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HOUSE COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON EUROPE, EURASIA, AND EMERGING  
THREATS  
HEARING: TURKEY'S DEMOCRATIC DECLINE  
JULY 13, 2016**

Chairman Rohrabacher, Ranking Member Meeks, Members of the Subcommittee:

It is an honor for me to testify before you today. Having worked as staff on the Foreign Affairs Committee from 2001 to 2013, and knowing the importance accorded hearings such as these, I feel particularly privileged to return to this hearing room as a witness.

The title of this hearing, "Turkey's Democratic Decline," sets out the problem: Turkey's democracy, never as good as it should have been, is indeed rapidly deteriorating. On virtually every front – media, judiciary, political governance, and Kurdish rights – freedom is diminishing and power is becoming concentrated in President Erdogan's hands. Arguably not since the death of Turkey's founder, Mustafa

Kemal Ataturk – and certainly not since the advent of free elections in Turkey in 1950 -- has one man held so much power in the Turkish system.

President Erdogan's primary focus is to formalize a Presidency-based system in Turkey in place of the long-standing Parliamentary system. His second- and third-ranking priorities, probably in this order, are ridding Turkey of any Gulenist influence (real or imagined) and defeating the PKK and, related to that, quashing any Kurdish movement for collective rights.

Regarding the Presidency, as he hasn't detailed a proposal yet, the precise nature of the Presidential system he envisions remains unclear – whether it's to be American-style, French-style, or, as many suspect, Putin-style. He has made clear, however, that he considers checks and balances to be a nuisance that holds back Turkey's progress.

None of these goals promotes strong adherence to freedom of thought or expression. In fact, they are playing out in just the opposite manner. In its 2016 World Press Freedom Index,

Reporters Without Borders ranks Turkey 151<sup>st</sup> out of 180 countries, three slots behind Russia.

In President Erdogan's drive to impose his point of view, he has succeeded in dramatically limiting the reach and impact of opposition or even neutral media. He has done this in a variety of ways. In some cases, he has intimidated ownership through manipulation of the tax system, sometimes succeeding in forcing unfriendly publications out of business, while arranging their purchase by his supporters.

Reporters and other writers face constant intimidation. Notwithstanding Turkey's constitutional guarantees of freedom of the press and its formal adherence to the Universal Declaration of Human Rights, writers know that they can be prosecuted for insulting the President if they are too critical of Erdogan's policies or even for supporting terrorism if they are too critical of the government's policies regarding the Kurds. Or, they can simply be fired if their writings bring their newspaper into confrontation with the government. Or -- and this is probably the most common occurrence -- they can simply be told by their superiors to tone

down their writings or avoid certain topics so as to avert problems.

In the case of the closure of the Gulenist-associated *Zaman*, which was said to be Turkey's mostly widely circulated newspaper, the government simply took over the paper on the spurious claim that it was being financed by "terrorists," obviously meaning Gulenists. It has done likewise with other Gulenist-associated media.

I think it's worth noting that, until the closure of *Zaman*, that newspaper – along with mass-appeal *Hurriyet* and low-circulation but strongly secularist *Cumhuriyet* – were seen as the three most significant non-government dailies. Over the past year, the editors-in-chief of all three have been prosecuted for what most of the democratic world would see as merely exercising their journalistic duties.

To be sure, there are still critical voices – primarily in the print media – but most of these are individuals who have succeeded in establishing reputations or connections in the West. However, even such reputations or connections are no guarantee of job protection; I'd wager everyone who works on

Turkish issues in Washington knows at least a couple of prominent Turkish journalists who have either been prosecuted or lost their jobs because they were too critical of the government.

Regarding the crime of “insulting the President,” I should note that this is based on article 299 of the Turkish penal code. It is applied broadly, not only to writers and political cartoonists but also to ordinary citizens, including a 16-year-old boy who was arrested for calling Erdogan a “thief” during a political demonstration.

Article 299 has been on the books since the early days of the Turkish Republic in the 1920s, but no President seems to have applied it as broadly as Erdogan. According to one NGO’s research, Erdogan’s predecessor President Abdullah Gul applied it 139 times during his seven-year term and Gul’s predecessor, President Necdet Sezer, applied it 26 times during his seven-year term. Even 26 times seems 26 times too much in a democracy, but, comparatively, it is a paltry amount compared with its usage during the Erdogan Presidency. According to Turkey’s own justice ministry, as of March 1 of

this year – that is, over the first eighteen months of the Erdogan Presidency – 1,845 prosecutions had been pursued on the insult charges. That means that, over that period of time, Erdogan was being insulted to the point of legal action a little more than three times a day.

As press freedom recedes and pro-government media dominates, an unfortunate by-product is the wide berth given to anti-American and anti-Western scapegoating. For example, two days after the horrible June 28 terrorist attack that murdered 44 people at Istanbul's Ataturk Airport, one prominent pro-government newspaper headline claimed that the perpetrator was the CIA – even as the Turkish government itself was blaming ISIS. How to explain this divergence? Theoretically, it could be that the government and the newspaper simply came to different conclusions, based on an honest assessment of the facts. It seems far more likely, however, that the government was trying to have it both ways, a sober assessment internationally and a populist, anti-U.S. assessment for its political base.

Turkey has always been rife with stories of U.S.-backed conspiracies, but that is more true than ever in recent times – a

product, in my view, of President Erdogan's and the government's not infrequent resort to emotional and questionable charges leveled against the U.S. and the West. For example, on November 27, 2014, Erdogan told a standing committee of the Organization of Islamic Cooperation, meeting in Istanbul, that Westerners "look like friends, but they want us [Muslims] dead; they like seeing our children die." Such an attitude helps explain repeated surveys in recent years showing the U.S. with high unfavorability ratings in Turkey.

