camps and laid wreaths at the Wall of Death in Auschwitz and the memorial in Birkenau.

Saturday, 27 August 1989

At the Polish Academy of Sciences the delegation met with six environmentalists: Prof. Jan Jerschina, Institute of Sociology and Social Research, Jagiellonian University; Prof. Stanislaw Wrobel, Institute for the Protection of the Environment and Natural Resources, Polish Academy of Sciences; Prof. Jerzy Kurbiel, Institute of Sanitary Engineering and Water Management, Krakow Politechnical Institute; Prof. Jacek Walczewski, Head of the Remote Sensing Division, Atmospheric Institute for Meteorology and Water Management; Prof. Janusz Bogdanowski, Deputy Chairman Urban Studies and Architecture Commission, Polish Academy of Sciences; and Ms. Anna Ewa Gruszczynska, Secretary, Foreign Commission, Polish Ecological Club.

Representatives of diverse groups brought together by their common interest in ecological issues described to the delegation the serious problems facing Poland's environment. With the aid of charts and graphs, the delegation heard about the specific causes of air and water pollution and the impact on the local communities. In particular, it was noted that the burden of pollution falls especially heavily on children: only 7 percent of the children in the region are healthy; 93 percent of the children under the age of 15 are in need of medical treatment for health problems related to environmental pollution, and more than 60 percent of the children have bone problems related to the pollution.

The delegation also heard about the activities and lobbying efforts of the environmentalists. Among its lobbying achievements the Polish Ecological Club counts the closing of a nuclear plant and the closing of a noxious section of an aluminum plant near Krakow. The club believes that, in light of the recent political developments, it will have greater success in getting laws passed to regulate environmental protection.

A variety of barriers to reversing the situation exist. Among the recommendations presented to the delegation include the following:

- o Liquidate the Nowa Huta steel mill (located near Krakow); modifying and modernizing the facility will be insufficient. Since much of Nowa Huta's production is for military purposes, it should be possible to liquidate the plant as Poland's military commitments decrease.
- o Re-channel resources into smaller scale private enterprises and clean industries such as tourism and electronics.
- o Support the George Soros Foundation.
- o Support an EPA water purification project.

--U.S. Helsinki Commission--

The delegation had a brief tour of Old Town and Wawel Castle before departing Poland.

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V. EPILOGUE

On 12 September, Tadeusz Mazowiecki's cabinet was confirmed by a vote of 420 -0, with 13 abstentions. It is the first cabinet in Eastern Europe dominated by non-communists in over 40 years. The cabinet profile is as follows:

Minister-Deputy Chairmen of the Council of Ministers:

Finance -	Leszek Balcerowicz (Solidarity)
Agriculture, Forestry, and Food Economy -	Czeslaw Janicki (United Peasant Party)
Head of the Office for Scientific- Technical Progress and Innovation -	Jan Janowski (Democratic Party)
Interior -	Czeslaw Kiszczak (Polish United Workers Party)

Minister-Members:

Justice -	Aleksander Bentowski (United Peasant Party)
Culture and Art -	Izabela Cywinska (Solidarity)
Environmental Protection and Natural Resources -	Bronislaw Kaminski (United Peasant Party)
Health and Social Welfare -	Andrzej Kosiniak-Kamysz (United Peasant Party)
Labor -	Jacek Kuron (Solidarity)
Domestic Trade -	Aleksander Mackiewicz (Democratic Party)
Director of the Central Planning Office -	Jerzy Osiatynski (Solidarity)
Housing -	Aleksander Paszynski (Solidarity)
National Education -	Henryk Samsonowicz (Solidarity)

National Defense -	Florian Sliwicki (United Polish Workers Party)
Foreign Affairs -	Krzysztof Jan Skubiszewski (Solidarity/Independent)
Minister of Industry -	Krzysztof Syryjczyk (Solidarity)
Minister for Foreign Economic Cooperation -	Marcin Swiecicki (Polish United Workers Party)
Minister of Transportation, Shipping, and Communication -	Franciszek Adam Wieladek (Polish United Workers Party)
<u>Other Ministerial Level Offices:</u>	
Head of the Office of the Council of Ministers -	Jacek Ambroziak (Solidarity)
Coordinator of Rural Social and Civil Affairs -	Artur Balasz (Rural Solidarity)
Coordinator with Political Organizations and Associations -	Aleksander Hall (Solidarity)
Preparation of the Organization of the Ministry of Communications -	Marek Kucharski (Democratic Party)
Chairman of the Economic Council -	Witold Trzecikowski (Solidarity)

VI. CONCLUSIONS

At the outset of the Helsinki Commission's visit to Gdansk, Warsaw, and Krakow, there was concern among the delegation regarding the timing of the trip. There was no Government in place, a general atmosphere of chaos ruled, and the key political actors in Poland were already subject to extreme time demands. All this created doubt as to whether or not the members would be able to have the kind of meetings in which they were interested. As it turned out, the visit was enhanced by its fortuitous timing.

In addition to meeting with Lech Walesa, the *de facto* leader of the Solidarity political movement, the delegation was able to witness first-hand the election of and later meet with the first non-Communist head of government Eastern Europe has had in over 40 years. Discussions with these leaders and other activists provided eloquent and inspiring testimony to the successful political reforms which have taken place in Poland since the Commission's 1988 trip and the impact of those reforms on the status of human rights. For example, in a meeting with the independent Helsinki Committee in Poland -an organization which was forced to operate clandestinely up until last year and which monitors compliance with the Helsinki Accords - the delegation received an extremely positive picture of the human rights situation in Poland. The organization's greatest concern regarded the methods used by the United States and other Western countries for processing visa requests.

Meetings with leaders from the United Peasant Party and the Democratic Party, as well as legitimately elected members of the National Assembly, helped shed light on the nature and operation of the Polish Government and the difficulties which face the process of democratization. The Helsinki Commission hopes to maintain the dialogue begun with these individuals with the intention of monitoring the reform process which has contributed to improved relations between our two countries. The exchange of views with activists on environmental issues was a timely contribution to the Commission's preparation for its participation in the upcoming CSCE meeting on the environment.

A constant theme during the course of the delegation's trip was the economic crisis in Poland and the need for immediate, rapid and thorough reform. This message was underscored by the delegation's personal albeit brief interaction with the Polish economy. The insight gained by these experiences has eased the Members' return to Congress, where Poland has become a focal point for legislative initiatives.

Finally, the delegation was struck during their visit by the clearly transitional nature of all things political and economic in Poland at this juncture. Thus, the Members noted their concern over four specific areas which trouble the Helsinki Commission and expressed their hope that these areas would be the subject of the new government's reform efforts. These trouble spots include continuing censorship, the lack of an independent judiciary, the use of the *nomenklatura* system, and the need to extend electoral reforms to the local level. While the fiscal crisis has made economic reform a top priority for Poland, change in these

four areas will be critical for the success and endurance of the political reforms and human rights improvements already achieved and for the economic reforms contemplated by the Government and Solidarity.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

CODEL DECONCINI

TRIP REPORT ON TURKEY

17 - 22 AUGUST 1989

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I. MEMBERS OF THE DELEGATION

Senator Dennis DeConcini, Chairman of the Helsinki Commission
Mrs. Susan DeConcini

Senator Frank Lautenberg, Helsinki Commissioner
Ms. Ellen Lautenberg

Representative Bob McEwen
Mrs. Liz McEwen

Ambassador Samuel Wise, Staff Director, Helsinki Commission
Ms. Jane Fisher, Deputy Staff Director, Helsinki Commission
Mr. Michael P. Amitay, Staff Member, Helsinki Commission

II. OVERVIEW AND OBJECTIVES

The Commission on Security and Cooperation in Europe, more commonly known as the Helsinki Commission, was established by law in 1976 to monitor and report on compliance with the 1975 Helsinki Final Act. The Helsinki Final Act, as well as successor agreements, includes provisions regarding military security; trade, economic issues, and the environment; and human rights and humanitarian concerns. Thirty-two European countries participate in the Helsinki process, plus the United States, Canada, and the Soviet Union. The Helsinki Commission is currently chaired by Senator Dennis DeConcini (D-AZ) and co-chaired by Representative Steny H. Hoyer (D-MD), and has 18 members from the Senate and House, as well as one each from the Departments of Commerce, State, and Defense.

