



General Assembly

Distr.: General
29 May 2017

English only

Human Rights Council

Thirty-fifth session

6-23 June 2017

Agenda item 3

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

**Joint written statement* submitted by Committee to Protect
Journalists, Inc., International PEN, Human Rights Watch,
International Press Institute and Reporters Sans Frontiers
International - Reporters Without Borders International,
non-governmental organizations in special consultative
status, Article 19 - International Centre Against Censorship,
The, 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.

[15 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-08589(E)



* 1 7 0 8 5 8 9 *

Please recycle 



Turkey: UN Human Rights Council should address continuous deterioration of freedom of expression and other human rights*

PEN International, ARTICLE 19, the Committee to Protect Journalists, Human Rights Watch, International Press Institute and Reporters Without Borders call the attention of the UN Human Rights Council to the continuous deterioration of freedom of expression and other human rights in Turkey. Following the coup attempt on 15 July 2016, the Turkish authorities have pursued an unprecedented crackdown against perceived critics and opponents. As noted by the UN Special Rapporteur on the right to freedom of opinion and expression following his November visit to the country, counter-terrorism legislation and the prolonged state of emergency are being used to severely restrict fundamental rights and freedoms, stifle criticism and limit the diversity of views and opinions available in the public sphere.¹

Since the Special Rapporteur's visit, independent mainstream media have been all but silenced. There are now over 160 media outlets and publishing houses closed down since July 2016 and around 165 journalists and media workers jailed pending trial.² Over 100,000 civil servants have been summarily dismissed, with over 47,000 including army, police and teachers jailed pending trial on charges of involvement in the coup plot and of association with the alleged Fethullah Gülen Terrorist Organisation (FETÖ). There has been a rise in allegations of torture or ill-treatment in police custody.³

Turkey's Kurdish population has also been disproportionately affected. The Turkish authorities frequently prosecute non-violent pro-Kurdish political activism or journalism for links with the armed Kurdistan Workers' Party (PKK). Selahattin Demirtaş and Figen Yüksekdağ, the leaders of the parliamentary opposition Peoples' Democratic Party (HDP), and other MPs from the party, have been in jail since November 2016. At least 87 municipalities in the southeast have been taken over by the government and their democratically elected mayors and officials removed or jailed.⁴ Several Kurdish journalists are incarcerated and most pro-Kurdish media outlets closed.

On 11 November 2016, the activities of some 370 NGOs were arbitrarily suspended, over half of them Kurdish organisations. Among the thousands of academics dismissed are around 400 who signed a January 2016 peace petition calling for an end to army abuses⁵ in the southeast.

Restrictions reached new heights in the lead up to Turkey's contested constitutional referendum on 16 April 2017 which concentrated power in the office of the president.⁶ The campaign was marred by the authorities threatening, detaining and prosecuting individuals who voiced criticism of the proposed amendments.

¹ Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey, 14-18 November 2016: www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20891&LangID=E#sthash.vmq0Sefh.dpuf

² PEN International, Turkey: List of journalists detained & charged before and after coup attempt, 11 May 2017: www.pen-international.org/newsitems/turkey-list-of-journalists-detained-charged-before-and-after-coup-attempt/

³ Human Rights Watch, A Blank Check: Turkey's Post Coup Suspension of Safeguards against Torture, 24 October 2016: www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture

⁴ Human Rights Watch, Turkey: Crackdown on Kurdish Opposition: www.hrw.org/news/2017/03/20/turkey-crackdown-kurdish-opposition

⁵ See Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in South-East Turkey, 10 March 2017: www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf

⁶ Human Rights Watch, Questions and Answers: Turkey's Constitutional Referendum, 4 April 2017: www.hrw.org/news/2017/04/04/questions-and-answers-turkeys-constitutional-referendum

Immediately after the referendum President Erdoğan raised the prospect of reintroducing the death penalty, which would be another disastrous step away from human rights norms for Turkey.

Journalists caught in Turkey's crackdown

According to the Journalists' Union of Turkey, an estimated 2,500 journalists and media workers have lost their jobs since July 2016. There are now at least 165 journalists, writers and media workers in prison, making Turkey the biggest jailer of journalists in the world.

Among these are several well-known writers and columnists, including Ahmet Şık, Şahin Alpay, Nazlı Ilıcak, Ahmet and Mehmet Altan, Ali Bulaç, Kadri Gürsel and the editor-in-chief of the opposition daily *Cumhuriyet*, Murat Sabuncu. Emergency provisions have been used to harass family members of journalists who have fled abroad or gone into hiding, including by cancelling their passports or detaining them in the stead of those accused.

