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**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.

[07 August 2019]

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



Turkey: end repression in order to restore freedoms and rights

In the context of the attempted “coup d’état”, the Turkish government continues to harass and suppress the fundamental rights of the members of the press, of the lawyers, human rights defenders, NGOs, academics. It arrests them and prosecutes in the tribunals. The repression is particularly strong in the South-East provinces where Kurdish people are originating from.

Arbitrary arrests, long term detention without any proof, prolonged court process against lawyers, opposition parties, politicians, journalists, members of the Kurdish community are increasing in recent times. In Turkey there are over 250 thousand people in prisons and a considerable number of them have been experiencing incredibly long trial processes.

Article 5 of the European Convention on Human Rights provides that everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in [some] cases and in accordance with a procedure prescribed by law.¹ In Turkey, liberty and security of the person are taken as a “compound” concept.

The independence of the Turkish judiciary is under serious attack after the 15 July 2016 coup with prejudice to human rights. On 8 July 2019, following her visit to Turkey from 1 to 5 July, Ms Dunja Mijatovic, Human Rights Commissioner of the Council of Europe 2019 stated that “Turkey must take urgent and necessary measures to re-establish trust in its judiciary and repair the damage inflicted on the rule of law during the state of emergency and its aftermath”.²

Together with changes made on judges and prosecutors board the state has taken under its wings the protection of human rights.³

The ruling of the European Court of Human Rights on HDP former co-chairman Selahattin Demirtas found Turkey guilty of “inadequacy in the length of the imprisonment of Selahattin Demirtaş without adequate justification” and therefore bound to hold a compensation case.

The President of Turkey said: “the decision does not bind us; we will finish this work with the moves we will make against it”. Shortly after this comment, another Court provided for another jail sentence. After Turkey’s objection, the case will be renegotiated in the European Human Rights court.⁴

The European Court of Human Rights (ECHR), as it happened in many other cases, found Turkey guilty (and ordered it to pay compensation) on 19 June 2019 for the case against 83 Kurdish politicians, mayors, academics, journalists, in particular concerning their right to a detention fair in length and proper defence rights.⁵

Changes in laws were said to be made in Turkey, yet despite the ban on torture, torture continues and those who torture go either unpunished or are released after short sentences or little fines. The police officers who tortured the detained villagers in Gevas district of Van were acquitted by the court.

¹ https://www.echr.coe.int/Documents/Convention_ENG.pdf

² <https://www.coe.int/en/web/commissioner/-/turkey-needs-to-put-an-end-to-arbitrariness-in-the-judiciary-and-to-protect-human-rights-defenders>

³ https://www.coe.int/fr/web/commissioner/country-monitoring/turkey/-/asset_publisher/IK6iqfNE1t0Z/content/turkey-new-council-of-judges-and-prosecutors-does-not-offer-adequate-safeguards-for-the-independence-of-the-judiciary?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Ffr%2Fweb%2Fcommissioner%2Fcountry-monitoring%2Fturkey%3Fp_p_id%3D101_INSTANCE_IK6iqfNE1t0Z%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-3%26p_p_col_pos%3D1%26p_p_col_count%3D2

⁴ https://www.echr.coe.int/Documents/Short_Survey_2018_ENG.pdf

⁵ <https://t24.com.tr/haber/urfa-barosu-ndan-halfeti-ve-oncesine-dair-rapor-cinsel-iskence-filistin-askisive-cocuklarda-travma,824388>

Similarly, the 38 villagers who were taken into custody after the incident that occurred in the Halfeti district of Urfa were found to have been tortured by an investigation carried out by Urfa bar. The villagers were released because they were not guilty.⁶

NGO activities have declined sharply in the face of constant pressure in a hostile environment where many human rights activists have been arrested. Non-governmental organizations are targeted by media close to the government and demonstrations are banned by governors.⁷

No legal recourse is possible against the confiscation of the property of non-governmental organizations. As some NGOs have reported, 1412 associations, 19 foundations and media outlets were closed⁸ in application of decrees 667, 675, 677, 679 and 689 following the declaration of a state of emergency.⁹ Under the regulation on the amendment of associations published in October 2018, all members of associations must be registered in the information system of the Interior Ministry, which is contrary to the freedom of organization protected by international law.

Following the lifting of the state of emergency on 18 July 2018, new standards were adopted in October 2018 so that restrictions on freedom of expression and association were made permanent for journalists, academics and human rights defenders, which basically undermine the right to freedom of expression.¹⁰

Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, while presenting his country visit to Turkey, at the 41st session of the Human Rights Council, underlined that Turkey has not taken into consideration the recommendation made by the UN, the Council of Europe and the ECHR and on the contrary has continued to deal with opposition groups with its own repressive methods.

In 2018, Turkey was sentenced 142 times by the European Court of Human Rights for cases related to the exercise of the right to a fair trial, freedom of expression, the right to security, right and freedom of organisation, etc. or to torture.¹¹

Following the lifting of the state of emergency in July 2018, governors were given broad powers in the fight against terrorism. Provincial governors may prohibit the organization of demonstrations or the entry and exit of any person they deem inappropriate, provided that the duration of the prohibition does not exceed 15 days.

In this context, the following cases should be noted:

- the arbitrary detention of Osman Kavala (one of the main human rights defenders);
- the trial of 10 members of Amnesty International in Buyukadada;
- the arrest of the lawyers of "Cabinet d'avocats du peuple" on 20 June 2019;
- the arrest of journalist Huseyin Akyol and
- some academics have been sentenced in court for signing the peace declaration.¹²

⁶ <https://www.independentturkish.com/node/43876/haber/aihm-foto%C4%9Fraftakilere-250%E2%80%99%C5%9Fer-euro-tazminat-%C3%B6denmesine-h%C3%BCKmetti>

⁷ https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf

⁸ <http://www.ihd.org.tr/wp-content/uploads/2017/09/Olaganustu-Hal-Tedbir-ve-Duze-nlemeleri-31-A%C4%9Fustos-2017.pdf>, <http://www.resmigazete.gov.tr/eskiler/2016/11/20161122>, <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>, <http://www.resmigazete.gov.tr/eskiler/2017/01/20170106M1-1.htm>, <http://www.resmigazete.gov.tr/eskiler/2017/04/20170429-M1-1.htm>

⁹ <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:52018DC0450>, <https://rm.coe.int/expert-council-conf-exp-2017-2-opinion-impact-state-of-emergency-on-fr/16807725ec>

¹⁰ <http://www.resmigazete.gov.tr/eskiler/2018/02/20180228.htm>

¹¹ <https://tusev.org.tr/tr/yasal-calismalar/diger/avrupa-komisyonu-2019-turkiye-raporu-sivil-toplumu-ilgilendiren-maddeler>

Mouvement contre le racisme et pour l'amitié entre les peuples invités:

- 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 human rights and fundamental freedoms while countering terrorism,
 - Special Rapporteur on the independence of judges and lawyers,
 - Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,
 - Special Rapporteur on the rights to freedom of peaceful assembly and of association,
 - Special Rapporteur on the situation of human rights defenders to pay particular attention, within their respective mandates, to human rights violations committed by the Turkish authorities.
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¹² <https://www.frontlinedefenders.org/tr/case/14-lawyers-arrested-and-charged>,
<https://www.ihd.org.tr/gazetecilik-faaliyeti-suc-degildir-huseyin-aykol-ve-tum-gazeteciler-serbest-birakilmalidir/>