



**ADVOCATES FOR
DIGNITY**

TURKEY

**Advocates for Dignity Submission for the UN
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Introduction

As expressed in the various reports made by NGO's in the 2010 and 2014 UPR cycles, human rights abuses in Turkey in relation to freedom of expression, torture, judicial impartiality and religious freedom are well documented. With the state of emergency that was declared after the attempted coup of 15 July 2016, these abuses have accelerated in scope and dimension, with hundreds of thousands of people now affected by various government policies and judicial decrees enforced by security forces to restrict the fundamental rights of Turkish citizens. Nothing has changed since the State of Emergency was lifted.

This report aims looks at how freedom of expression in the media has been eroded, the growth in scope of torture and ill-treatment of people in prisons, the further eroding of the impartiality of the judiciary, the jailing of people without evidence including pregnant woman and young children with their mothers and the crackdown in civil society in the form of governmental acquisition of property and the purge of citizens from their public employment.

1. The Current Human Rights Situation in Turkey

1.1 Freedom of Expression

Turkey has witnessed increased pressure and crackdowns in the limiting the freedom of individual expression and especially in regards to NGO's and media organisations. This had begun before the attempted coup, with several media outlets regarded as being anti-government being force to close under the guise of financial mismanagement in early 2016,¹ and has only grown in scope and virulence in post-coup Turkey. People from many sectors of society deemed to be critical of the government are prosecuted and held in prison² on long sentences, aimed to stifle other individuals and institutions from speaking up.

This has extended to people facing legal action and being detained for protest,³ people organising peaceful vigils to raise awareness on various issues,⁴ critical social media posts and closing down

¹ See <https://www.amnesty.org/en/latest/news/2016/03/turkey-fears-of-zaman-newspaper-takeover/>

² See Amnesty International Report: *Turkey Must Release Civil Society Figures*, 8 Mar 2019, <https://www.amnesty.org/en/documents/eur44/0003/2019/en/>

³ See Amnesty International Report, *Turkey: Further Information: Students' Trial Ongoing*, 26 Oct 2018, <https://www.amnesty.org/en/documents/eur44/9306/2018/en/>

⁴ See Amnesty International Report, *Authorities Must Ensure Relatives of people Forcibly Disappeared can Continue with their Peaceful Weekly Vigil*, 29 Aug 2018, <https://www.amnesty.org/en/documents/eur44/9009/2018/en/>

websites such as twitter and Wikipedia to withhold information.⁵ The scope of people arrested for expressing their opinions is wide ranging, from academics⁶ to lawyers⁷ to civil society activists.⁸

Media, both print and television is now largely owned or controlled by people close to the government,⁹ with the number of journalists jailed at alarming rates.¹⁰ Similarly the right for freedom of association is also under attack, using anti-terror laws and the state of emergency as a guise, the ruling government shut down thousands of foundations and organisations not sympathetic to the government as security concerns.¹¹

1.2 Torture and Other Ill-Treatment in Prisons

The post-coup attempt state of emergency has seen the escalation of reports of torture and violence towards detainees,¹² with access to lawyers and medical aid also being limited.¹³ Reports of violence during interrogation,¹⁴ sexual assault and sleep deprivation are well documented.¹⁵ At the same time, a governmental decree passed after the coup allows for security personnel and its supporters to be shielded from prosecution, with an emergency decree passed in December 2017 allowing people who may have committed crimes on behalf of the government immunity from prosecution during and after the attempted coup,¹⁶ which would allow security personal to act without impunity.

⁵ See Freedom House, *Freedom on the Net 2017: Manipulating Social Media to Undermine Democracy*, available at <https://freedomhouse.org/report/freedom-net/freedom-net-2017>

⁶ See Amnesty International Report, *Turkey: First Academic to go to Prison for Signing Peace Petition*, 30 Apr 2019, <https://www.amnesty.org/en/documents/eur44/0290/2019/en/>

⁷ See Amnesty International Report, *Turkey: Courts Decision to Re-Detain Lawyers adds Credence to Allegations that their Prosecution in Politically Motivated*, 26 Sep 2018, <https://www.amnesty.org/en/documents/eur44/9149/2018/en/>

⁸ See Amnesty International Report, *Turkey: Crackdown on Civil Society Continues with Full Force Despite End of the State of Emergency*, 16 Nov 2018, <https://www.amnesty.org/en/documents/eur44/9419/2018/en/>

