



# General Assembly

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## Human Rights Council

### Thirty-sixth session

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Agenda item 4

**Human rights situations that require the Council's attention**

## **Written statement\* submitted by Amnesty International, a non-governmental organization in special consultative status**

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

[05 September 2017]

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

GE.17-15593(E)



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## **TURKEY: DETERIORATION OF HUMAN RIGHTS MUST BE ADDRESSED BY THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

In the year since the failed coup attempt of July 2016, we have witnessed a harsh crackdown on the promotion and protection of human rights in Turkey. While the deterioration of the human rights situation in Turkey is not new, the scale of the current crackdown and its impact are unprecedented. The authorities have extended the initial three-month period of the state of emergency four times and widened its scope from countering the coup attempt to “combating terrorist organizations.” There has been a wide attack on perceived dissenting voices and civil society.

### **Arbitrary detention and torture**

Since the failed coup, more than 50,000 people have been remanded in pre-trial detention, 1 and Amnesty International has documented cases of individuals being held in arbitrary pre-trial detention without evidence of criminal behaviour<sup>2</sup>.

There has been an increase in allegations of torture and ill-treatment of those in police detention, partially facilitated by legal amendments introduced through the state of emergency which suspend key safeguards that protect detainees from torture and other ill-treatment. The first decree under the state of emergency increased the length of time detainees can be held without charge from four to 30 days and granted law enforcement the power to record and transmit conversations between clients and lawyers in pre-trial detention. 3 In January the pre-charge detention period was reduced to seven days, extendable by a further seven days via executive decree no. 6844. According to credible allegations received by Amnesty International, provisions that allow remand prisoners to be brought back to police custody have been used to facilitate torture and ill-treatment.

In the aftermath of the coup attempt, Amnesty International gathered evidence of beatings and torture in official and unofficial places of detention.<sup>5</sup> The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey in August 2016 and reported to the Turkish authorities in November. The Turkish authorities have not given permission for the CPT report to be made public.<sup>6</sup> The UN Special Rapporteur on Torture carried out a visit to Turkey in November 2016, during which he was granted unrestricted access to a limited number of detention facilities.<sup>7</sup> The report on his visit is due to be presented at the Human Rights Council in March 2018.

### **Severe crackdown on dissent**

The authorities have clamped down on dissenting voices in the media and civil society. Since the attempted coup, over 160 media outlets and over 3,800 associations, and foundations including the leading child rights NGO Gündem Çocuk,

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1 Bozdağ: FETÖ'den tutuklu 50 bin 402 kişi var <http://www.memurlar.net/haber/673625/bozdag-feto-den-tutuklu-50-bin-402-kisi-var.html>

2 See Amnesty International, *Turkey: Independent monitors must be allowed to access detainees amid torture allegations* [https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/?utm\\_source=rss&utm\\_medium=rss](https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/?utm_source=rss&utm_medium=rss).

3 Decree no. 667, issued on 22 July 2016. Available at <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723.pdf>.

4 Decree no. 684, issued on 23 January 2017. Available at <http://www.resmigazete.gov.tr/eskiler/2017/01/20170123-3.htm>.

5 See <https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/>.

6 See <https://www.amnesty.org/en/documents/eur44/4798/2016/en/>.

7 Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E>.

women's human rights NGOs and humanitarian actors, were permanently shut down by successive emergency decrees.<sup>8</sup> Extended pre-trial detention is a significant problem faced by journalists in Turkey. Over 130 journalists and other media workers are currently imprisoned pending trial; some have been held for over a year. The Committee to Protect Journalists estimates that Turkey is the biggest jailer of journalists worldwide, as almost a third of the global total of imprisoned journalists are behind bars in Turkey's jails.<sup>9</sup>

Human rights defenders have also been the target of abusive prosecutions under vague anti-terrorism laws. Amnesty International Turkey Director, Idil Eser, was recently detained alongside nine others during a human rights workshop.<sup>10</sup> Eight of them, including Idil Eser, were remanded in custody under suspicion of "committing a crime in the name of a terrorist organization without being a member".<sup>11</sup> Amnesty International Turkey Chair Taner Kılıç has also been charged under anti-terrorism laws and remanded in pre-trial detention.<sup>12</sup> In all 11 cases, no credible nor admissible evidence of wrongdoing has been presented to justify the charges or continued detention.

Amnesty International considers that the routine and lengthy pre-trial detention of journalists, media workers and human rights defenders in Turkey is tantamount to punishment without conviction. People expressing dissent, especially in relation to the Kurdish issue, have been subjected to threats of violence and criminal prosecution. All dissenting sections of the media have been targeted, including those focusing on the Kurdish issue; those accused of supporting the exiled cleric Fethullah Gülen, and the secular media.<sup>13</sup>

## Recommendations

In light of the above concerns, Amnesty International calls on the UN Human Rights Council to urge the Turkish authorities to:

- End the use of arbitrary, extended and punitive pre-trial detention;
- Release all journalists and human rights defenders from pre-trial detention and drop the charges against them, in the absence of clear evidence that a crime has been committed;
- Grant permission for the CPT's report on its 2016 mission to Turkey to be published, and commit to allowing regular independent monitoring of places of detention;
- Allow unhindered access to the Office of the High Commissioner for Human Rights to conduct a fact-finding mission;
- Promptly facilitate the visits requested by the Special Rapporteur on the situation of human rights defenders and the Working Group on arbitrary detention.

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<sup>8</sup> See <http://www.ihop.org.tr/wp-content/uploads/2017/02/OHAL-%C5%9Eubat2017-raporu.pdf>

<sup>9</sup> Committee to Protect Journalists, *Turkey's crackdown propels number of journalists in jail worldwide to record high* <https://cpj.org/reports/2016/12/journalists-jailed-record-high-turkey-crackdown.php>

<sup>11</sup> See Amnesty International, *Jailing of activists, including Amnesty director, a crushing blow for rights in Turkey* <https://www.amnesty.org/en/latest/news/2017/07/jailing-of-activists-including-amnesty-director-a-crushing-blow-for-rights-in-turkey/>

<sup>12</sup> See Amnesty International, *Turkey: Imprisonment of Amnesty Chair is a devastating injustice* <https://www.amnesty.org/en/latest/news/2017/06/turkey-imprisonment-of-amnesty-chair-is-a-devastating-injustice/>

<sup>13</sup> Amnesty International, *Journalism is not a crime – Crackdown on media freedom in Turkey*. <https://www.amnesty.org/en/documents/eur44/6055/2017/en/>.