



PREPARED WRITTEN TESTIMONY OF

**CeCe Heil, J.D.**

Executive Senior Counsel, American Center for Law and Justice

**Commission on Security and Cooperation in Europe**

November 15, 2017

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

Chairman Wicker, Chairman Smith, Ranking Member Cardin, Ranking Member Hastings, and distinguished Commissioners, thank you for inviting me to speak before you today and for the opportunity to highlight a case that warrants your careful attention.

Andrew Craig Brunson is a United States citizen and pastor from North Carolina. For over 23 years, Pastor Brunson has lived peacefully in Turkey, serving as pastor of the Izmir Resurrection church, and raising his family without incident. Then, on October 7, 2016, Pastor Brunson arrived home to find a written summons to report with his passport to a local police station. Believing the summons was related to his routine application for a renewal of his residence visa, Pastor Brunson promptly reported to the Izmir police, only to be arrested and informed that an order of deportation had been entered against him, as he had suddenly been deemed a threat to national security. He was to be held in the Harmandali Detention Centre pending deportation. However, Pastor Brunson was never deported; instead he remains unjustly incarcerated in Turkey, wondering if he has been forgotten, as today marks the 404<sup>th</sup> day of his

detention. And just what crime has Pastor Brunson committed? He literally has no idea, and has yet to be charged with any crime.

As unbelievable as that may seem, under the current State of Emergency in Turkey, and subsequent emergency decrees, all protections afforded by Turkey's Constitution, or in International Declarations and Covenants, including those contained in the Organization for Security and Co-operation in Europe (OSCE), of which Turkey is a member, just disappear. Despite President Erdoğan's recent public declarations that Turkey is indeed a state of laws, the fact that he has the sole power to change the law at his whim, and remove any obligation to be bound by it, wholly undermines those claims. As a result of the rapidly diminishing rule of law, Pastor Brunson's file has been sealed, all visits from his attorney are recorded, and he can be held without any formal charges for up to 7 years, completely destroying any ability to prepare an adequate defense, and obliterating all rights to due process.

Accordingly, after his arrest, Pastor Brunson continued to remain in detention at the Harmandali Centre, and was denied access to an attorney until December 9<sup>th</sup>, 2016 – over two months later – when he was transferred in the middle of the night to a high security prison in Izmir. At that time, he was informed that he was being detained as a suspect, although evidence had yet to be gathered, on the absurd grounds of Membership in an Armed Terrorist Organization. The ensuing months were filled with multiple appeals contesting his detention, which cited the legal deficiencies of such a decision, and all of which were summarily denied, even though no evidence has been set forth to substantiate any crime. So, Pastor Brunson has remained, languishing in a prison cell with no end in sight.

While in prison, Pastor Brunson has lived under inhumane conditions, and has spent extended periods of time in a cell meant for eight people, but which at times has held as many as

22 prisoners, of which Pastor Brunson is always the only Christian. During his incarceration, Pastor Brunson has lost over 50 pounds, he has lost precious time with his family that can never be replaced, but worst of all, he has lost hope, wondering why Turkey, a NATO ally and a country he loves and has served for over 2 decades, has been able to hold held him hostage, an innocent United States citizen, for over a year.

During this ordeal, Pastor Brunson's plight has caught the attention of hundreds of thousands of people around the world and there have been an unprecedented amount of high level demands for Pastor Brunson's release. And yet, on August 24, 2017, the Turkish government decided to levy new and additional accusations against Pastor Brunson, these just as ludicrous as and even more disconcerting than the original. They include, Political or Military Espionage, Attempting to overthrow the Government, Attempting to overthrow the Turkish Grand National Assembly, and Attempting to overthrow the Constitutional Order, with the last three not only carrying aggravated life sentences, but requiring that the accused used force and violence. And once again, no evidence has been put forth to substantiate such ridiculous accusations. Pastor Brunson has and continues to adamantly maintain his innocence and deny all the accusations. He has reiterated that his sole purpose for being in Turkey for the past 23 years was "for one purpose only. To tell about Jesus Christ." He has further stated that he has "done this openly, in front of the government." And so the question remains, why are they still holding him?

Perhaps President Erdoğan himself answered this question when he recently demanded a swap of Pastor Brunson for Fethullah Gülen, the cleric Erdoğan blames for the failed coup attempt in July of last year. So, Pastor Brunson's incarceration has simply become a bargaining chip for Turkey. However, I would submit that President Erdoğan has mistakenly been led to believe that Pastor Brunson's value lies simply as a pawn in a swap. In reality, Pastor Brunson's greatest value

to Turkey lies in President Erdoğan's approval of his immediate release back to the U.S. as a sign of good will, and as a major step toward restoring amicable relations between Turkey and the United States; an invaluable move with immeasurable and long-lasting benefits. We should use every effort to make sure that President Erdoğan gets that message.