



Members of the Parliamentary Assembly of the Council of Europe

21 April 2017

Re: ADDRESSING THE SERIOUS DETERIORATION OF HUMAN RIGHTS IN TURKEY

Dear Assembly Member,

We are writing, ahead of the spring session of the Parliamentary Assembly of the Council of Europe (PACE), to call on you to support the recommendation included in the report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to reopen the monitoring procedure on the situation in Turkey until the grave concerns raised by the Rapporteurs are duly addressed by the Government of Turkey.

We believe that a decision by PACE to reopen the monitoring procedure would send a strong message to Turkey and indicate a commitment to holding the government and president accountable for their repeated failure to respect their obligations under the European Convention on Human Rights and as a member of the Council of Europe.

Only a decision to reopen full monitoring of the situation in Turkey would acknowledge the grave human rights violations documented in the country in recent years, including the severe restrictions on freedom of expression, association and assembly, the practice of torture and ill-treatment in detention, arbitrary detentions, prosecutions, dismissals, confiscation of passports and property, and continued violence and serious abuses in South East Turkey. It would allow for greater scrutiny by members of the Parliamentary Assembly and create a more appropriate forum to debate the actions the Turkish authorities should take to address the Assembly's concerns. It would provide a recognition by the Assembly of the rapid deterioration since July 2016 of the functioning of democratic institutions and backsliding on human rights and the rule of law in the country.

Turkey is under a state of emergency imposed after a failed coup last July, allowing President Erdoğan to head the cabinet and rule the country by decree, with weakened parliamentary and judicial oversight.

Independent mainstream media in Turkey have been all but silenced, with over 160 media outlets and publishing houses closed down since July 2016, and around 150 journalists and media workers currently jailed pending trial. Over 100,000 civil servants have been summarily dismissed or suspended without due process and over 47,000 people have been jailed pending trial. They face charges of involvement in the coup plot and of association either with the Fethullah Gülen movement, branded a terrorist organization by the government, or with Kurdish political activism that the government considers is linked to the armed Kurdistan Workers' Party (PKK). Among those jailed are the two leaders of the opposition Peoples' Democracy Party (HDP) and 12 other members of parliament from the party.

The constitutional amendments approved by referendum on April 16, 2017 will give the president an immediate right to playing a leading role in the Justice and Development Party (AKP) in parliament and

the power - as president and through parliament - to control most appointments to the Council of Judges and Prosecutors. The impact of this will be to ensure the president wields enormous influence over the entire judiciary. In a context where courts are already under political influence, the future prospects for judicial independence in Turkey will be scant. After elections in November 2019 the president will have full authority to appoint all ministers, legislate by decree, and dissolve and reconstitute parliament. The constitutional changes will fundamentally curtail parliamentary oversight of the executive, including by ending no confidence motions and by ending the precondition of parliamentary scrutiny and approval of the president's budget.

The 16 April constitutional referendum took place in a highly repressive climate. The continuation of the state of emergency measures, the control of media by the government and the detention of critical journalists and leaders of the pro-Kurdish parliamentary opposition contributed to severely restrict the possibility for open public debate on the constitutional amendments. The PACE and OSCE/ODIHR election observation missions raised serious concerns about the climate for the referendum and criticized the decision to accept ballots in envelopes not bearing official polling station stamps. Several opposition parties raised profound concerns about possible election fraud and irregularities during the constitutional referendum. On 18 April, the European Commission called on the authorities to launch transparent investigations into alleged irregularities.

Finally, the cabinet's decision to extend the state of emergency for three months shortly after the announcement of the referendum result and the president's support for reintroducing the death penalty further endanger the human rights situation and the rule of law in the country. In a statement on 19 April, the PACE Rapporteur on abolition of the death penalty stressed that "reintroducing the death penalty would be simply incompatible with Turkey's continued membership of the Council of Europe."

The government of Turkey has largely ignored the concerns raised by the Venice Commission of the Council of Europe in a 13 March opinion on the constitutional amendments and about holding a referendum on the constitution in such a context.

By considering the report on "The functioning of democratic institutions in Turkey" of its Monitoring Committee, the Parliamentary Assembly has a unique opportunity to uphold the principles and obligations contained in the European Convention on Human Rights and the values of the Council of Europe. **We urge you once again to vocally support the recommendation contained in this report "to reopen the monitoring procedure in respect of Turkey until its concerns are addressed in a satisfactory manner."**

Over the past decades, and in July 2016 by opposing the attempted coup, the population of Turkey has demonstrated its attachment to democracy and human rights. It deserves your full support in calling for the restoration of full respect for human rights in Turkey and for the reaffirmation by the Turkish authorities of their respect for international and regional human rights commitments.

Sincerely,

- Amnesty International
- Article 19
- Human Rights Watch
- PEN International