



Members of the Parliamentary Assembly of the Council of Europe

20 January 2017

Dear Assembly Member,

Re: Deterioration of human rights in Turkey requires Parliamentary Assembly's immediate attention

Ahead of next week's session of the Parliamentary Assembly of the Council of Europe, Amnesty International, ARTICLE 19, Human Rights Watch and PEN International would like to bring to your immediate attention the serious deterioration of human rights in Turkey. Our organisations support the requests for PACE to hold an urgent debate on the functioning of democratic institutions in Turkey during its up-coming session and urge members of the Assembly to support this call.

We have outlined key recommendations to the Assembly in view of the possible urgent debate on Turkey next week, as well as the debates on the draft Resolution on "Attacks against journalists and media freedom in Europe" and the draft Resolution on "The progress of the Assembly's monitoring procedure (September 2015-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany".

Since 2013, human rights and the rule of law have been seriously eroded in Turkey. In the summer of 2013, security forces violently suppressed protests in Istanbul's Gezi Park, and thousands of peaceful protesters were subsequently criminally prosecuted. The widespread excessive use of force by police officers has not been effectively investigated. Since then, the reform process has been met with a series of laws that weaken protections of human rights. Further serious abuses have occurred after the end of the fragile two year peace process between the Kurdish Workers' Party (PKK) and the state forces in July 2015, with round the clock indefinite curfews in towns and cities in the south east affecting hundreds of thousands of people. The use of heavy weaponry in urban areas has caused hundreds of deaths and injuries and left a likely half a million people displaced. Most recently, following the violent and contemptible coup attempt on 15 July 2016, the Turkish authorities have pursued an unprecedented crackdown on a range of human rights.

There is evidence of torture in police detention following the coup attempt, while access to lawyers has been restricted and other fundamental aspects of the right to fair trial curtailed under the state of emergency which has recently been extended for a further three months until March 2017. By then, Turkey will have been under emergency rule for nine months with the possibility of further extension. The authorities widened the justification for the state of emergency after the initial three month period from combatting the coup attempt to the need to "combat terrorism". Regular attacks targeting civilians and indiscriminate attacks have taken place on cities across Turkey, blamed on the Islamic State armed group, the PKK and its offshoot, the Kurdistan Freedom Falcons (TAK).

In declaring the state of emergency, the government derogated from a long list of articles in the International Covenant on Civil and Political Rights and the European Convention on Human Rights and Fundamental Freedoms. It passed a series of executive decrees that failed to uphold even these reduced standards. The emergency decrees have been criticised by the Council of Europe Commissioner for Human Rightsⁱ and by the Venice Commissionⁱⁱ.

Nearly 90,000 civil servants including teachers, police and military officials, doctors, judges and prosecutors were dismissed from their positions on the ground of links to a terrorist organization or threat to national security. Most were presumed to be based on allegations of links to Fethullah Gülen, a former government ally whom the government accuses of masterminding the coup. There is no clear route in law to appeal these decisions. At least 40,000 people were also remanded in pre-trial detention accused of links to the coup or the Gülen movement, regarded by the authorities as a terrorist organization (*FETÖ*).

Freedom of expression and association

Freedom of expression deteriorated sharply since the coup attempt. After the declaration of a state of emergency, at least 118 journalists and media workers were remanded in pre-trial detention and 149 media outlets and publishing companies were arbitrarily and permanently closed down under executive decrees, leaving opposition media across the political spectrum severely restricted.ⁱⁱⁱ More broadly, people expressing dissenting opinions, especially those related to the Kurdish issue, were subjected to threats of violence and/or criminal prosecution and pre-trial detention. Internet censorship increased. 375 NGOs, including women's rights groups, lawyers associations and humanitarian organizations were shut by executive decree in November.

The two leaders of the opposition Peoples' Democratic Party (HDP) and other members of parliament were remanded to pre-trial detention on terrorism charges in November 2016. Scores of democratically elected mayors in the southeast have been similarly jailed or replaced with government-appointed trustees, depriving millions of voters of their elected representatives in parliament and in local government and undermining the right to association.^{iv}

Torture and other ill-treatment

There was an increase in reported cases of torture and other ill-treatment in police detention, firstly from curfew areas in south-east Turkey and then more markedly in Ankara and Istanbul in the immediate aftermath of the coup-attempt and over the months that followed.^v In July, severe beatings, sexual assault, threats of rape and rape were reported, as thousands accused of taking part in the coup attempt were held in official and unofficial police detention. Military officers appeared to be targeted for the worst physical abuse but holding detainees in stress positions and keeping them handcuffed behind their backs, denying them adequate food and water or toilet breaks were reported to have taken place on a far wider scale. Lawyers and family members were often not informed that individuals had been detained until they were brought for charge. Investigations into abuses were ineffective. In the post-coup environment individuals detained for alleged association with the PKK or leftist groups were also subjected to torture and ill-treatment.

