**Maat’s Report to the Human Rights Committee on Turkey**

**Submitted by:** Maat for Peace, Development and Human Rights, which has a special consultative status with the UN Economic and Social Council

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**Preamble**

On September 23, 2003, the Turkish government ratified the International Covenant on Political and Civil Rights. The country's desire to join the European Union has notably improved the human rights situation; the death penalty has been abolished the laws for women have been amended and improved. However, in early 2014, after the failure of negotiations between the PKK and the Turkish government, political and civil rights in Turkey began to dramatically deteriorate in an unprecedented manner. Violations increased in Turkey, especially after the attempted coup in July 2016, and perpetrators enjoyed impunity. People were terrorized and prosecuted for expressing their opinions or participating in the public domain. The Turkish government has unceasingly used enforced disappearances, arbitrary arrests, and torture against its oppositions. The government obstructed civil society activities and suppressed opposition political parties such as the HDP. It committed all these violations under the guise of combating terrorism, preserving Turkish national security, and seeking stability. Moreover, the Turkish government has launched campaigns of revenge and retaliation against human rights defenders and organizations standing against the policies of the ruling party in Turkey and the human rights violations it commits.

The government also enacted a set of laws that legalize violations to the opinion and expression rights. The Turkish government does not only control the media, block opposition websites, and imprison journalists. After the ruling system has changed from a parliamentary system to a presidential one, the power has concentrated in the hands of the executive authority, which allowed for the further repression. Torture has also been used as a policy that seeks to control the public sphere, especially after the attempted coup in July 2016.

**Maat for Peace, Development and Human Rights** confirms that the human rights situation has dramatically deteriorated since March 2011, the date of the last report submitted by the Turkish government to the Committee on Political and Civil Rights. In this report, Maat discusses the situation of political rights and freedoms in Turkey from the date of the last report was sent until now, and presents a set of recommendations to the Turkish government, with the aim of improving the political and civil rights therein.

**Laws perpetuating repressive practices**

**Maat** has examined the Turkish laws and various obligations under international law. It noted the existence of a number of laws legalizing violations of political and civil rights, in light of Turkey's continuing reservations on some international conventions and treaties, which contributes to undermining the human rights situation within the country. These notes are enlisted as follows: -

* Maat notes that Turkey continues its reservations on Article 27 of the International Covenant on Civil and Political Rights on the cultural and religious rights of ethnic and religious minorities, which encourages the human rights violations they are exposed to, especially the Christian religious minorities, the Kurdish minority, the Roma minority, and undermines their rights.
  + Maat is concerned about the continued existence of legal texts in Turkish laws that allow violations of civil and political freedoms. Article 7 of the Anti-Terrorism Law and Article 220 of the Turkish Penal Code allow restrictions on freedom of opinion and expression. Turkey arrests opinion activists and political opponents on the background of imminent terrorist acts; without there being any physical evidence of that[[1]](#footnote-1). Meanwhile, Turkey imprisoned many journalists and opinion activists with Articles 301 and 299 of the Turkish Penal Code[[2]](#footnote-2). In this context, Article 29 of the Turkish Penal Code permits the perpetration of honor killings, which have increased in Turkey alarmingly since 2014[[3]](#footnote-3).
  + Maat clarifies that Turkey's continued lack of ratification of some international treaties and agreements reflects its intention to perpetuate violations of political and civil rights. Turkey’s failure to ratify the International Convention for the Protection of All Persons from Enforced Disappearance has allowed for the failure to adopt a comprehensive approach to considering cases of enforced disappearance. Human rights organizations estimate that most enforced disappearance cases were of opponents from the service movement accused of masterminding the failed coup in July 2016[[4]](#footnote-4).
  + Maat notes that many legislations was issued over the past years allowing expansion of political and civil rights violations. It limits the press and the media freedom and closing all channels and outlets for free expression, in addition to tightening control over the media content and subjecting the personal pages of social media to continuous monitoring, in addition to a law issuance that would restrict and eliminate civil society activities in December 2020[[5]](#footnote-5). The law allows the Turkish Ministry of Interior to impose guardianship on civil society. The Turkish government issued a law in July 2020 allowing the government to nationalize Turkish social media. The law forces social networks to remove content based on the politicized Turkish courts' orders[[6]](#footnote-6). The government passed a law in June 2020, which allowed limiting the capacity and effectiveness of bar associations in Turkey. It plays a role in exposing the violations committed by the Turkish government, especially about torture practices. Such a move would undermine opposition to rights violations by the government and allow impunity and a deteriorating trend in civil rights[[7]](#footnote-7).