Most detained journalists have been held in pre-trial detention for excessively long periods, facing terrorism charges with no access to the evidence against them and without compelling grounds to justify prolonging pre-trial detention. Indictments against journalists charge them with membership of armed organisations or involvement in the attempted coup without citing any other evidence beyond writings and commentary which neither advocate nor incite violence.

Detainees are only allowed one hour-long consultation with their lawyer a week and under supervision by prison staff, in violation of their right to confidential access to counsel.

As the Special Rapporteur pointed out in his recommendations, “nobody should be held in detention for expressing opinions that do not constitute an actual incitement to hatred or violence”. Moreover, imposing sanctions on individuals solely for criticising the government can never be considered a proportionate restriction on freedom of expression.

Lack of media freedom and pluralism

As stressed by the UN Human Rights Committee, “a free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.”⁷ States are under an obligation to create a favourable environment where different and alternative ideas can flourish, allowing people to express themselves and to participate in public debates without fear.⁸

The 16 April constitutional referendum took place in a repressive climate. The Organisation for Security and Co-operation in Europe (OSCE) election observation mission noted the “unlevel playing field” and reported major concerns, including restrictions on freedom of expression under the state of emergency, lack of independent media, police interventions, detentions at “No” campaign events and biased use of state resources.⁹ Several opposition parties raised concerns about possible election fraud and irregularities and the European Commission called on the authorities to launch transparent investigations.

Our organisations are also alarmed at reports of attacks and arrests directed at voters following the referendum.¹⁰

Rule of law and independence of the judiciary at risk

⁷ UN Human Rights Committee, General comment No. 34, CCPR/C/GC/34, para.13 www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

⁸ Turkey - Opinion on the Measures provided in the recent Emergency Decree Laws with respect to Freedom of the Media, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017): [www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)007-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)007-e)

⁹ OSCE, International referendum observation mission Republic of Turkey – Constitutional Referendum, 16 April 2017: www.osce.org/odihr/elections/turkey/311721?download=true

¹⁰ PEN International condemns the attacks and arrests following the referendum in Turkey, 19 April 2017: www.pen-international.org/newsitems/pen-international-condemns-the-attacks-and-arrests-following-the-referendum-in-turkey/

Turkey's judicial system has come under attack since the failed coup. More than 4,000 judges and prosecutors have been permanently dismissed and among them around 2,500 are in pre-trial detention. Turkey's Constitutional Court has not ruled on the thousands of pending cases relating to dismissals under state of emergency decrees and the government has not yet established its planned ad hoc commission to review the measures.

There are grave concerns that the constitutional amendments passed by referendum will lead to greater political control over the judiciary and further undermine the rule of law in Turkey. One amendment with immediate effect is the president's ability to exert control over most appointments to the Council of Judges and Prosecutors. The modifications will have a profound impact on Turkey's Constitutional Court, severely curtailing its ability to serve as an effective check of executive and legislative power and a guarantor of fundamental rights and freedoms.

Politicised court decisions against journalists and, conversely, the removal of judges who have granted bail to journalists have played a central role in the deterioration of press freedom.

Recommendations

The Turkish authorities have repeatedly failed to respect their obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

In the preliminary observations following his visit to Turkey, the Special Rapporteur urged the Turkish government to take immediate steps to protect freedom of expression, listing a number of concrete measures necessary to achieve this. These still stand.

We urge the UN Human Rights Council to press the Turkish authorities to:

- Immediately release all those held in prison for exercising their rights to freedom of opinion and expression;
- End the state of emergency;
- End the prosecutions and detention of journalists simply on the basis of the content of their journalism or alleged affiliations;
- Permit the reopening and independent operation of closed media outlets (including online publications) and halt executive interference with independent news organisations, including in relation to editorial decisions, dismissals of journalists and editors, pressure and intimidation against critical news outlets and journalists;
- End the far-reaching crackdown on freedom of expression that has consistently escalated since the failed coup of July 2016;
- Uphold the independence of the judiciary;
- Investigate all allegations of torture and ill-treatment in detention;
- Review the Anti-Terror Law so as to ensure that counter-terrorism measures are compatible with Article 19(3) of the ICCPR;
- Reject any proposal to reintroduce the death penalty.

*The Association of European Journalists, The European Federation of Journalists and Index on Censorship, NGOs without consultative status, also share the views expressed in this statement.