⁹ Reporters without Borders, *Dogan media group sale completes government control of Turkish media*, March 22, 2018 <https://rsf.org/en/news/dogan-media-group-sale-completes-government-control-turkish-media>

¹⁰ See 2018 Media Freedom Index for Turkey: <https://rsf.org/en/turkey>

¹¹ See Human Rights Joint Platform, *Situation Report- State of Emergency in Turkey 21 July 2016 – 20 March 2018*, http://www.ihop.org.tr/en/wp-content/uploads/2018/04/SoE_17042018.pdf

¹² See <https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/>

¹³ See 9.4 *United Kingdom: Home Office, Country Policy and Information Note – Turkey: Gülenism*, April 2017, v 1.0, available at: <http://www.refworld.org/docid/58e798354.html>

¹⁴ See <https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey>

¹⁵ See <https://www.amnesty.org.uk/aftermath-failed-turkey-coup-torture-beatings-and-rape>

¹⁶ See Advocates of Silenced Turkey report, *Collapse of Rule of Law in TURKEY*, May 2019, <https://silencedturkey.org/wp-content/uploads/2019/05/Collapse-of-Rule-of-Law-in-Turkey-and-Politically-Motivated-Extradition-Requests-for-the-Dissidents-of-Erdogan-Regime-1.pdf> and <https://www.bloomberg.com/news/articles/2017-12-25/erdogan-decree-stokes-fears-of-legalized-extra-judicial-violence>

Similarly conditions for prisoners are also inadequate, with overcrowded cells and lack of adequate access to healthcare rife. Deaths in prison from torture and inadequate medical treatment¹⁷ are covered up or made to seem as accidental.¹⁸

At the same time, the Turkish government is doing all it can to stop the publication of reports and recommendations by the European Committee for the Prevention of Torture for 2016 to 2018.¹⁹ Thousands of people continue to be held and continue to be treated in this manner.

1.3 Impartiality of the Judiciary

Even before the July 2016 coup attempt and subsequent state of emergency, there were growing concerns about the impartiality of the judiciary in Turkey, with the growing place of political actors such as the Minister of Justice's influence over the Higher Council of Judges and Prosecutors (HCJP), following corruption investigations directed at high level government officials in late 2013.²⁰

Since the coup attempt and state of emergency, there has been an aggressive movement towards changing the laws and the legislative structure in Turkey,²¹ with the dismissal, arbitrary changing of posts and arrests of judges and other legal professionals. Thousands of judges and prosecutors have been forced out of their positions, dismissed, banned from working in the legal profession again.²² Those who have been arrested have been done so without fair access to a trial or legal representation. Also those legal professionals who try to act in the defence of others who are seen to be critical of the government or supposedly part of the alleged coup face the threat of violence or arrest themselves.²³

These attacks on the judiciary's independence have also extended to the closure of organisations that represent the freedom of association and expression of judges and prosecutors.²⁴ These changes have emboldened the Turkish government and politicians, with leaders from the ruling government openly saying they will not accept or abide by the rulings of the European Court for Human Rights and Turkey's own constitutional court.²⁵

This is clear evidence that these attacks on the judiciary have eroded the place of the rule of law in Turkey, and continues to allow for security and government forces to knowingly impede on the human rights of Turkish citizens with no impunity or fear.

¹⁷ See <https://stockholmcf.org/turkish-teacher-jailed-over-gulen-links-dies-in-prison-due-to-lack-of-medication/>

¹⁸ See <https://stockholmcf.org/purge-victim-dies-of-heart-attack-in-turkish-prison/>

¹⁹ See how reports remain unpublished <https://www.coe.int/en/web/cpt/turkey>

²⁰ See <https://www.amnesty.org/download/Documents/8000/eur440032014en.pdf>

²¹ See <https://www.icj.org/wp-content/uploads/2016/07/Turkey-Judiciary-in-Peril-Publications-Reports-Fact-Findings-Mission-Reports-2016-ENG.pdf>

²² See <https://www.amnesty.org/en/documents/eur44/9210/2018/en/>

²³ See <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24140&LangID=E>

²⁴ See <https://www.icj.org/turkey-system-of-criminal-peace-judges-not-independent-or-impartial-says-new-joint-briefing-paper/>

²⁵ See <http://www.independent.co.uk/news/world/europe/turkey-recep-tayyip-erdogan-rejects-court-ruling-to-free-journalists-can-dundar-and-erdem-gul-a6901726.html>