In accordance with its legislative mandate, the Commission undertakes a variety of activities aimed at monitoring and reporting on all three sections (known as baskets) of the Helsinki Accords. These activities include solicitation of expert testimony before Congress, providing Congress and the public with reports on implementation of the Helsinki Accords, and with publications of human rights documents issued by independent monitoring groups. In addition, the Chairman and Co-Chairman of the Commission lead delegations to participating States and to meetings of the Conference on Security and Cooperation in Europe.

The major objective of Codel Deconcini's visit to Turkey was to examine various elements of a complex relationship between Turkey and the United States and to develop an understanding of the human rights situation and its relation to Turkey's foreign and domestic policies. The delegation sought to develop further insight into these issues while encouraging continued democratic reforms and promoting greater respect for human rights and compliance with the Helsinki Final Act. Four major areas were the focus of the delegation's concerns:

- **conditions of Iraqi Kurdish and Bulgarian Turkish refugees**
- **the situation of the Kurds living in Turkey**
- **mistreatment of detainees in police stations and prisons**
- **freedom of expression**

In order to develop a greater understanding of these sensitive issues, Codel DeConcini:

- met with top Turkish leaders, human rights advocates, legal experts, journalists and others.
- examined firsthand the situation confronting Bulgarian Turkish refugees and Iraqi Kurdish refugees.
- visited the Ankara State Prison to investigate allegations of mistreatment of detainees and assess the affects of prison reforms and conditions that led to recent hunger strikes.
- interviewed Kurdish individuals, officials in southeastern Turkey and others with expertise on the Kurdish situation.

The delegation's visit to Turkey was unprecedented for numerous reasons. First, it was the first U.S. group, official or otherwise, to gain access to a Turkish prison. Second, no other official U.S. delegation had yet examined both Kurdish and Bulgarian Turkish refugee facilities. Third, a meeting at the Bulgarian border with Bulgarian officials to discuss the refugee problem was the first time U.S. officials have been allowed across the border at that point for such a purpose. The delegation hoped its experiences would provide a unique view of Turkey, its human rights situation, politics, foreign relations and importance as a U.S. ally.

III. CONTEXT OF THE VISIT

Human Rights - Turkey's rapid transformation into an industrialized and secular society has placed strains on its political, social, economic and military structures, resulting in unrest and three military takeovers in the past 30 years. Modern democratic institutions and respect for basic human rights have taken a firm hold in the Turkish political landscape, yet numerous legal statutes still reflect intolerance of various forms of non-violent expression and an unwillingness or inability to take decisive steps to deter mistreatment of detainees. Estimates of individuals presently detained for non-violent expression range from 5,000 to 18,000. Furthermore, insensitivity to the cultural and linguistic aspirations of the Kurdish population has resulted in friction between Kurds and the Government. An active and violent insurgency by Kurds on Turkish soil has led to the maintenance of a State of Emergency in eight southeastern provinces.

Turkish legal reform (Penal Code) - While there has been much debate in the Turkish Grand National Assembly on amending the Turkish Penal Code in favor of greater freedoms of expression, few actual changes have yet occurred. In April 1989, Prime Minister Ozal publicly stated that articles 141, 142 and 163 should be removed from the code. He repeated this at a Council of Europe meeting in Strassbourg in late September. Legislation that would cut sentences under articles 141, 142 and 163 by one-third and change "hostile propaganda" to "armed hostile propaganda" is pending in the TGNA Judiciary Committee. On September 18, the Minister of Justice proposed a measure to lower maximum detention periods from fifteen to four days and to limit applicability of the death penalty. Furthermore, instructions to make lawyers available to detainees throughout any pre-arraignment detention were issued by the Ministry of Justice and the Ministry of Interior. A group of majority party (ANAP) parliamentarians has also proposed legislation mandating a detainee's immediate access to a lawyer.

Prison conditions - Numerous episodes of mass hunger strikes in prisons across Turkey have transpired over the past two years. Relatives of the prisoners and politicians have staged demonstrations in solidarity, and the strikes have been widely covered in the press. In late July 1989, the latest round of hunger strikes commenced to protest, as in previous strikes, poor conditions, various regulations and brutality. The strikes spread throughout Turkey, involving up to 2,000 inmates, especially after an incident in which two prisoners died on August 2. Opposition members of parliament negotiated with prison officials on behalf of the prisoners, who demanded regulation changes pertaining to visiting rights, uniform requirements, transfer conditions and access to outside information. The last strikers ended their protest after 52 days when certain concessions were secured, though many were hospitalized in serious condition.

The use of torture - Since the military takeover in September 1980, Amnesty International estimates that over 250,000 people have been arrested on political grounds in Turkey, and most have been tortured. Human rights groups in and out of Turkey have received scores of reports of torture since Turkey signed the U.N. and Council of Europe Conventions on Torture in August 1988. A recent Turkish Government report attempts to account for 144 detainees Amnesty International claims to have died from torture in the period from 1980-1988. It states that 42 succumbed to heart or lung disorders, 22 were killed in confrontations with security forces, 3 died from hunger strikes, 1 was murdered by another inmate, 34 committed suicide, and 32, the government admits, did die as a result of torture. Ten others were said to be alive, three confirmed. The government also says that 50 civilian and 11 military officials are facing or have faced investigation concerning torture allegations.

Most allegations of torture focus on the period of pre-trial detention when detainees are interrogated at police stations. Individuals have been held up to 30 days without access lawyers and without being charged with specific crimes. According to human rights organizations and individuals the delegation interviewed, various methods have been used to extract confessions. Such treatments often leave no visible disfiguring after a short period, so it is often impossible to produce medical evidence. Victims report being blindfolded by torturers who allegedly use codenames when communicating to avoid being identified later. Many of those convicted of torture are done so only because a victim was able to identify the abuser through a misplaced blindfold or other slip in procedure. Recently, the Government announced that it will open an office to examine allegations of torture, human rights practices and the rules and regulations affecting them.

Freedom of Expression and Press Laws - Despite widespread advances in the range of issues now covered by the Turkish media and major increases in dissemination of information, recent prosecution of journalists, editors, and artists and lengthy jail sentences indicate that free expression remains restricted. Numerous articles of the Turkish Criminal Code, the Press Law, and the Law to Protect Minors from Harmful Publications are cited in arrests of journalists, confiscation and destruction of materials, and the closing down of publications. Many well-known titles are banned in Turkey, and individuals found in possession of such literature are subject to arrest. The articles of the Criminal Code most often used to prosecute journalists and other citizens are articles 140, 141, 142, 143, 158, 159, 162 and 163, each mandating prison sentences for non-violent forms of expression, political or otherwise.

The Kurdish issue - The Kurds comprise about 10 million of Turkey's 54 million inhabitants and have lived in remote sections of Turkey, Iraq, Iran, Syria and the Soviet Union for almost 1,000 years. The Kurds are Muslims but maintain a distinct language, alphabet and cultural forms. They have a history of being fiercely independent and often engage in guerrilla-type warfare with central authorities attempting to exercise sovereignty

over them. Since Ataturk's establishment of modern Turkey, the Kurds have faced pressures to assimilate and have been erroneously referred to as "mountain Turks". The use of the Kurdish language has recently been "decriminalized", however, it is still forbidden to publish, broadcast or perform in Kurdish. While officials today admit that a distinct Kurdish nationality exists, most insist that Kurds be considered Turkish citizens first and Kurdish second.

