

## **The State of Emergency has ended but urgent measures are now needed to reverse the roll back of human rights**

The Turkish government announced that the two year long state of emergency is to end today (18 July 2018) when its last extension runs out. This is long overdue and welcome news.

However, if it is to be anything more than a cosmetic exercise, it needs to be accompanied by urgent measures. The state of emergency has been used to consolidate draconian governmental powers, silence critical voices and strip away basic rights.

In the last two years, evidence of the escalating human rights violations abound: from arbitrary detentions to abusive prosecutions, from shutting down of media outlets to permanent closure of civil society organisations. Many of the measures issued under the state of emergency will remain in force following its lifting.

The last two years were also marked by sections of civil society being targeted for doing their work, yet refusing to bow down and resisting the attacks on human rights. Even though they were particularly threatened, human rights defenders working on freedom of expression, LGBTI rights, and women's rights, as well as trade unionists, children's rights activists and those supporting refugees have continued to stand up for those bearing the brunt of the clampdown, some doing so at great risk to themselves.

### **Looking ahead**

The ending of the state of emergency is the first step which is necessary in a long line of measures that the new government must undertake, if Turkey is to return to a state of normalcy. Amnesty International calls for the following five urgent steps to be implemented to reverse the worst effects of the crackdown on human rights during the two-year state of emergency in Turkey.

- Repeal all emergency measures which are not demonstrably necessary and proportionate for protection against threats to national security or public safety, or which entail disproportionate restrictions on the exercise of human rights.
- Immediately release Taner Kılıç and all other imprisoned human rights

defenders, journalists and others who have been detained on baseless charges.

- Ensure people can gather and protest peacefully without fear, including by putting a stop to the repeated bans which have been imposed on LGBTI events across the country
- Do not continue with the arbitrary dismissal of public sector employees as intended by a new law tabled at the Parliament on 16 July 2018 and ensure all public sector employees arbitrarily dismissed during the state of emergency are reinstated to their previous jobs and appropriately compensated for any harm, including loss of earnings. In any cases where individuals are reasonably suspected of wrongdoing or misconduct in their employment, or of a criminal offence, any decision on their dismissal should be made only in a regular disciplinary process with full procedural safeguards.
- Allow human rights organizations and media outlets that have been arbitrarily closed to reopen, and give back their confiscated property

## **Overview**

Introduced following the bloody coup attempt of 15 July 2016 during which more than 240 people were killed, the state of emergency has been used to facilitate a massive crackdown on human rights, during which hundreds of thousands of people have been caught up in the dragnet. While it is legitimate and expected that the state protects the population in a situation of serious public disorder and ensures that those responsible for criminal wrongdoing are brought to justice, it is also the state's duty to do so in compliance with its human rights obligations.

During the time since [the 2016 coup attempt, legislation has been amended by 32 state of emergency executive decrees that have the force of law. More than 300 amendments by state of emergency executive decrees were made to more than 150 separate laws many of which with human rights implications. While measures taken have infringed upon many rights, for example those relating to freedom of peaceful assembly, freedom of expression, fair trial, the right to an effective remedy, and the right to work, and have also entailed confiscation of property, they were not subject to effective parliamentary scrutiny and have not to date been reviewed by the courts, leaving the government's powers effectively unchecked.

## **An overview of some of the worst abuses under the state of emergency**

### **Arbitrary detentions and abusive prosecutions**

According to statistics made available by the Ministry of Interior and the Ministry of Justice, over 150,000 people are estimated to be taken into police custody during the state of emergency.

The maximum pre-charge detention period for certain crimes relating to, for example, 'terrorism,' national and state security, and constitutional order was increased in July 2016 from four to 30 days, later reduced to 14 days in January 2017. These maximum detention periods were routinely and arbitrarily applied. The maximum period for pre-trial detention was increased from five to seven years in August 2017.

The total number of detainees in prison pending prosecution or pending trial rose from just over 26,000 people in July 2016 to more than 70,000 in March 2018. In many cases examined by Amnesty International individuals were remanded in pre-trial detention without any credible evidence that they had participated in recognisably criminal acts.

According to statistics provided by the Turkish government found in the latest European Union country [report](#) published in April 2018, over 78,000 people have been detained under anti-terrorism laws, of whom more than 24,000 remained in pre-trial detention in January 2018. Thousands of criminal prosecutions were brought, including under laws prohibiting defamation and on trumped-up terrorism-related charges, based on people's peaceful exercise of their right to freedom of expression during the state of emergency.

### **Torture and other ill-treatment**

Reports of people being subjected to torture and other ill-treatment, especially in police custody, significantly increased following the announcement of the state of emergency, especially in the weeks following the July 2016 coup attempt. Authorities have continuously denied such allegations instead of carrying out effective investigations into them or taking action to prevent these violations.

