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Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

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



The impact of the anti-terrorism act on Human Rights in Turkey

Introduction

Maat for Peace, Development and Human Rights deeply regrets the human rights violations by the Turkish authorities following the failed coup of 2016. Turkey's government declared a state of emergency in the country, paving the way for the arrest of thousands and the definitive closure of hundreds of NGOs. The state of emergency officially ended in July 2018 and replaced with the Anti-Terrorism Act, which is not different from the Emergency Law in terms of arbitrary provisions, but increased the prerogatives of the Executive, which are already extensive, increasing human rights violations against the people, which can be described as a "collective punishment of Turkish citizens."

Turkey is witnessing closure of thousands of different educational, health and service institutions on the pretext of receiving funding from terrorist organizations. In addition, hundreds of thousands of opposition websites have been blocked and many human rights defenders and press personnel have been arrested and prosecuted on charges of supporting or joining terrorist groups. The penalty for joining or supporting a terrorist group amounts to life imprisonment, under the new anti-terrorism law. A number of deaths have been recorded in Turkish prisons; the Turkish authorities claimed they had committed suicide, while most have been found to have been subjected to torture and physical and psychological abuse.

The anti-terrorism act is use to suppress dissent

In July 2018, the Turkish parliament passed an anti-terrorism act two years after the imposition of a state of emergency, paving the way for human rights abuses, relentlessly suppressing dissent, targeting journalists, political activists and human rights defenders, ongoing impunity and widespread torture. Gatherings and movement are restricted; the prerogatives of the Executive are increased to dismiss employees by administrative decisions, including judges; and police powers are extended, including detention for periods of up to 12 days.

The Anti-Terrorism Act is an overly broad interpreted and arbitrary law. It contains neither the definition of what constitutes armed organizations and armed groups nor the offence of membership. The lack of legal definitions and criteria of what constitutes an armed terrorist organization and the offence of membership in the armed terrorist organization makes these articles prone to arbitrary application and abuse. Vague formulation of the criminal provisions on the security of the state and terrorism and their overly broad interpretation by Turkish judges and prosecutors make all critics, particularly lawyers, human rights defenders, journalists, and rival politicians, a potential victim of judicial harassment. As it has become a common practice in after the 2016 Coup attempt, 402.000 individuals have been investigated, prosecuted and / or convicted for terrorism offences stipulated in article 314 of Turkish Penal Code. (TPC).¹ The use of the Anti-Terrorism Act has resulted in a large number of violations, including:

Arbitrary detention

The widespread use of terrorism charges has been continued. Since the 2016 coup attempt, at least 540,000 cases of arbitrary detention have been recorded on grounds of alleged accusations of links to terrorist organizations. Sentences for decades are often based on the

¹ Turkey's Draconian Anti-Terror Laws. The Arrested Lawyers Initiative. Published date: 23 August 2018. Accessed date: 5 August 2019. <https://bit.ly/2OBu2wr>.

provisions of the Anti-Terrorism Law of 2018, in a contravention of laws and conventions.² Turkish prisons have more than 70,000 political detainees, most of whom are convicted of terrorism-related charges. Some arbitrary detentions lead to death in Turkish prisons,³ with 126 murders in Turkish prisons since July 2016 so far. In May 2019, Zaki Mubarak, a Palestinian citizen who has been charged with spying for an Arab state in April 2019, was found dead in prison. The authorities claimed that he had committed suicide while his family performed an autopsy in Egypt and found signs of torture and removal of organs from his body.⁴

Human rights lawyers have been arbitrarily detained and prosecuted by security personnel on terrorism-related charges. From July 2016 to June 2019, 599 lawyers have been arrested, 311 of them have been sentenced to some 1900 years in prison. On July 20, 2019, four women lawyers, members of the Istanbul Bar Association, were arrested: Isigul Kgatay, Ozdemir Club, Gurkim Ajdidi and Ebru Temtik.⁵ On March 20, the Istanbul court sentenced 16 lawyers to prison terms on charges related to supporting and propagating terrorist organizations.⁶

Dismissal from work

Under the state of emergency and the use of the Anti-Terrorism Act over the past three years, the Turkish authorities have dismissed more than 170,000 government employees, including 7,500 medical personnel from academics, senior professors to heads of medical departments. 1689 were arbitrarily dismissed from Ministry of Health staff. In the private sector alone, 1,200 doctors became unemployed because of the closure of their hospitals and medical centers. 675 academic physicians lost their work following the closure of the medical schools of Fethullah Gulen's projects. Since the coup attempt, 14 hospitals, 36 medical and research centers and a teaching hospital under the Ministry of Health have been closed. 400 pharmacies have been deprived of government support for patients of social security on charges of belonging to the Gülen movement, which the Turkish government has designated as terrorist movement.⁷ Moreover, thousands of educational institutions of Gülen movement have been confiscated.⁸