In the past five years, over 1,400 people have been killed in armed confrontations involving Kurdish separatist guerrillas, security forces and civilians. Eight southeastern provinces of Turkey are under a State of Emergency giving local governors and security forces greater control over the local population. Operating from bases in Syria, Iraq, Iran and hideouts in remote mountainous regions of southeast Turkey, insurgents incite the local population to rebel against Turkish rule, with mixed results. Local inhabitants are forced to choose between helping the guerrillas and risking violent reprisal by Turkish security forces, or not helping and facing the equally harsh retribution of the rebels. Villagers have been rounded up by security officials and subjected to beatings, mass arrests, and in one instance last January, forced to eat human excrement. Locals thought by guerrillas to be sympathetic to Turkish authorities have been executed in cold blood. A variety of Kurdish guerrilla groups exist, often at odds with each other. Some groups have Marxist-Leninist foundations, and Turkish officials and others will cite Moscow's hand and the threat of spreading communism. During the Iran-Iraq war, Kurds fought for both sides thinking they might benefit from the spoils of victory. This was not the case, and Iraq's brutal campaign against its Kurdish population included the use of chemical weapons, and mass deportations. Over 100,000 Iraqi Kurds fled, many into Turkey.

Situation of Iraqi Kurdish refugees - Last August, some 60,000 to 100,000 Kurdish residents of northern Iraq fled widespread chemical weapons attacks to seek refuge in southeastern Turkey. Approximately 60,000 Iraqi Kurds were officially registered in Turkey, including thousands of "pesh merga" fighters disarmed at the border. Originally situated in five major tent camps in southeastern Turkey, about 1,500 Iraqi Kurds returned to Iraq, and by the end of October 1988, at least another 20,000 were relocated to Iran. By the second week in February 1989, according to Turkish officials, 369 Iraqi Kurds had died, including 269 under the age of five. By April 1989, authorities maintained that 36,475 remain in three camps. They included 15,000 who spent the winter in tents near Mardin, 8,000 housed in dilapidated disaster shelters in Mus, and 13,000 more in the Diyarbakir camp. The Iraqi Kurds have not been given official "refugee status" and instead of integrating them into the general population, the Government has looked for third countries to accept the "temporary" refugees. An agreement with the UNHCR on construction of permanent villages for the Iraqi Kurds is reportedly being finalized. Senators DeConcini and Lautenberg co-sponsored an amendment to the Foreign Operations appropriations bill providing \$5 million in assistance for this project, which should be completed before the winter.

Situation of Bulgarian Turkish refugees - Since May 1989, over 300,000 of Bulgaria's 1.3 million ethnic Turks have been given passports and pressured to leave the country. It is impossible to determine how many of the 300,000 now in Turkey were forcibly expelled or took the opportunity to leave while it existed. The Turks in Bulgaria have long been subject to religious and cultural persecution. The Bulgarian Government denies the existence of a Turkish minority claiming that they are only Bulgarians forcibly converted to Islam by the Ottomans. Ethnic Turks are not allowed to practice Islam, are forbidden to speak Turkish, and have been forced to change their Turkish names to Bulgarian ones. The Bulgarian Government's name-changing campaign of 1984-85 was introduced under force of arms and arrest. This spring, a series of protest actions by ethnic Turks and other Bulgarians led the Government to react with force, and hundreds were either killed, injured or arrested. What began as an attempt to deport Turkish activists and possible instigators turned into a wholesale exodus. The refugee problem has been exacerbated as no formal mechanism for the large scale population transfer exists. The fleeing Bulgarian Turks often arrive with few possessions, and Turkey is ill-equipped to provide necessary aid. On August 22, 1989, visa requirements were reimposed by Turkey, effectively halting the flow of refugees, and now there are reports that up to 1,000 people a day are returning to Bulgaria. Senator DeConcini has co-sponsored an amendment to the Foreign Operations appropriations bill with Senator Byrd granting \$10 million in assistance for Bulgarian Turkish refugees in Turkey.

IV. MEETINGS

Thursday, 17 August 1989

Senators DeConcini and Lautenberg arrived at Ankara's Esenboga Airport at approximately 5:00 p.m. on Thursday, August 17. A 6:30 p.m. appointment with Foreign Minister Mesut Yilmaz was cancelled due to an unexpected cabinet meeting. The delegation met instead with Undersecretary Turgay Ozceri, the number two person in the Ministry of Foreign Affairs.

Ambassador Ozceri expressed the Turkish Government's willingness to allow our delegation members to make up their own minds regarding human rights problems in Turkey. "No nation maintains a perfect human rights record, not even the United States," he said. The number one human rights priority for Turkey, he offered, was to limit and redefine the period of pretrial detention. He added that typical bureaucratic inertia impeded progress, and that the Foreign Ministry could do little in such areas. Ozceri raised urgent problems confronting the refugees from Bulgaria and thanked the Senators for the support of the Helsinki Commission. He noted that Turkey "was not like Denmark" but was instead, surrounded by neighbors who were openly hostile at times. Turkey's best relations with a neighbor were with the Soviet Union, he claimed.

Discussion turned to the Iraqi Kurdish refugee situation, and Ozceri cited the unwillingness of the UNHCR to come to terms with Turkey's "generous" proposals for assistance, adding that negotiations were continuing. (The Turkish proposals fell well outside UNHCR's possible expenditures in this area) He refuted comparisons of Iraqi Kurds to Bulgarian Turks, saying the Iraqis were not in Turkey permanently and were not eligible for official refugee status because of a 1951 Refugee Covenant signed by Turkey.

Cyprus, and the recent expressions of the Greek leader Vasiliou were also discussed, as Senator DeConcini had recently met with the Greek Cypriot leader in Switzerland. Ambassador Ozceri dismissed much of Mr. Vasiliou's pronouncements as public relations rhetoric and criticized distortion of the issue in the United States due to efforts of the Greek lobby. He cited the need for a bi-zonal federation giving neither side the power to oppress the other before Turkish "peacekeeping forces" could be withdrawn.

Friday, 18 August 1989

The delegation attended a working breakfast hosted by Ambassador Morton Abramowitz, who assumed his post in July. The Ambassador accompanied the delegation to a 10:00 a.m. meeting with Justice Minister Mehmet Oltan Sungurlu. The U.S.

participants thanked the Minister for arranging the visit to Ankara State Prison and questioned him about continued allegations of torture in Turkey, recent hunger strikes by inmates across the country, proposed changes in the Penal Code relating to free expression, and proposed changes in the period of pretrial detention.

The Minister cited the Constitution, international agreements signed by Turkey, and humanitarian considerations inherent in Islam, as reasons why ill-treatment of detainees did not occur in Turkey. He said that certain articles in the Penal Code were necessary to combat the twin demons of communism and religious fanaticism. When asked about unflattering reports by Amnesty International and Helsinki Watch, Sungurlu asked the delegation to do its best "to explain in the United States that such anti-Turkish propaganda is baseless." When pressed on the fact that allegations of torture mostly focus upon the incommunicado pre-trial detention period, he emphasized that his Ministry only controlled individuals once they entered the prison system. He implied that if torture occurred, it did so while individuals were under the control of the Ministry of Interior. The hunger strikes, he said, were politically motivated and a bid to grab headlines. He refuted allegations that two recent prisoner deaths resulted from mistreatment, citing a doctor's report exonerating prison officials. "Marks and scratches" on the body of one individual, the report said, resulted from a previous autopsy. Sungurlu said that if anyone under his jurisdiction used torture, they would be punished. He said we could meet with Haydar Kutlu and Nihat Sargin, two Communist leaders detained without trial for 22 months, if they agreed to see the delegation.