In May 2020, the Turkish Higher Education Council issued the latest amendments to the Higher Education Law, which is considered a real threat to academic freedom inside Turkey. The disciplinary provisions regarding teachers in these amendments reinforce the repressive work environment and threaten academic freedom; some vague open and used terms pose worrying risks. These phrases allow representatives of the Turkish government to impose security and disciplinary sanctions on faculty members without a watchdog. That is in addition to promoting interference in the academic educational process to suppress this freedom. Then Maat calls on the Turkish government to review this amendment and to involve all relevant educational bodies and institutions in drafting the amendments if possible[[8]](#footnote-8).

**Enforced disappearance is a widespread phenomenon**

The Turkish authorities increased the repression against dissidents, journalists, civil society, and others who demanded freedom and human rights protection. Among the most common violations committed by the Turkish government are the cases of enforced disappearances that have increased recently. Enforced disappearance is used as a tool to threaten opposition and human rights activists to remain silent about human crimes committed by the government and not to challenge its policies. The enforced disappearance in Turkey is related to the dictator's policy of imposing control and muzzling voices[[9]](#footnote-9). According to Maat documentation, at least 969 people were subjected to enforced disappearance from July 2016 after the failed coup attempt in Turkey until January 2020. Maat continues efforts to document cases of enforced disappearance in 2020. While human rights estimates indicate that the policy of enforced disappearance was not limited to the Turkish interior but extended outside the borders. At least 100 people were subjected to the systematic practice of kidnappings outside the Turkish territorial and forcible return to Turkey under secret agreements, and most of them were opposition and human rights activists[[10]](#footnote-10).

In this context, the forcibly disappeared persons usually appear after varying periods with signs of stress and torture. In October 2019, Gokhan Turkman appeared in a police station in Ankara after his enforced disappearance in his hometown of Antalya on February 7, 2019. Before showing up, his family has repeatedly demanded the Turkish government to clarify more information about his disappearance, but to no avail. On February 10, 2020, during Turkmen’s trial, he said that government agencies has abducted him on February 7, 2019[[11]](#footnote-11). He was held in an unknown location and tortured for more than nine months before being transferred to police custody. He also added at his trial session in April 2020 that officials who visited him in prison identified themselves as intelligence officers. Those officials threatened Turkman and forced him to withdraw his statements about torture, enforced disappearances, and the various violations he was subjected to[[12]](#footnote-12).

Maat received a distress call via its e-mail on October 10, 2020, stating the disappearance of the Palestinian journalist Ahmed Mahmoud Ayesh Al-Astal. On September 21, 2020, Al-Astal was abducted from a Turkish street in Istanbul, in the Sakarya Turkish city, by unknown figures. Maat immediately sent an urgent appeal to the Special Rapporteur on Enforced or Involuntary Disappearances, calling on the Turkish government to clarify its opinion in this issue. Only after the international pressure exerted by Maat, the Turkish government admitted that the latter was detained on charges of communication with the UAE government on October 20, 2020, nine days after the campaign launched by Maat. Al-Astal family confirms that he was subjected to severe torture with electric shocks and beatings and a confession was extracted by force. The Palestinian journalist is still being held in Turkish prisons without clear evidence of the accusation against him. Maat calls on the Turkish government to provide the Palestinian journalist a fair trial and hold it responsible for anything that may happen to him, especially after it has been revealed that the Turkish police forces have been involved in the torture he was subjected to. Maat notes that Turkish practices enforced disappearance violate Article 14 of the International Covenant on Political and Civil Rights.

**Under terrorism-related charges, citizens are imprisoned**

After the July 2016 attempted coup in Turkey, the Turkish government has forcibly arrested swarms of activists and political opposition, under the pretext of combating terrorism and pursuing those who made the coup against democracy. The arrests took place without judicial warrants or a clear legal basis. Authorities detained them without a specific reason and prevented them from appearing in court in some cases. The authorities did not allow lawyers to defend them, prevented them from communicating with their families, and prevented their relatives from knowing their locations. Besides, they didn’t compensate them for the periods of pretrial detention that they had served. In this context, the Turkish Interior Minister, Süleyman Soylu, announced in July 2020 that the Turkish police had launched 99, 66 security campaigns since the coup attempt. The campaigns resulted in the detention and arrest of 282,790 people, and the arrest and imprisonment of 94,975 others[[13]](#footnote-13). According to the documentation of the Turkish opposition and human rights organizations, the Turkish security forces carried out 115 thousand arrests of Turkish citizens for alleged affiliation with the PKK during the year 2020[[14]](#footnote-14).