Limits on democracy in Turkey are not confined to freedom of expression. A recent law in Turkey has greatly tightened Erdogan's control of the judiciary. Another gives the government the right to expropriate private businesses – yet another the right to expropriate private universities. Those laws are perhaps mainly aimed at rooting Gulenists out of the judiciary, impoverishing Gulenist businessmen and thereby the movement as a whole, and denying Gulenists independent intellectual centers. However, their potential application is far broader and seemingly can be extended to non-Gulenists as well.

One more point regarding the Gulenists: Turkey's recent designation of the movement as a terrorist group is absurd. I have my own criticisms of the Gulenists, but I've never seen the slightest shred of credible evidence linking them to violence or violent intent.

Turkey also recently passed a constitutional amendment that lifts long-standing parliamentary immunity, at least for the current parliament. As a result, it seems likely that 52 of the 59 parliamentarians from the Kurdish-movement-linked Peoples' Democracy Party (HDP, by its Turkish acronym) will be prosecuted for alleged links to the PKK and, once convicted, removed from Parliament. This has been coupled with other forms of pressure on Kurdish political activists, including the arrest of numerous mayors elected from HDP's local affiliate in Turkey's Kurdish-populated southeast and including the very leader of that party. And, of course, Turkey's heavy military response to PKK provocations in the southeast have further angered the local population, at least some meaningful portion of which initially blamed the PKK for the renewal of clashes.



Taken together, these actions form another blow to forlorn hopes of reviving efforts at a peaceful, negotiated solution to the Kurdish question in Turkey.

One common thread in Erdogan's furious reaction to both the Gulenists and the Kurds: In both cases, he seems to feel spurned by those whose loyalty he feels he has earned.

### **U.S.-Turkish relations: Looking forward**

Mr Chairman, all of us on this panel likely agree that Turkish democracy has regressed in recent years. The question is what, if anything, the United States can do about it. And, indeed, that is a thorny question. Turkey has considerable leverage in the bilateral relationship. At times, we may have more; at times, they may have more.

Turkey has always been, first and foremost, an ally valued for its strategic location. The more pressing our need for access to Turkish bases -- most famously, Incirlik Air Force Base -- the greater Turkey's leverage in our bilateral relationship. And, of course, when we're fighting a war, as we are now against ISIS, that need for access is quite pressing.

During the Cold War, which gave birth to the U.S.-Turkish alliance, Turkey had NATO's longest common border with the Soviet Union. Shortly after the Cold War, then-Assistant Secretary of State for European Affairs Richard Holbrooke declared Turkey "the new front-line state," asserting that it is "at the crossroads of almost every issue of importance to the United States on the Eurasian continent."

And that is the manner in which it is primarily viewed even today. Access to Turkey's Incirlik Air Force Base in southern Turkey, hard won through nearly year-long negotiations, is critical to our war on ISIS.

It can be tempting, therefore, not to say much publicly about Turkey's democratic shortcomings, out of concern that Ankara's response will be to deny us access. It is important to do our best not to give in to that temptation, lest we appear cynical about our own central values and lest we dispirit those who look to us for support on legitimate issues of freedom. At the same time, when we criticize, we should criticize as a friend, not as an antagonist. That is the spirit in which my testimony is offered today.

I would not claim that the balance is easily struck between pursuit of strategic interests in Turkey and support for human rights in Turkey.

For example, the European Union -- once the most vocal proponent of human-rights reform in Turkey -- has been largely silenced in that regard over the past several months because of its need for Turkish cooperation on the refugee issue.

We need to be resolute regarding support for Turkey's security against external threats. It was a mistake for us and other NATO partners to withdraw our Patriots from southern Turkey last fall, just as the Russian build-up in Syria was underway. My understanding is that Turkish officials would also welcome more U.S. naval port visits in the Mediterranean at this time of Russian build-up in that strategic arena.

We should be supportive in principle, as we already are, of Turkey's right to defend itself against the PKK. The PKK is on our terrorist list because it kills civilians. That does not mean, however, that we should not speak out against use of excessive force and collective punishment. The Turkish assault on

several cities and towns in its southeast – however much it may have been provoked by needless PKK declarations of autonomy – created mass suffering, widespread dislocation, considerable destruction, and, no doubt, deep alienation that will only complicate Turkey’s relations with its Kurdish population in the future.

We should speak out strongly against abuses of freedom of the press and politically-motivated arrests in Turkey. At a time when Turkey is regrettably under assault from so many directions, we should remember that Turkey still needs the U.S. and the Western Alliance and will not cavalierly weaken security ties because we speak out. I should note that both President Obama and Vice-President Biden have made important gestures regarding human rights in Turkey this year. Turkey may not do everything we suggest, but they will hear what we say and, at least at times, take it into account.

We should also strongly support the right of Kurds to cultural freedom and democratic expression. That means speaking out about Turkish government efforts to quash the Kurdish movement by criminalizing freedom of speech, removing the

Kurdish presence in parliament, and by using excessive force that amounts to collective punishment.

I believe the U.S.-Turkish relationship will endure because both parties continue to need each other – reinforced by the important NATO link that serves Turkish interests in many ways beyond simply strengthening bilateral relations with Washington -- and so we likely will continue to muddle through. That said, it is hard to deny that both serious policy disagreements and a more negative tone have increasingly infused bilateral relations in recent years.

Accordingly, it behooves our policy-makers to consider whether there might be other regional alternatives that would lessen our dependence on Turkish assets in the years ahead. I don't know if that is being done, but I would hope so.

Thank you, Mr. Chairman.