The delegation then travelled to the Ankara State Prison, which is divided into semi-open and closed facilities. We were accompanied by Deputy Undersecretary of Justice Yildirim Turkmen, Judge Yusuf Ozmen, and Mustafa Lubsel, Prison Director. The semi-open facility was clean and inmates were observed working, for pay, at various machine shop/print shop tasks. Murderers, rapists and other violent and non-violent offenders spoke of no ill-treatment. We requested to meet with six individuals raised during the meeting with the Justice Minister, and were informed the meeting could take place in the prison director's office.

Haydar Kutlu and Nihat Sargin, two leaders of outlawed Communist parties had been detained for 22 months and had yet to stand trial. They returned to Turkey in November 1987 before the general election with the intention of establishing a non-violent Turkish Communist Party. They were detained at the airport, held incommunicado for 19 days, and allegedly tortured. They assured us that they had not been ill-treated since arriving at prison and that they could speak openly without fear of official retribution.

The two cited articles of the Penal Code under which they would be charged, including 141, 142, 146, 159 and 312, all verbal offenses. They said that during their initial period of detention they were deprived sleep for up to nine days, electrocuted, beaten

and hung with their arms behind them. They said almost all "politicals" were tortured to extract confessions. Some of their defense lawyers had also been detained, tortured, and then placed on the same court docket. The two Communist leaders' case has been submitted to the European Human Rights Commission Court. Their health is good, but they complained about not having access to typewriters. According to both, the reason they have not yet been tried is purely political, since the Government cannot afford to convict or acquit them because of public opinion in an election year. They both renounced the use of violence for political ends and cited the similar program of the legally functioning Turkish Socialist Party as evidence that certain Penal Code articles are baseless. They were allowed immediate family visits and said our foreign delegation was only the second to meet with them.

Following this meeting, four individuals, Mehmet Bayrak, Celal Gul, Bekir Kesen and Dr. Nuray Ozkan were brought into the office. The three men, associated with the "democratic and progressive" journal Ozgur Gelecek (Future for Freedom), had been on hunger strike for 12 days and detained since July 22. Dr. Ozkan was seven months pregnant, had been transferred from Diyarbakir, held for an unspecified amount of time in solitary confinement, and had yet to be charged. She had given a speech on the rights of Kurdish women, which had been reprinted in the above journal, and was then arrested on orders from a prosecutor in Ankara. None complained of mistreatment in the prison. The three men said they had been ill-treated at the police station, but Dr. Ozkan had not, possibly, she said, because she was pregnant. The delegation raised the case of each individual with the Prime Minister and other officials.

After leaving the prison, the delegation was hosted at a luncheon by Huseyin Celem, Deputy Undersecretary for Bilateral Political Affairs. (Ministry of Foreign Affairs) A number of Ministry officials and members of Parliament were on hand, as well as Turkish journalists and U.S. Embassy personnel. Individual conversations touched on Turkish participation in the Sofia CSCE meeting, the ongoing refugee crisis, Cyprus and other issues. Toasts were exchanged by the principals praising U.S.-Turkish relations and the strong links between the two countries.

The delegation met next with a panel of officials at the Ministry of Foreign Affairs to discuss Turkish foreign policy and bilateral relations. The Turkish panel was headed by Ambassador Celem, and included the Director of Policy Planning, and experts on the United States, Greece, Cyprus, international organizations and the European Community.

Ambassador Celem extolled good political, military and economic relations between Turkey and the United States, but noted room for improvement. He pointed to a growing trade gap (760 million last year) and suggested relaxation of U.S. steel and textile quotas. The Ambassador cited a need for conventional arms reductions and greater cooperation on defense related issues. He praised the U.S. reaction to the Bulgarian refugee crisis,

stating that this was not simply a Turkish/Bulgarian problem, but rather a multilateral CSCE problem. He added that the United States should call the allies to task for not acting. He downplayed the Soviet mediating role in the crisis and emphasized the need for assurances that Bulgaria would negotiate on the rights of the Turkish minority as a whole, and on regulating the unrestricted flow of refugees.

Senators DeConcini and Lautenberg raised the issues of Cyprus and Turkey's human rights situation. The two sides discussed various proposals on Cyprus put forth by community leaders and the United Nations. Celem said that the Turks would not be satisfied by a settlement that provided anything less than complete security and "two equal states". He said the Turkish right to guarantee the security of Turkish Cypriots would always be maintained. Both Greek and Turkish sides remain pessimistic of any great progress under the current U.N. sponsored negotiations, yet both note the importance of the dialogue that had henceforth not existed.

Other issues that were discussed included, Turkey's pending application to the European Economic Community, which was seen as a problem of meshing differing levels of development, population, per capita income, et cetera. Celem theorized that if membership was granted to Turkey, it would not take place before 2000. The upcoming Defense and Economic Cooperation Agreement negotiations reassessing the U.S.-Turkish military relationship was said to be outside the jurisdiction of the meeting. A sensitive issue on both sides, the negotiations will reveal cleavages, as well as mutual needs, in the complex relationship between the United States and Turkey.

The delegation's next meeting was with Minister of State Kamran Inan. The Ministry of State supervises the functions of other Ministries, and the Minister can involve himself in any number of issues. Mr. Inan has been very active in the Southeastern Dam project to provide electricity and water to large portions of Turkey, a milestone in Turkish engineering, financing and development.

The Minister cited Turkey's tradition of granting safe haven to all refugees. He accused the West of using human rights for its own political advantage vis-a-vis Turkey and said that Turkish public opinion was losing patience with the West, especially its silence over the Bulgarian situation (except the United States). He cited Turkey's adherence to international agreements and the founding of a Human Rights Commission, which was examining 250 cases of alleged improprieties, as examples of Turkey's commitment to human rights. He alluded to various abuses in the United States and said that no country was perfect in this regard. Responding to Senator Lautenberg's question on torture, the Minister related instances of racist attacks on Turkish workers in West Germany and queried why this issue wasn't raised more often. He conceded that policemen could not always be expected to be as sensitive to human rights as they should be.

When asked about problems facing the Kurds of Turkey, the Minister cited the diffuse nature of the Ottoman Empire and the need to establish a singular Turkish identity. Problems in the southeast were a direct result of outside interference by separatist groups and others bent on the destruction of the Turkish state. Accounting for some of the problems in the area, he cited the region's underdevelopment, lack of education, high birthrate, unemployment and migration of younger people to Western cities. Regarding the restrictive articles of the Penal Code, Inan noted that changes were being considered, but that political freedom had to go hand in hand with economic freedom and that Turkey had a unique political landscape making stringent measures necessary.

At 6:30 p.m., the delegation attended a reception in their honor at the U.S. Ambassador's residence. In attendance were numerous Turkish officials, including the head of the parliament's Foreign Affairs Committee, other members of parliament, academicians, human rights activists, a UNHCR representative, security officials, prosecutors, members of the press and embassy officials. Numerous discussions provided further insight into issues addressed over the preceding two days. Except for meetings with inmates at the Ankara State Prison, this was the first occasion to meet with unofficial individuals, and oftentimes the pictures they painted of the Turkish human rights situation was substantially different than the official accounts we had heard. A great deal of interest was taken in our itinerary, and it was noted that this was the first official U.S. delegation to focus specifically on human rights.