In this context, citizens are arrested for insulting the Turkish president, 3831 were arrested for the Turkish President insulting charges during the year 2020, and about 36,000 were under investigation for the same crime[[15]](#footnote-15). While the mayors of the Democratic People's Party (HDP), which has a Kurdish majority, are being prosecuted, dismissed from work, and arbitrarily arrested under Article 45 of Municipalities Law No. 5393[[16]](#footnote-16). Despite the European Court of Human Rights requesting the Turkish government to release the former leader of the HDP, Selahattin Demirtaş, who has been detained since November 2016 However, Turkey continues to detain and arrest him. Turkey is ignoring all international decisions and demands calling for Demirtaş's release[[17]](#footnote-17). Maat affirms that the Turkish forced detentions violate Article 9 of the International Covenant on Political and Civil Rights.

**Shocking testimonies of brutal torture in Turkey**

Various human rights reports indicated the spread of the phenomenon of torture in Turkey. Also, Turkish security forces perpetrators of torture are usually exempted from punishment, and they were only investigated in rare cases. Torture is a systematic policy to extract confessions or to intimidate human rights activists and retaliate against opposition[[18]](#footnote-18). The testimonies of torture survivors indicate that the Turkish government used various methods to torture opponents, including waterboarding and electric shocks. The Turkish government also uses torture methods such as hanging sitting, threats of rape, and sexual harassment of female detainees. In September 2020, secret, unofficial detention sites were revealed in which more than 2,000 detainees were tortured after the failed coup in July 2016[[19]](#footnote-19).

According to a human rights report, 27,000 subjected to systematic torture during Turkish President Recep Tayyip Erdogan's rule[[20]](#footnote-20). Maat explains that the Kurds, leftists, the Hizment movement are the most torture vulnerable in Turkey. In 2020, there was 1289 detainees' torture, ill-treatment cases were exposed[[21]](#footnote-21), and 830 torture cases occurred in 2019, according to the estimates of Maat. In addition, there were 103 deaths as a result of torture from 2016 until 2020[[22]](#footnote-22). Maat monitored death due to torture in Turkish prisons in April 2019; so, it received a distress call on her e-mail stating that Zaki Mubarak, the Palestinian citizen, was tortured in a Turkish prison. It announced that the Turkish government arrested him on April 22, 2019, after his enforced disappearance. The Turkish government announced later that he committed suicide inside the prison.

Maat received information in the case of Zaki Mubarak after his relatives received his body. It indicates that there were torture signs on Mubarak's body, strikes on the head, removal of the skin from the skull, fractures of his feet and hands, and the fingers on the hands' removal. Those responsible for Mubarak's torture have not yet been brought to trial, despite Maat activities and the international condemnations of the Turkish government. That shows that the policy of impunity coincides with incidents of torture in Turkey. The torture practices the Turkish government violate carried out by Article 7 of the International Covenant on Civil and Political Rights.

**The media Nationalization and imprisonment of journalists**

The Turkish government began putting freedom of opinion and expression in Turkey under constant surveillance after the attempted coup in July 2016; it nationalized the media and blocked news websites. Moreover, it arrested the journalists on multiple charges, insulting the Turkish president and disturbing national security. That was due to their objection to the military operations carried out by Turkey outside its territory, especially the military intervention in Libya. The Turkish government has taken decisions to close 53 newspapers, 34 television channels, 37 radio stations, 20 magazines, six news agencies, and 29 publishing houses after the failed coup. It also ranks 154 out of 180 countries in the World Press Freedom Index for the year 2020. Turkey ranks second in the number of journalists arrested number in the world after China for 2020[[23]](#footnote-23). Many different media outlets, especially visual ones, transferred to businessmen loyal to the government. Moreover, the government used the politicized Turkish judiciary to issue decisions to imprison and suppress journalists[[24]](#footnote-24).

In August 2019, to control the desire to block independent or dissenting opinions on the Internet, the Turkish Radio and Television (RTÜK) Supreme Council increased its powers. The authorities increased under Turkey's Internet Radio and TV Broadcasting Regulation; Turkish Parliament approved it in March 2018[[25]](#footnote-25); that strengthened the council powers in supervising Internet broadcasters. It gave online broadcasters one month to apply for a license from the council, which posed an existential threat to many young broadcasters. Moreover, it monitored future content, blocked various websites, and monitored electronic platforms such as YouTube[[26]](#footnote-26). The Internet in Turkey is subject to Law No. (5651) of 2007 and its amendments. The law gives the right to the competent authorities in Turkey to access user data without any authorization from the Internet. Moreover, the law gave the right to the competent authorities to block the content without obtaining a judicial decision[[27]](#footnote-27).