Restrictions on freedom of opinion and expression

Turkey's government controls most of the media under the pretext of combating terrorism and maintaining national security. Since the 2016 coup attempt, the government began issuing orders to ban publication under the pretext of "protecting national security."⁹ It has also blocked some 250,000 sites,¹⁰ including 130 media platforms, in addition to 137 journalists currently in prison without charge, as well as torture and harassment by police

² Chief of Turkish National Police admits that 540,000 detentions have been made without legal ground. The Arrested Lawyers Initiative. Published date: 15 July 2019. Accessed date: 5 August 2019. <https://bit.ly/2KuUwuk>

³ الصحافة في تركيا جريمة.. أردوغان يحبس صحفياً فضح فساد حكومته بتهم الانتماء لتنظيم إرهابي.. تقارير: سجون الديكتاتور تضم أكثر من نصف الصحفيين المعتقلين حول العالم.. و175 كاتباً بالسجون وإغلاق أكثر من 100 منصة <https://bit.ly/2M3fHqu> |علامية، اليوم السابع، تاريخ النشر: 3 مارس 2019، تاريخ الدخول: 6 أغسطس 2019، آثار التعذيب واضحة.. عائلة زكي مبارك ترفض العزاء: إدانة أردوغان أولاً، عثمانلي، تاريخ النشر: 24 مايو

⁴ <https://bit.ly/2OF8Vtp> 2019، تاريخ الدخول: 5 أغسطس 2019.

⁵ The Arrested Lawyers Initiative. Report 10. June 2019. <https://bit.ly/2YO7wnW>

⁶ 18 Turkish lawyers sentenced to long prison terms. European Association of Lawyers for Democracy and World Human Rights. <https://bit.ly/2YJgv5X>

⁷ تقرير يرصد "التصفية الممنهجة" في قطاع الصحة بتركيا، نسمات، تاريخ النشر: 2 أغسطس 2019، تاريخه الدخول: 5 أغسطس 2019 <https://bit.ly/2KeBCsK>

⁸ اليوم السابع، مرجع سبق ذكره.

⁹ ، تاريخ النشر: 11 مارس 2019، تاريخ الدخول: 6 أغسطس DW الصحافة في تركيا: الغالبية في قبضة واحدة، <https://bit.ly/2KsfoTe> 2019

¹⁰ قانون الرقابة على الإنترنت يعزز سيطرة أردوغان على الإعلام، أحوال تركية، تاريخ النشر: 5 أغسطس 2019، <https://bit.ly/2M2007Z> تاريخ الدخول: 6 أغسطس 2019،

officers.¹¹ The authorities continue to suppress media and press personnel and indict them for propaganda or joining terrorist groups.

It continues to prevent many foreign correspondents from accrediting to work in the country. Turkey's government canceled 682 press cards between November and March 2019 on charges of state security and stability and some unclear charges such as practicing behaviors contrary to public order.¹² On July 19, 2019, documentary filmmakers Ertuğrul Mavioglu and Çayan Demirel were sentenced to four years and six months in prison for "spreading propaganda for a terrorist organization" under the provisions of the Anti-Terrorism Law of 2018.¹³ In March 2019, a decision was issued to imprison journalist Erin Erdem for four years and two months, after he published recordings of corruption files involving Turkish President Erdogan in 2013.¹⁴

Recommendations

- Consider the provisions of the Anti-Terrorism Act, and amend it in line with international human rights standards and conventions.
- Immediately and unconditionally release prisoners of conscience, activists and human rights defenders, especially those detained under the Emergency and Anti-Terrorism Law.
- The need to consider torture cases and complaints about detainees tortured in Turkish prisons, in a contravention of all international conventions.
- The need to return all those arbitrarily dismissed on grounds of the 2016 coup attempt.

¹¹ Ismailai R. and Karr L. BIRN. Published date: 29 July 2019. Accessed date: 6 August 2019. <https://bit.ly/33hBVKM>

¹² DW: Turkish gov't cancels press credentials of 682 journalists in 4 months. Turkey Purge. Published date: 9 May 2019. Accessed date: 5 August 2019. <https://bit.ly/2YIzpK7>

¹³ Turkish court sentences documentary filmmakers to 4 and a half years. CPJ. Published date: 19 July 2019. Accessed date: 5 August 2019. <https://bit.ly/2Kpq8BH>

¹⁴ اليوم السابع، مرجع سبق ذكره.