

HUMAN RIGHTS WATCH'S REPORT SHOWS THE SEVERITY OF HUMAN RIGHTS VIOLATIONS IN TURKEY

On January 18, 2018, the Human Rights Watch (“HRW”)¹ published a report reviewing the human rights practices around the world in 2017. The report titled “World Report 2018: Events of 2017” examined more than 90 countries including Turkey.² In parts relevant to Turkey, the HRW scrutinized a wide range of topics such as the state of emergency measures, freedom of expression, association and assembly, torture and ill-treatment in custody as well as refugees’ situation.

The report firstly referred to the April 2017 referendum which introduced a new presidential system lacking satisfactory system of checks and balances. It highlighted the fact that the referendum was carried out under the state of emergency in an environment of heavy media censorship. The HRW’s points about the new presidential system indeed indicate that the separation of powers is at risk in Turkey whereas it is one of the most significant components of democracy.

The state of emergency measures also attract attention. The president can adopt decree laws without parliamentary oversight or the possibility of judicial review according to Turkish legislation. As reported by the HRW, these decree laws include many controversial measures incompatible with Turkey’s responsibilities under the international human rights law. More than 110,000 people were dismissed or suspended from their public positions with no explanation but only their names on lists published via decree laws. The government shut down plenty of institutions including media outlets, businesses, schools and universities, hospitals and non-governmental organizations such as associations and foundations. What is worse, there is still no effective authority for all these real and legal persons to apply for a review. People had little hope when the “State of Emergency Procedures Investigation Commission” was introduced to investigate measures taken under the state of emergency. Nevertheless, as stated by the HRW, independence of the Commission is doubtful since all of its members are appointed with the government’s approval. Further appeal is possible on the paper, but it is likely to take too much time because of the high influx of applications and applicants have nothing else but wait about their right to work in public service to be taken away, bank accounts to be frozen and passports to be cancelled.

Many people including teachers, public servants such as police officers and military personnel, journalists and politicians were either arrested or detained under the state of emergency as well. The striking point is that most were imprisoned with no compelling evidence of any criminal activity, but only because of their alleged links with the Hizmet Movement inspired by an Islamic scholar Fethullah Gulen who has been blamed by the government to mastermind the

¹ Human Rights Watch is a nonprofit, nongovernmental human rights organization active around the world.

² Human Rights Watch, *World Report 2018 – Turkey*, 18 January 2018, available at:

https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf

coup attempt. It is crucial to note here that the Movement has been strongly denying any involvement and Mr. Gulen has called for an international investigation on the issue.

Freedom of expression, association and assembly were also violated considerably by the Turkish government. To clarify, the government has blocked many websites and banned a huge amount of content, and all types of peaceful public protests were banned by the government as well as were violently dispersed. Unsurprisingly, Turkey is the leader country in the number of jailed journalists whose trials and case files are again insufficient. The documents used as an evidence against arrested journalists are mostly writing and reporting which do not promote any type of violence. As there is always a prominent risk of imprisonment and censorship, other journalists and media agencies cannot publish any thing critical but only pro-government ideas. In March, 21 journalists who were arrested because of their connections with the Hizmet Movement, were released by the court. Their families went to the prison facilities to bring them back to their homes but could not. After huge criticisms by pro-government media, an appeal was lodged against 8 of them and a new investigation was started against the rest. Therefore, eventually none of them were released. In addition, judges and a prosecutor who were at this trial were suspended by the High Council of Judges and Prosecutors. Many of the journalists from the newspaper *Zaman*, claimed to be supporting the Movement, have been on trial due to writings without a reference to any type of violence and they face life imprisonment.

Not only individuals related to the Hizmet Movement but also leftist and Kurdish people were targeted by the government. According to the HRW's report, 19 journalists from the newspaper *Cumhuriyet* were jailed as well. In one of the cases concerning *Cumhuriyet*, Enis Berberoglu was sentenced to 25 years of imprisonment who is a parliamentarian from the main opposition party, Republican People's Party (CHP). The court of appeal has overturned his conviction, yet he is not released as well as not expected to be released as the government still wants him behind bars. Similarly, plenty of journalists were arrested from the newspaper *Ozgur Gundem* which was shut down by the government.

Lawyers and human rights defenders received their own shares from the Turkish government's oppression. Around 500 lawyers have been arrested and 1000 are yet on trial, mostly because of supporting the Hizmet Movement. Chair of Amnesty International, Taner Kilic, has been in prolonged detention with "politically motivated and unsubstantiated charges" as said by the HRW.

The HRW also explored the detention conditions during police custody and concluded that many instances of torture and ill-treatment were witnessed. There have been many cases reported where police officers beat detainees, left them in physically stressed positions and threatened them to rape. Enforced disappearances, scaring defense lawyers and interfering with medical examinations also took place in the country.

Regarding the ongoing conflict in the southeast region, the government could not yet make a progress. Party co-leaders and parliamentarians of the People's Democratic Party (HDP) were sent to prison. Additionally, 89 mayors were dismissed by the government as specified by the report. The government has clearly violated freedom of expression and rights to political association, participation, and representation.

The report highlighted the refugee crisis as well which indeed concerns the whole world. The conditions in which refugees live (mostly Syrian but also from other countries) are not compatible with international standards.

All these were expressed in various occasions by international actors. The United Nations, the European Union, the Council of Europe, the United States State Department and many other foreign governments have called the Turkish government to end this human rights disaster going on in the country as was stated by the Human Rights Watch's report.