



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, a non- governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

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\* Issued as received, in the language(s) of submission only.



## Turkey: systematic violations of human rights continue after failed coup in 2016

The repression against any supposed opponent to the Turkish central government is continuing: Turkish civil servants, members of the security forces, politicians, lawyers, academics, journalists, common people, as well as members of the Kurdish community are victims of systematic violations of their fundamental freedoms and rights.

Victims of arbitrary arrests, too often, are victim of torture, ill treatment and other cruel, inhuman or degrading treatment or punishment.

In its Concluding Observations on the fourth periodic reports of Turkey<sup>1</sup>, the Committee against Torture expresses its concern about the fact that there is a significant disparity between the high number of allegations of torture reported by non-governmental organizations and the data provided by the State party in its periodic report, suggesting that not all allegations of torture have been investigated during the reporting period. The Committee also expressed its concern about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of detainees while responding to perceived and alleged security threats in the south-eastern part of the country

In the conclusions presented in his Mission report<sup>2</sup>, the Special Rapporteur on torture, Mr. Nils Melzer, highlighted that in the immediate aftermath of the failed coup of 15 July 2016, torture and other forms of ill-treatment were widespread, particularly at the time of arrest and of preliminary detention in police or gendarmerie lock-ups or in unofficial detention locations.

Furthermore, the Special Rapporteur stressed that in relation to the violence in the South-East numerous arrests are made on the basis of unreliable accusations or denunciations made under torture.

In its report on its April 2016 visit to the high-security prison on the island of Imralı<sup>3</sup>, where Abdullah Öcalan and three other prisoners are being held, the Council of Europe's Committee for the Prevention of Torture (CPT) expresses serious concern that the situation regarding the prisoners' contact with the outside world has further deteriorated. The CPT stressed that all prisoners were prevented from receiving visits from their lawyers for almost five years and from relatives for more than 18 months and that a total ban on telephone calls was also been imposed on all prisoners. The CPT carried out an ad hoc visit to Turkey from 6 to 17 May 2019.

Indeed, torture, ill treatment and other cruel, inhuman or degrading treatment or punishment is a common practice in the Turkish prisons and detention centers.

On 10 January 2019, the Council of Europe Commissioner for Human Rights published her written observations<sup>4</sup> submitted to the European Court of Human Rights in connection with the case of *Mehmet Osman Kavala v. Turkey*. This case concerns the arrest and detention of a civil society activist and human rights defender. Based on her contact mission to Turkey in October 2018, her continuous monitoring of the country and the work of her predecessors, the Commissioner highlights a situation of increasing pressure on civil society and human rights defenders in Turkey.

In its Mission report<sup>5</sup>, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr David Kaye, stressed that on 11 November 2016, 370 non-governmental organizations (NGOs) operating in Turkey were suspended under an emergency decree for alleged links with terrorist organizations. The Ministry of the Interior

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<sup>1</sup> CAT/C/TUR/CO/4.

<sup>2</sup> A/HRC/37/50/Add.1.

<sup>3</sup> <https://rm.coe.int/168079457a>.

<sup>4</sup> <https://rm.coe.int/third-party-intervention-before-the-european-court-of-human-rights-cas/1680906e27>.

<sup>5</sup> A/HRC/35/22/Add.3.

assured the Special Rapporteur that all suspensions would be individually reviewed, but on 22 November 2016, all the 370 suspended NGOs, plus an additional 5, were permanently closed and their assets seized under emergency decree No. 677. That brought the number of NGOs closed since the attempted coup to 1,495.

Mr. Kaye also expressed his serious concern about the deterioration of media freedom in Turkey and urged the Government to immediately release the journalists, writers, judges and academics who are detained pursuant to counterterrorism legislation and emergency decrees.

Indeed, it has to be highlighted that under emergency decrees No. 668, 675 and 676 targeting Kurdish press and broadcasting organizations a total of 175 media and media organizations have been shut down since 2016.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression also pointed out that since 2014, the executive branch has strengthened its control of the institutions of the judiciary and prosecution, including by the arrest, dismissal and arbitrary transfer of judges and prosecutors and threats against lawyers. Furthermore, Mr. Kaye reported that under the state of emergency decrees, judges can order that lawyers be replaced; detained persons in many instances do not have access to legal and other books and cannot make telephone calls and access to family members is also restricted; lawyers representing detained persons reported harassment pursuant to the course of their work.

Between January 2015 and January 2019, 400'000 people lost their homes in the South-East of Turkey and were forced to flee becoming either internally displaced in Turkey or refugees in European countries. During this period, curfews were declared by the Turkish government for a total of 374 times in at least 11 provinces and 51 districts in Diyarbakir, Mardin, Hakkari, Sirnak, Bitlis, Mus, Bingol, Tunceli, Batman, Siirt, Semdinli, Hizan, Mutki and Van.

### **Recommendations**

In light of the systematic violations of human rights in Turkey, the Mouvement contre le racisme et pour l'amitié entre les peuples recommends:

- the Working Group on Arbitrary Detention
- the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- the Special Rapporteur on the rights to freedom of peaceful assembly and of association
- the Special Rapporteur on the situation of human rights defenders
- the Special Rapporteur on the independence of judges and lawyers
- the Special Rapporteur on minority issues
- the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
- the Special Rapporteur on the human rights of internally displaced persons
- the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
- the Special Rapporteur in the field of cultural rights

to pay a particular attention, in the framework of their respective mandate, to the human rights violations in Turkey.