1.4 Arrest Without Evidence and Access to Fair Trial

Since July 2016, hundreds of thousands of people in Turkey have been forced to face law enforcement and courts, the majority being detained for alleged roles in the attempted coup. Due process and evidence for the alleged crimes of these people have regularly been missing, many have been held without charges.²⁶ As mentioned in 1.3, lawyers trying to defend those facing these charges have been arrested themselves or faced intimidation.²⁷ These arbitrary arrests continue to occur frequently, with people being arrested on terrorism charges,²⁸ facing lengthy detention before trial, with trials being clearly unfair.²⁹

At the same time, there are hundreds of mothers being held with their babies and children in Turkish prisons.³⁰ These women, who are facing charges related to terrorism and playing a role in the coup, could very easily be held in home detention, yet they and their young children languish in jail, waiting for trials. This extends to women who are pregnant, recently given birth or are soon to give birth. This violation of these women's rights, which for the vast majority are politically motivated arrests by the ruling government,³¹ will have huge long term impacts on the physical and psychological health of these women and their children.

1.5 Loss of Jobs and Commercial Property

During the post-coup crackdown on alleged coup plotters and sympathisers, more than 100,000 people lost their jobs, these people have then been labelled as coup plotters and have become ostracised by the wider community for their supposed role in the coup, which Amnesty International called 'professional annihilation'.³² Many of these people have resorted to menial labour and jobs to support their families, have been abandoned out of fear and reprisals from their communities by their families and struggle to live day to day. Evidence of those committing suicide because of societal and economic pressures weighing down on them (many of these people could have partners in jail, further exasperating their situations) is beginning to appear more regularly.³³ These alleged charges of being involved with the coup have created an air of fear and hysteria in Turkey, in which people fear for their immediate futures, thus allowing the undemocratic power and reach of the government to continue to grow.

²⁶ See the Report on Turkey at Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289191>

²⁷ See Report by Freedom House <https://freedomhouse.org/report/freedom-world/freedom-world-2019>

²⁸ See <https://www.hrw.org/world-report/2019/country-chapters/turkey#b23b91>

²⁹ See <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>, pp. 369-71

³⁰ See <https://stockholmcf.org/743-children-jailed-with-their-mothers-in-turkey-rights-group-reveals/>

³¹ See <https://www.thetimes.co.uk/article/why-are-children-growing-up-behind-bars-in-turkey-682bs0bcj>

³² See <https://www.amnesty.org/en/latest/news/2017/05/turkey-professional-annihilation-of-100000-public-sector-workers-in-post-coup-attempt-purge/>

³³ See <https://stockholmcf.org/purge-victim-teacher-whose-husband-in-prison-takes-own-life-in-denizli/>

Similarly to the loss of jobs, since July 2016, there have been serious breaches of property rights in Turkey. Business people supposedly involved in the staging of the coup have had their businesses and assets seized and transferred to trustees linked to the ruling government.³⁴ Billions of dollars of equity and assets have been seized and given over to trustees.³⁵ The scope of human rights abuses that currently occur in Turkey are far reaching.

2. Recommendations

Based on what is currently occurring in Turkey, Advocates for Dignity make the following recommendations:

We appeal to the Turkish government to:

1. respect the role and independence of the judiciary and the independent decision-making of the courts.
2. revise how judicial appointments occur to maintain judicial independence.
3. apply international legal standards, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the UN Basic Principles on the Independence of the Judiciary and the UN Guidelines on Prosecutors.
4. ensure due process.
5. condemn the torture and ill-treatment of those arrested and being held, and make those engaging in torture accountable for their crimes.
6. ensure the protection of those people who may face torture.
7. allow for mothers with young babies and pregnant women who have been arrested to be held in detention in their homes, or other suitable detention rather than prisons.
8. ensure the rights of human rights defenders are protected, so they may function in safety.
9. work with international institutions to establish international and independent commissions to investigate the alleged coup attempt of 15 July 2016.
10. to return properties and assets taken from people arbitrarily and to allow for appeals for those who lost their jobs after the coup attempt.
11. to allow local and international NGO's to once again function effectively in the country.

³⁴ See <https://www.reuters.com/article/us-turkey-security-erdogan-business/turkeys-erdogan-vows-to-cut-off-revenues-of-gulen-linked-businesses-idUSKCN10F0YZ>

³⁵ See <https://www.turkishminute.com/2019/03/05/companies-seized-over-gulen-links-valued-at-tl-58-billion/>; <https://www.dailysabah.com/business/2018/03/20/german-company-interested-in-two-trustee-managed-firms-in-turkey>