The authorities professed their adherence to "zero tolerance for torture" policies but on occasion, spokespeople summarily dismissed reports against them, stating that coup plotters deserved abuse and that such allegations would not be investigated. Three lawyers' associations that worked on police violence and torture were shut down in November under an executive decree. No national mechanism for the independent monitoring of places of detention exists following the abolition of the Human Rights Institution in 2015, and the non-functioning of its successor body.

Impunity

The entrenched culture of impunity for abuses committed by the security forces remained. The authorities failed to investigate allegations of widespread human rights violations in the south-east of Turkey, where few or none of the basic steps were taken to process cases, including deaths, and in some instances witnesses were subjected to threats. In June 2016, parliament passed legislative amendments requiring the investigation of military officials for conduct during security operations to be subject to government permission and for any resulting trial to take place in military courts, which have proved especially weak in prosecuting officials for human rights abuses.^{vi}

Refugees and asylum-seekers

Turkey is currently the world's biggest host of refugees and asylum-seekers with an estimated 3 million refugees and asylum-seekers residing in the country with significant populations of Afghans and Iraqis alongside 2.75m registered Syrians, who were provided with temporary protection status. The EU concluded a migration deal with Turkey in March 2016 aimed at preventing irregular migration to the EU. It provided for the return of refugees and asylum-seekers to Turkey, ignoring many gaps in protection there.^{vii} Turkey's border with Syria remained effectively closed. Despite improvements, the majority of Syrian refugee children have no access to education and most adult Syrian refugees have no access to lawful employment. Many refugee families, without adequate subsistence, lived in destitution.

There were mass forced returns of Syrians by the Turkish security forces in the first months of 2016, as well as instances of unlawful push-backs to Syria and, throughout 2016, cases of fatal and non-fatal shootings of people in need of protection by Turkish border guards.

Internally displaced people

Hundreds of thousands of people were displaced from the areas under curfew in the south-east of Turkey. The imposition of curfews with only hours' warning forced people to leave with few if any possessions. In many cases, displaced people were not able to access their social and economic rights such as adequate housing and education. They were offered inadequate compensation for loss of possessions and livelihoods. Their right to return was severely compromised by the high levels of destruction and the announcement of redevelopment projects likely to exclude former residents.^{viii}

Turkey's open disregard for the obligations ensuing from the European Convention for the Protection of Human Rights and its Council of Europe membership commitments requires a strong response from the Parliamentary Assembly. Constructive dialogue and monitoring are the tools at the hand of the Assembly and should be used extensively until Turkey returns to compliance.

Amnesty International, ARTICLE 19, Human Rights Watch and PEN International call on the Parliamentary Assembly to hold Turkey to account for its failures to respect and protect human rights. In particular, we call on the Assembly, at its January 2017 session, to:

- **Reinstate the formal monitoring of Turkey (“the full monitoring procedure”) in light of the severity of the assault on human rights including freedom of expression, association and media freedom, resurgence of cases of torture in detention, excessive use of force in the south east of Turkey risking the lives of ordinary residents, and the shortcomings in the implementation of the emergency measures in line with the recent Opinions by the Commissioner for Human Rights and the Venice Commission.**
- **Conduct an investigation into the serious allegations of gross violations of human rights in the south-east of Turkey.**

A complacent response at this point would risk further erosion of the human rights situation in Turkey and the credibility of the Assembly.

We look forward to the outcome of your discussions.

Yours sincerely,

Amnesty International

ARTICLE 19

Human Rights Watch

PEN International

ⁱ CommDH(2016)35 / 07 October 2016 - Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey.

ⁱⁱ CDL-AD(2016)037 12/12/2016 Turkey - Opinion on Emergency Decree Laws N°s667-676 adopted following the failed coup of 15 July 2016.

ⁱⁱⁱ Amnesty International, “Turkey: Massive crackdown on media in Turkey” (EUR 44/5112/2016). Human Rights Watch, “Silencing Turkey’s Media: the Government’s Critical Assault on Independent Journalism,” December 2016

^{iv} Human Rights Watch, “Opposition Party Leaders, MPs jailed,” news release, November 7, 2016

^v Human Rights Watch, “A Blank Check: Turkey’s Post-Coup Suspension of Safeguards against Torture,” October 2016

^{vi} Human Rights Watch, “Turkey: State Blocks Probes of Southeast Killings,” July 11, 2016.

^{vii} Amnesty International, “Turkey: No safe refuge: Asylum-seekers and refugees denied effective protection in Turkey”(EUR 44/3825/2016).

^{viii} Amnesty International, “Turkey: Displaced and dispossessed: Sur residents' right to return home” (EUR 44/5213/2016)