Saturday, 19 August 1989

The delegation hosted a breakfast for Nezvat Helvaci, Chairman of the Turkish Human Rights Association (HRA), Mehmet Tali Ungoren, HRA member, and Erbil Tusalp, Cumhuriyet journalist and human rights activist. The main issues addressed were the use of torture by security officials and legal obstacles to elimination of torture. One individual, a victim of torture himself, said that although cases were difficult to document because of efforts to obscure physical evidence, 32 cases were documented by the HRA in 1988. He said that changes in the Turkish Constitution and Penal Code were necessary but that the Justice Minister was unwilling to push such changes. Another maintained that torture was widespread and systematic and that officials were unwilling to speak truthfully about it. He added that torture was accepted by a fearful population with a penchant for violence, citing beatings in schools and during domestic disputes. The three agreed that while torture as a premeditated act did not occur as such in prisons, it did in police stations. They said that large-scale beatings occurred in prisons after escape attempts. They urged the U.S. Government to raise such issues with the Turkish Government at every opportunity and to challenge officials who denied such actions.

After breakfast, the delegation flew to Diyarbakir in southeastern Turkey, a

traditional center of Kurdish culture and one of three sites where Iraqi Kurdish refugees have been living for the past year. The delegation's primary goals in Diyarbakir, where the delegation was joined by the U.S. consul from Adana, were to examine the refugee facilities and to assess the human rights situation of the Kurds. Allegations of discrimination against this group had been dismissed by most officials who also claimed that it was imperative for the Turkish national identity remain intact.

The first meeting in Diyarbakir was with Hayri Kozakcioglu, the Regional Governor with responsibility for 11 southeastern provinces. Eight remain under a State of Emergency, providing him expanded powers of detention, censorship and the responsibility of combatting armed guerrillas operating within his jurisdiction. The Senators raised the delegation's concerns about the Iraqi refugees and the situation of the Kurdish minority. They also raised the issue of individuals detained for non-violently expressing themselves and the recent unrest in Turkish prisons.

The Governor provided an account of the refugees' arrival in Turkey and of why no agreement with the UNHCR had been forthcoming. He described difficult conditions in the camps and offered that the best solution was an eventual return to Iraq after suitable negotiations with Saddam Hussein's regime. He asserted that although the refugees' eventual assimilation into Turkey was uncertain, the camp option would not remain viable for much longer. He claimed that resources were being diverted from the general population, and that the refugee problem was not one of immediate resource availability, but rather a long-term problem of ensuring their productivity.

On the question of recent hunger strikes in Turkish prisons, including ones under his jurisdiction, the Governor labelled these as political actions taken by Kurdish PKK terrorists at the behest of outside influences bent on the disintegration of Turkey. He likened the situation of the PKK to Fidel Castro's placing 30-40,000 armed individuals in Miami to establish a Marxist-Leninist state. In response to questions concerning the arrest and detention of individuals for verbal offenses, the Governor stated that ideology was not a crime, only armed resistance. He did not address the fact that individuals raised by the delegation had not advocated or used violence.

The delegation visited the refugee camp about four miles from the center of Diyarbakir. Approximately 15,000 Iraqi Kurds lived in the camp, constructed as temporary housing for disaster victims. This camp was reportedly in better condition than the other two refugee camps, together holding at least another 20,000 persons. About one-half of the refugees appeared under the age of 12, and we were informed by one of the Kurdish leaders that over 1,200 births had occurred during the past year. As many as 35-45 individuals resided in three room apartments with no furniture and one bathroom. Although individuals interviewed said there were adequate provisions of food, water, medicine and other supplies, a general feeling of malaise and uncertainty about the future

pervaded our discussions.

The refugees have not been granted official refugee status by the Turkish Government, which continues to classify them as temporary visitors. The representatives of the community we spoke with voiced demands that they receive such status in order to become eligible for added sources of aid. They expressed a need for supervision from the United Nations, which they feel had been excluded by the Turkish Government's unwillingness to negotiate in good faith with the UNHCR. They complained about not being allowed to teach their children Kurdish, the only language most of them speak, and said the Turkish Government had closed a makeshift school after four days. They were required to get a permit from the local police if they wanted to leave the Diyarbakir area, but were free to move about locally. Money was scarce, and finding employment was next to impossible as few of the Iraqis spoke Turkish. They maintained that Turkish officials made it difficult to receive aid from the local population, and that a bank account opened for them by opposition (SDPP) politicians had been frozen by Governor Kozakcioglu. They denied wanting to establish an independent Kurdish state within Turkey and expressed a willingness to reside in any nation that would accept them, although they presently preferred Turkey. They were aware of Iraq's mass depopulation of Kurdish villages and cities and would refuse to go to the southern areas where Kurds are being forcibly resettled. They confirmed Iraqi use of chemical weapons on Kurdish villages a year ago. Upon departure the refugees cheered the delegation.

The delegation collected petitions with over 1,000 names of individuals who voiced various concerns raised above and expressed a desire to gain entry into the United States and/or Europe. On returning to the United States, Senators DeConcini and Lautenberg sponsored legislation providing \$5 million in assistance to the Kurdish refugees through the UNHCR. This money is expected to help construction of a permanent settlement in central Turkey before the onset of winter.

The delegation next called at City Hall to meet Mayor Turgut Atalay, an elected official of the SDPP opposition party whose brother is a member of parliament from Diyarbakir. Again concerns were raised over the Iraqi refugees and the treatment of Kurds in Turkey. The mayor acknowledged that greater problems would develop if the refugees stayed in the camps much longer. He said the Government had been asked to provide further aid to the refugees and confirmed that there had been problems getting local funds to the refugees because the Government had blocked an account. He cited political and legal reasons for this. Despite Turkey's democratic nature, he stressed that people had not overcome fears that the nation's territorial integrity was still jeopardized by Kurdish aspirations. Because Turkish was the nation's official language, some problems with the use of the Kurdish language existed, but he added that Kurdish was spoken openly on the streets and could now be used in court and in prisons. He acknowledged that there were no radio broadcasts or publications in Kurdish.

The next meeting was with the President of the Diyarbakir Bar Association, a Diyarbakir based Kurdish journalist with a national daily and, the President of the local Human Rights Association chapter. The Senators raised issues pertaining to a detainee rights, access to lawyers, torture and restrictive articles of the Turkish Penal Code. They also raised the case of a former Diyarbakir Mayor, Mehdi Zana, who had recently slit his wrists in prison while on a hunger strike. He had been classified a terrorist by the Regional Governor and we were unable to meet his wife, who had travelled to the prison to be with him.

One stated that individuals could be detained two weeks or more without access to a lawyer, although the law states that lawyers should be made available. He confirmed that Americans arrested in Turkey were not provided immediate access to lawyers, and this was verified by a U.S. Embassy official. He said that the Government used to deny the existence of the Kurds and fine or jail people for speaking Kurdish. He said speaking Kurdish as a "mother tongue" was forbidden by "Law 2932." He claimed that Mehdi Zana had been arrested and charged under articles 141 and 142 and sentenced to 38 years, 15 for membership in an illegal organization, 15 for carrying a handgun, and 8 for speaking Kurdish in court. He said that most political prisoners claim to be tortured, and oftentimes their appearance confirmed such treatment, but many are brought before a court after their wounds have healed. He said that Bulgarian Turkish refugees and Iraqi Kurdish refugees should receive the same rights from the Government, but do not.

Another individual recounted claims of villagers who had been rounded up by security officials, tortured and beaten. He reported seeing individuals, who were not terrorists, killed and burned by security forces. He said the reason for such treatment was suspected collaboration with the PKK. He said journalists had certain lines which they could not cross, or face arrest, and said that discrimination against Kurds was common in Turkey.