### **Bans on assemblies**

Governors in several provinces have used state of emergency powers to ban events and assemblies. For example, in November 2017, the Ankara governor issued a decision banning all LGBTI events in the province. With the exception of the Middle East Technical University student Pride march, which went ahead in May despite the ban, the visibility of the city's vibrant LGBTI communities and ability to exercise the right to peaceful assembly have been dramatically reduced.

### **Summary Dismissals**

During the state of emergency, more than 130,000 workers from all areas of the public sector have been dismissed, 129,400 of them through lists announced with executive decrees, without individualised justifications or the possibility for them to mount an effective challenge to their dismissals. Only 3,799 of these dismissal decisions were revoked through subsequent executive decrees.

An ad hoc State of Emergency Appeals Commission was established by executive decree in January 2017 in response to domestic and international pressure over the lack of an appeals procedure to seek redress against dismissals. The Commission began taking applications on 17 July 2017 and as of 22 June 2018 had received 108,905. These include applications from media and civil society organizations that had been closed down by decree. The Commission had issued 19,500 decisions by June 2018 and accepted the appeals in only 1,300 of them, representing less than 7 per cent of the decisions issued by that date.

A new law tabled at the Parliament on 16 July 2018, if passed, would allow for the arbitrary dismissals to continue for three years from its adoption.

### **Clampdown on the right to freedom of association**

Civil society has also borne the brunt of the crackdown, with more than 1,500 associations, foundations, trade unions and other civil society organizations summarily closed down by executive decree without individualised justifications or the possibility for them to mount an effective challenge to their closure. Only 11 have reportedly been reopened after the State of Emergency Appeal Commission concluded that there was insufficient evidence linking them to proscribed groups.

In addition to the violations of rights such as freedom of association, and the right to work, and the confiscation of their property, these arbitrary closures also had a serious impact on those who relied on these organizations' services and support. Leading child rights NGO Gündem Çocuk, which was closed in November 2016 by executive decree, worked on issues such as sexual abuse of children and child deaths in schools. Van Women's Association, one of 11 women's organizations closed down by decree also in November 2016, was a leading civil society organization that provided support to women in hard-to-reach communities on the issue of domestic violence and sexual abuse of girls. There is no one carrying out this vital work in that region at the moment.

### **Curbs to the right to freedom of expression**

In 2016, Turkey became the biggest jailer of journalists in the world, a position it has maintained since, with more than 150 journalists and other media workers currently imprisoned pending the conclusion of their trials. In addition, investigations and prosecutions under anti-terrorism laws have also led to convictions like in the case of 15 *Cumhuriyet* journalists and executives sentenced to between two and eight years in prison in April 2018. In July, six out of the 11 defendants in the case of the *Zaman* newspaper, which has been closed down, were convicted and sentenced to between eight-and-a-half and ten-and-a-half years in prison for 'membership of a terrorist organization'.

The threat of criminal investigations, prosecutions and imprisonment pending trial has had a chilling effect on the media, with now only a few small outlets offering alternative and dissenting views.

The crackdown on media freedom also included the closing down of more than 170 media outlets, including print and broadcast media as well as publishing houses. More than 2,500 journalists and other media workers lost their jobs as a result of these closures. The media landscape became further desolate and uniform when the last remaining independent media group was sold to a conglomerate known to have close business ties to the government.

### **International criticism**

The calls for the end to measures taken under the state of emergency, and in some cases for an end to the state of emergency itself, have been

increasing. In its report on the impact of the state of emergency on human rights, the [Office of the United Nations High Commissioner for Human Rights](#) called on Turkey among other things ‘to revise and repeal all legislation that is not compliant with [its] international human rights obligations’; ‘reverse the ban imposed on dismissed civil servants from rejoining the public service [and] ensure that [they] ... have the right to have their cases reviewed by an independent judicial and administrative body ... and to compensation’; ‘take all the necessary measures to ensure an enabling environment for independent media and civil society organizations to operate safely and freely’; and ‘immediately release journalists, writers, judges and academics who are detained pursuant to counter-terrorism legislation and emergency decrees’. The [European Commission](#)’s latest report on Turkey calls on the authorities to lift the state of emergency and ensure the independence and accountability of the judiciary including through ‘limit[ing] the role and influence of executive power within the Council of Judges and Prosecutors’ (CJP) and ‘introduce[ing] further safeguards against any interference by the CJP in judicial proceedings’. The [Parliamentary Assembly of the Council of Europe](#) in an April 2018 resolution recommended that Turkey ‘bring an end to the state of emergency at the expiration of the current period, withdrawing the derogation to the [European] Convention [on Human Rights] and thereafter using normal procedures to adopt any future measures that may be needed to address the security situation in the country, in conformity with Council of Europe standards, including those of the Convention as applied in full’.

### **Two years of State of Emergency in Turkey by numbers**

70,000+ people currently in prison pending prosecution or trial

170+ media outlets closed down

150+ journalists and media workers currently in prison

360+ academics prosecuted for peace appeal

1500+ associations and foundations closed down

130,000+ public sector workers summarily dismissed