The Human Rights Association chapter in Diyarbakir formed in March 1988 and was recognized by the Government. Human rights problems, one individual said, were faced by all Turks, not just Kurds. Definite proof of torture was said to exist. One individual claimed to be the subject of government harassment and has not received a passport he applied for in April, a process normally taking about four days. He noted that courts refuse to hear allegations of torture or send alleged victims to doctors because they claim it is outside their jurisdiction. He commented on Dr. Nuray Ozkan, saying she was not a political activist and had only asserted that Kurdish women should be able to educate their children in the mother's tongue. He said that an individual can be tried as an adult at the age of 11, when he or she has been determined to be able to identify right and wrong. He cited the case of a 14-year-old petty thief whose stomach was ruptured by beatings. When asked why the HRA had formed so recently when abuses seemed to be so numerous, he replied that the main chapter in Ankara started in 1986 but was barred

from operating by the Ministry of Interior until the beginning of 1988. Only after government approval was it able to function. He said the human rights situation has improved since the military stepped down in 1983.

Sunday, 20 August 1989

After leaving Diyarbakir, the delegation flew to Istanbul. At 9:00 a.m. a briefing breakfast was scheduled with Thomas Carolan, the U.S. Consul General in Istanbul and other Embassy personnel to prepare for a meeting with the Prime Minister at 11:30 a.m. A letter, thanking Mr. Ozal and his Government for their openness and access and presenting Commission concerns was drafted. Included was a list of 57 individuals incarcerated over the past six months for "verbal" offenses and allegedly mistreated while in detention. The Commission asked for the immediate release of Dr. Nuray Ozkan, Celal Gul, Bekir Kesen and Mehmet Beyrak.

At the meeting with Prime Minister Turgut Ozal, the delegation principals expressed support of Turkey and thanked the Prime Minister for facilitating the visit. Senator DeConcini expressed the need to voice concern about Kurds in Turkey and not just the situation of Bulgarian Turks, in order to maintain U.S. credibility in CSCE meetings. He expressed hopes that the Iraqi Kurds would be granted refugee status and said he would urge the U.S. Government and the international community to provide aid. He raised issues of torture and legal reform. Senator Lautenberg raised the issue of the Kurdish minority and the case of Dr. Ozkan. Congressman McEwen praised Turkey for providing safe haven for refugees, a shared quality that draws the United States and Turkey together as friends. But he also expressed dismay at the Turkish decision not to allow U.S. experts to examine a Mig-29 flown to Turkey by a Soviet defector.

The Prime Minister updated the Bulgarian situation. Four thousand a day were still crossing the border and he estimated that 80 percent of the 1.2 million Bulgarian Turks would eventually enter Turkey. He expressed a willingness to accept them all. As a prelude to addressing the Kurdish situation, he digressed into the origins of modern Turkey, its heterogeneous nature and the need to instill Turkish identity among inhabitants. Mr. Ozal claimed to have Kurdish origins himself. He said the Kurds were free to speak their own language but had chosen to use Turkish in order to better function in modern Turkey. He added that numerous high-level military and civilian officials were Kurds. He said the Kurds have problems in all the countries they live in and are involved in numerous separatist efforts. He noted widespread violence in the southeast. He indicated that the problem was also one of development and added that a disproportionate government revenues were spent in the southeast. The Prime Minister stressed economic progress saying that free ideas go hand in hand with a free market. He cited the massive dam project in the southeast.

On the question of torture, the Prime Minister spoke of the anarchy of the 1970's and the arrests then of thousands of armed extremists. Many mistakes had been made by inexperienced interrogators, he said, and where torture was proved, offenders were removed. He asserted Turkey's adherence to international agreements against the use of torture and added that any complaints the delegation came upon would be investigated. With regard to changes in the Penal Code or conditions of detention, the Prime Minister said that steps were being undertaken to address these concerns, but since this affected law, it would take time to change. He said a special state committee had been set-up to examine the issues, and he speculated that articles 141, 142 and 163 would be abolished in less than 10 years. He saw nothing wrong with establishment of a Communist Party in Turkey, but cited an original need for restrictive laws because of the real threat of communism, religious fundamentalism to the Turkish political system and the possible manipulation of such ideologies by external forces looking to harm Turkey. He called the Turkish Human Rights Association a group of extremists. Other issues he touched upon briefly were Cyprus and relations with Greece.

Following the meeting, the delegation hosted a luncheon for the president of the Human Rights Association Istanbul Chapter and a former mayor of Istanbul, human rights activist and defendant in the DISK trade union trial. Officials from the U.S. Consulate attended as well. One related his personal experiences with torture in the Turkish judicial system and confirmed that such practices were widespread during initial periods of detention. The other stated that there was much more that the United States could do to pressure the Turkish Government to comply with human rights agreements and criticized the United States for not taking such measures. He blamed the U.S. Government for some of the problems citing a military relationship that made other concerns secondary.

The delegation next boarded a bus for a three hour trip to Edirne, on the Bulgarian-Greek-Turkish border. Enroute, we stopped in the seaside town of Silivri to meet the president of the Istanbul Bar Association. He said the biggest human rights issue was torture and that it was widespread during initial periods of detention in order to extract confessions. He said Turkey was not abiding by international agreements against the use of torture, and that judges do not investigate allegations but only advise individuals to raise separate grievances in another court. He added that torture was hard to prove because methods left no marks, or individuals were held until wounds had healed. He said that individuals had died because of torture, and convicted perpetrators received five years in prison while murderers usually received 25 years. He added that intellectuals have received sentences over 1,000 years for verbal crimes, and are often sentenced to 7-and-one-half years per offending piece of literature. He said many were in Turkish jails for "thought crimes," though it was hard to give exact figures.

The delegation arrived in Edirne, where many of the refugees from Bulgaria were situated, on the evening of August 20. We were met by the U.S. Ambassador from Sofia,

Sol Polansky and an aide, who would accompany us on our investigation. The delegation lodged in a renovated caravan rest stop designed by the famous Ottoman architect Sinan.

Monday, 21 August 1989

The first meeting in the morning was with the Governor of Edirne Province, Mr. Unal Erkan. He claimed that over 300,000 refugees had arrived in the past two months and that about 105,000 remained in the Province. He said many were not allowed to transport possessions and that Turkey provided them with all immediate needs. He said the refugees had been accepted in cities throughout Turkey and that many are housed by relatives. Over one million ethnic Turks from Bulgaria had settled in Turkey since 1877. He said the two major concerns from his point of view were ensuring a better future for the refugees in Turkey and ensuring that the human rights of those still in Bulgaria were respected. He deplored the unwillingness of the Bulgarian Government to enter into meaningful negotiations with the Turkish Government. After taking a phone call from the Prime Minister, he informed us of the decision to reimpose visa requirements, effectively closing the border at 2:00 a.m. Although they wanted to take the refugees, and those refused entry might now suffer, they had no choice and could not continue accepting them under present inhumane conditions. He told the delegation that the Bulgarians insist the refugees are tourists. He would accompany us to the tent city where thousands were held before being relocated.

The refugees in the tent city, a few miles from the center of Edirne, lived four or five to a tent and had access to basic necessities. They all expressed concern about relatives unable to cross the border and oppressive conditions in Bulgaria. Some said that all Turks in Bulgaria wanted to leave and that the Government told them they could leave, once they paid for their passports. Others said the Government didn't want them to leave because it was harvest season. Individuals of military age were not allowed to exit. Many complained of not being allowed to take all their belongings, of having to leave money in banks, of having to pay officials for time they would have spent harvesting crops, or of having to pick a certain number of acres before being allowed to leave. Many said that if they didn't leave when they had the chance, they would not have been able to leave in the future. Some claimed to have been beaten by officials while waiting to receive passports, and others asked us to investigate the contents of inoculations given to some children before leaving. Several individuals claimed to have been held in wooded areas away from the border for up to two weeks in squalid conditions before being allowed to move to the border. The delegation collected a number of cases to present to the Bulgarian officials to be met later.

The delegation next moved to the actual border crossing point at Kapikule. Witnessed here was an endless, chaotic flow of refugees hauling carts piled high with

personal possessions and household items of every description. They complained of having been given only 24 to 48 hours, after receiving their passports, to leave the country. The refugees had proceeded from staging areas away from the border in trucks, but could not pass into Turkey on those trucks. They had to rent, at exorbitant rates, pushcarts and make numerous trips back and forth to load possessions onto Turkish trucks. Their complaints echoed those raised in the tent city.

In accordance with a prearranged agreement with Bulgarian officials, the delegation passed through the checkpoints into Bulgaria at 12:30 p.m. for meetings with Bulgarian authorities on the refugee crisis. We met with Ambassador Luben Kulishev, Secretary of the Foreign Affairs Committee of the National Assembly, and Bulgarian head of delegation to the Paris CSCE meeting, Ambassador Verkov, head of the fourth department in the Foreign Ministry, the Mayor of Svilengrad, the Bulgarian border city, and Mr. Mihilov, Deputy Head of the border crossing point.

The delegation principals raised many of the concerns transmitted by the refugees and claimed to be witnessing one of the most egregious human rights violations in the world today. They expressed shock that such a "mass deportation" was occurring given Bulgaria's stated Helsinki commitments. They condemned Bulgarian treatment of the ethnic Turkish minority and warned of increasing world condemnation and outrage. They urged the Bulgarian Government to enter into negotiations on treatment of the Turkish minority in Bulgaria and regulating the flow of refugees. They asked about inoculations, the holding camps situated away from the borders and warned of sanctions, including trade restrictions and consequences related to the upcoming Sofia CSCE meeting.

Ambassador Kulishev said he disagreed with many of our assertions and said part of the problem was of a technical nature. He claimed that much of what we had raised was Turkish propaganda. He cited violent unrest in May of Turkish inhabitants who sought to overthrow the Government. He rejected characterizations that a mass deportation was underway, saying that any Turk leaving Bulgaria was welcome to return at any time. Bulgarian law, he stated, allowed dual citizenship, making it easy to return. He said the "tourists" maintained all property rights in Bulgaria and said it was untrue that they had been given only two days to pack and leave. He acknowledged that some abuses might take place vis-a-vis handling of the refugees in Bulgaria, but that these were being investigated. He denied any problems with the inoculations, as the children would return to Bulgaria someday. He said that the Turks were being forced to accept different names once across the border and that many had returned to Bulgaria, including 43 the delegation would meet at the railroad station in Svilengrad. He claimed that Turkey refused to enter into negotiations without preconditions and hoped that the United States would not, like Turkey, boycott the Sofia CSCE meeting.

Our delegation objected to his assertion that Turks were not given a certain amount

of time to leave and that they had the right to retain all their property. They reemphasized the fact that so many were desperately attempting to flee what had to be substantial oppression. They recounted possible consequences of the Bulgarian Government's continued policies of oppression. A request was made that we be allowed to visit one of the staging areas where individuals were held before proceeding to the border.

Senator DeConcini passed the Ambassador a list of Bulgarian human rights activist imprisoned for non-violent expression and individual cases of family separation and incarcerations collected during interviews with refugees in Turkey.

Ambassador Kulishev agreed to take the delegation to a holding area about 14 kilometers from Svilengrad. He reiterated that the Turks were contributing to difficulties at the border and turned discussion over to the Deputy Head of the border crossing, Mr. Mihilov. He asserted that the Turks did not allow Bulgarian trucks to cross into Turkey, making the transfer in handcarts necessary. He said that the Turks seized Bulgarian passports, making it impossible for people to return to Bulgaria. He criticized the Turkish decision to halt trains arriving at the border and said the Turks refused to allow individuals across who had no belongings. He faulted the Turkish decision to close the border and strand many of the 300 vehicles at the border and over 2,000 more at holding areas.

The delegation then travelled to the railroad station in Svilengrad to meet with a group of ethnic Turks who said they had just returned from Turkey. They only spoke Bulgarian, refused to acknowledge that they spoke Turkish and only reluctantly admitted that they once had Turkish names. It appeared obvious, and the prominent presence of Bulgarian television cameras provided added confirmation, that this group was involved in a premeditated propaganda event. They criticized conditions in Turkey and praised their welcome back into Bulgaria. They claimed to have been tourists in Turkey with no intentions of remaining there. One man privately told an embassy official of being unable to find a job to support his family in Turkey, and though unhappy about returning, he could provide better for his family in Bulgaria.

The Codel group then moved to the holding area for refugees before they proceeded to the border. Located on a plain stretch of highway, five rows of vehicles stretched about two-and-a-half kilometers. No facilities were available, and most individuals reported waiting for four to five days in extreme heat and of having to sleep underneath their vehicles at night. They had heard that visas would be needed to cross the border and were concerned about their futures since they had no Turkish visas. They were visibly afraid to admit they spoke Turkish and that they had Turkish names. Some claimed privately that they were unable to practice their religion freely and were forced to assume Bulgarian names. Many lined the road and cheered as the delegation's bus passed up and down the row of vehicles.

The delegation departed Edirne, returning to Istanbul for a dinner aboard a ferry on the Bosphorus. The event was hosted by the Ministry of Foreign Affairs and the Turkish-American Business Council and was attended by businessmen, reporters, Turkish officials and U.S. Embassy personnel.

Tuesday, 22 August 1989

The first official function of the day was a lunch in our honor at the home of **Jak Kamhi**, a businessman well connected to the Government and abroad. We travelled to his house on the Asian coast of the Bosphorus by boat. At the luncheon were leaders of the Turkish Jewish community and academics specializing in various Turkish studies. Turkey's granting of refuge to Jews fleeing from the Spanish inquisition was discussed as were arrangements to celebrate the 500th anniversary of the migration. Once again, Turkey's role as a haven for immigrants was evidenced.

The delegation, before departing for an airport press conference, stopped at the U.S. consulate to meet with Ambassador Abramowitz, who advised us on follow-up activities and de-briefed us on our visit to Bulgaria. The principals expressed hopes that they could raise awareness of the issues in Congress and hoped to secure aid for both groups of refugees. They also expressed a willingness to offer vocal, but balanced criticism of Turkey where serious human rights problems remained. They said that if Dr. Nuray Ozkan was not released soon, they would not be adverse to sponsoring legislation highlighting her plight.

The press conference at the airport was attended by about 15 Turkish journalists. A written release was distributed (see appendix). The principals again emphasized that although they were more than pleased with the cooperation afforded the delegation by the Turkish Government, evidence of serious human rights problems were apparent. The strong links between the United States and Turkey, they suggested, made it appropriate to raise human rights concerns in the best interests of both nations.

V. EPILOGUE

A number of significant and positive developments have occurred in Turkey since the delegation's return to Washington. These events provide further indications of the Government of Turkey's commitment to continued progress in the area of human rights and go far in addressing the concerns of critics in Turkey and abroad.

On September 18, the Ministers of Justice and Interior announced that detainees would be ensured the right to a lawyer throughout pre-arraignment detention, essentially abolishing incommunicado detention. Whether or not these "operating instructions" will be uniformly implemented remains to be seen, yet if strictly enforced, they will greatly reduce the incidence of mistreatment in pre-trial detention. In another positive development on this issue, a group of ruling party (ANAP) parliamentarians has proposed legislation that would mandate immediate legal access for detainees.

The Ministry of Justice also proposed, and these measures are expected to be adopted by the Turkish Grand National Assembly, that the maximum pre-trial detention period for serious crimes be reduced from fifteen to four days, and that applicability of the death penalty be restricted.

Prime Minister Ozal addressed a Council of Europe meeting at the end of September and announced that Turkey would accept compulsory jurisdiction of the European Human Rights Court for a term of three years. He further indicated that articles 141, 142 and 163 of the Turkish Penal Code should be abolished, although he did not say when.

Finally, on September 27, Dr. Nuray Ozkan was released on bail from the Ankara State Prison. She is expected to give birth in mid-October, and her trial date has not been set. Other prisoners the delegation met with, however, are still incarcerated and no response to a list of 57 individual cases the Commission raised has been forthcoming.

The Commission on Security and Cooperation in Europe welcomes these positive developments and encourages further progress in these and other areas. Although certain human rights problems in Turkey persist, we are convinced that the Government of Turkey is committed to ending abuses and is making active efforts to this effect. While it is impossible to gauge the delegation's impact on recent Turkish human rights happenings, we are confident that our efforts and suggestions have been taken into consideration.

VI. APPENDIX

PRESS RELEASE

August 22, 1989

U. S. CONGRESSIONAL DELEGATION COMMISSION ON SECURITY AND COOPERATION IN EUROPE

We would like to thank the Government of Turkey for making our visit enlightening and valuable. The trip was both informative and made a strong impression on each of us. The goal of our visit was to help improve the strong relationship that exists between the United States and Turkey by addressing human rights issues that affect our two nations. We believe that we have achieved this objective.

As members of the U. S. Congress and the Commission on Security and Cooperation in Europe, we are mandated to focus on human rights issues. The Government of Turkey has once again demonstrated the depths of our mutual respect and high regard for each other by being extremely forthcoming, open and frank with us, and we appreciate this greatly.

The Commission on Security and Cooperation in Europe recognizes Turkey's position as a valuable ally in an unstable region. Turkey's contribution to the defense of the free world is critical and of great importance to the warm relations established between our nations. The true nature of our friendship, however, is more accurately measured by our ability to approach each other with problems, rather than our ability to agree on common interests. No nation is immune from civil and human rights problems, including the United States. As friends and supporters of Turkey, we feel that it is necessary to point out problems affecting our relationship that also negatively affect Turkey's image abroad, and as allies, we trust that our views will be considered constructive and well intended. We offer criticism in the hope that we can contribute to the strengthening of democratic institutions and principles that Turkey was founded upon.

A most poignant element of our trip was yesterday's visit to the Bulgarian border area, where we met with Turkish and Bulgarian officials and interviewed refugees on both sides of the border. What we witnessed was a small part of one of the most distressing human rights situations since tragedies associated with World War II. Despite what Bulgarian officials told us, and the gracious access they afforded the delegation, it was painfully obvious that the Bulgarian Government had forced, by its policies of discrimination against Turks in Bulgaria, hundreds of thousands of men, women and children out of their homes with only the possessions they can carry. In Bulgaria, those

waiting to leave were lined up for miles, sometimes sleeping under trucks in stifling heat with no facilities for up to five days. In Turkey, they wait in a tent city for word of relatives left behind or separated, facing an uncertain future in unfamiliar surroundings.

The Helsinki Commission has taken the lead in the U.S. Congress in deploring the actions of the Bulgarian Government and urging our allies to condemn them and raise this outrage in all appropriate international fora. We find the Government of Bulgaria attempting to cover up a most shameful violation of Helsinki obligations and other international agreements to which Bulgaria is a signatory. We applaud the generosity of the Government and people of Turkey who have done so much to ease the plight of these individuals and have urged the Government of Bulgaria to enter into negotiations to facilitate the flow of refugees and ensure the rights of all Turks in Bulgaria.

The delegation also witnessed problems regarding Turkey's own human rights performance. We had the opportunity to visit an Iraqi Kurdish refugee camp in Diyarbakir, and the story there was not a happy one either. Unlike the Bulgarian Turks, they are not granted the rights of residency and employment in Turkey, and aside from basic necessities provided by the Government, they remain in legal limbo, unable to receive additional forms of assistance. For a year they have lived 35 to 40 in each apartment. As long as their future remains uncertain, they will continue to live in despair and present great problems for the Turkish Government. We have asked Turkish officials to grant these people official refugee status and to negotiate suitable settlements with the U. N. High Commissioner for Refugees so that immediate assistance can be made available. We intend to do everything possible to secure aid for both groups of refugees and implore our allies to provide assistance as well.

On Friday, August 18, the Ministry of Justice allowed the delegation to visit the Ankara State Prison and permitted us to meet with six individuals we requested to see upon arrival. This unprecedented display of openness, during a particularly unrestful period in Turkish prisons, was most appreciated. We remain concerned about the detention of these individuals, and have submitted to the Turkish Government names of 57 persons imprisoned for non-violent offenses and allegedly mistreated during interrogations. We hope that the Government will consider pressing for their release, if in fact their only crime was to express themselves freely.

Three of the individuals we met had been on hunger strikes for almost two weeks, but especially disturbing was the case of Dr. Nuray Ozkan, arrested in Diyarbakir on July 23 because of a speech she presented in Istanbul on the rights of Kurdish women. Dr. Ozkan is not a political activist and has not participated in or advocated any forms of violence. She is a medical doctor, and furthermore, she is seven months pregnant. We find it deplorable that she be detained in high security conditions for the contents of a speech. Her situation provides a sharp contrast to statements of officials who defend the

rights of all Turkish citizens to express themselves freely. We urged Mr. Ozal and other officials to immediately release Dr. Ozkan so that no harm come to her or her unborn child.

Another area of concern to the delegation is that of torture. Again we found that the pronouncements of Turkish officials differed substantially from accounts given by dozens of individuals we spoke with. We are convinced that torture remains a serious and widespread problem throughout Turkey, most often used in detention centers during initial periods of detention when detainees have no access to lawyers, and confessions are needed to proceed with legal action. The frequency and regular pattern of evidence we appraised, convinces us that the Government must redouble its efforts to eradicate torture and respect two recently signed international agreements against the use of torture, the Helsinki Final Act and the Turkish Constitution.

We feel that a number of concrete measures can be taken by the Government of Turkey to unequivocally demonstrate what we believe is a genuine commitment to human rights and freedoms. Such actions would go far to eliminate criticism of Turkey's human rights performance and further pave the way for Turkey's full acceptance into the European community. These measures include:

- Amending or abolishing articles 141, 142 and 163 of the Turkish Penal Code which make various forms of non-violent expression a punishable offense.
- Providing detainees immediate access to lawyers and strictly limiting the maximum time individuals can be detained to 48 hours, as most torture allegations occur during extended periods of pre-trial detention.
- Enforcing a constitutional ban and international commitments against the use of torture by removing from detention centers devices that could be used for such illegal practices.

Prime Minister Ozal informed us that some of these measures were already under consideration, and we encourage him and other officials to take positive and swift actions.

The Helsinki process forms another bond in the strong link between the United States and Turkey. It is now well established among the 35 participating CSCE nations, which include the United States, Turkey, Bulgaria and the Soviet Union, that each nation has the right and obligation to monitor not only its own human rights performance, but also the record of each other nation. In this regard, we are disappointed that other CSCE nations have not spoken out strongly against the actions of Bulgaria and have not offered assistance to Turkey. Selective approbation does not benefit the Helsinki process or establish confidence in the foundations of our mutual quest for universal respect of human

rights and freedoms.

We cannot overstate our appreciation of the warm reception given to us by the Government of Turkey. This visit has reaffirmed our strong belief in the value of our friendship. While problems do exist, we appreciate being able to discuss them openly and attribute this to the closeness of our relationship and mutual commitment to freedom and human rights. Since Turkey's return to civilian rule, we have witnessed impressive strides towards full democracy, and we are convinced that Turkey is continuing down this path despite a complex geopolitical position and difficult internal situation. We will do all that we can to maintain our mutually beneficial relationship and encourage continued strong ties between our two nations. We leave Turkey with a sense of achievement, and the hope that our delegation contributed to better understanding between our two nations and peoples.