While the Turkish government continued to block Wikipedia from April 2017 to December 2019, it was due to the publication of two articles about Turkey's support for terrorist groups in Syria and criticism of Turkish President Recep Tayyip Erdogan. Maat confirms that this incident illustrates the extent of the suffering that freedom of opinion and expression has reached in Turkey. Wikipedia is a source of knowledge for many citizens[[28]](#footnote-28). Maat affirms that targeting freedom of opinion and expression in Turkey violates Article 19 of the International Covenant on Political and Civil Rights.

**Freedom of assembly, peaceful demonstration and association are under siege**

The Turkish government uses counterterrorism laws to crack down on Turkish civil society relentlessly. The Turkish government targets the protesters in peaceful marches and attacks them. It arrested protesters and subjected them to judicial harassment and social stigmatization. In addition, civil society organizations are closed, besieged, and their activities threatened, and targeted activists and human rights defenders working for them. After the coup attempt, 1,419 civil society organizations, including human rights organizations, were closed down, in addition to 145 institutions. The restrictive and vaguely worded laws allowed the government to impose measures to restrict freedom of assembly[[29]](#footnote-29). The Turkish government uses excessive force during the peaceful assemblies’ dispersal. The government has dispersed at least 549 peaceful demonstrations in 49 provinces across Turkey, resulting in the arrest of at least 1,816 people during the year 2020[[30]](#footnote-30).

There is rising in repression and police violence against the Kurdish minority and women in Turkey during their dispersal demonstrations in 2020. Meanwhile, Maat did not notice that the court issued judicial rulings against Turkish security personnel in violence cases. Moreover, demonstrations are constantly escalating against the backdrop of political repression against Kurdish political opponents, and the police use violence to deter these marches[[31]](#footnote-31). The Turkish government justifies violence to break up peaceful demonstrations by obtaining a permit from the Ministry of the Interior before the demonstrations. Despite the end of the state of emergency in 2018, many governors continued to use the extraordinary powers they wield to restrict the right to peaceful assembly[[32]](#footnote-32).

In this context, the Turkish government constantly imposes restrictions on May Day celebrations by left-wing groups, the demonstrations of Sabbath mothers, and the continuous gatherings of the forcibly disappeared since 1995 families[[33]](#footnote-33). The leaders of non-governmental organizations face harassment, arrests, and routine trials for carrying out their activities. For example, the Turkish businessman and civil society spiritual father, Osman Kavala; the Turkish government constantly detained him in Turkey on false charges. Despite the Turkish court's decision to release Kavala in February 2020, the Turkish government arrested him on another charge[[34]](#footnote-34). Maat considers that these practices violate Articles 21 and 22 of the International Covenant on Political and Civil Rights relating to peaceful assembly and freedom of association.

**Recommendations**

Finally, political and civil rights in Turkey are dramatically deteriorating. These violations are committed in the presence of a legal environment. Enforced disappearances and arbitrary arrests are continuing to create fear that does not allow criticism of the government. Moreover, there are the constant censorship and restrictions on media freedoms and the reinforcement of the torture policies that the security services often pursue to extract confessions. In addition to restricting the work of civil society and the continuous prosecution of activists, journalists, and human rights defenders, and accordingly, Maat for Peace, Development and Human Rights recommends the following: -

* The Turkish government should reconsider its reservation to Article 27 of the International Covenant on Civil and Political Rights on the cultural and religious rights of ethnic and religious minorities.
* Amend Article 7 of the Anti-Terrorism Law and the following Penal Code Articles 29, 220, 299, 301, and 316, which are the articles that the Turkish government uses in suppressing political and civil liberties
* Ratification of international conventions and treaties that the Turkish government is not a party to, such as the International Convention for the Protection of All Persons from Enforced Disappearance
* Reconsider the legislation that the Turkish government has enacted that undermines political rights, such as the Civil Associations Law that was enacted in December 2020, the law on social media content regulation in July 2020, and the law targeting bar associations in June 2020. That is in addition to the amendments to the Higher Education Law, which targets academic freedoms.
* Ensure a fair trial for Palestinian journalist Ahmed Al Astal, with the Turkish government bearing the responsibility of preserving his life after evidence emerges that the Turkish police forces were involved in his torture.
* To stop the enforced disappearance of opponents, politicians, and opinion and expression activists.
* Stop arbitrarily arresting dissidents and opinion activists and release them. The Maat Foundation renews its recommendation to the Turkish government that the former leader of the HDP, Selahattin Demirtaş, who has been detained since November 2016, should be released.
* To stop the systematic practices of torture while ensuring that there is no impunity for the torture crime perpetrators of the Palestinian citizen Zaki Mubarak.
* To stop targeting activists, journalists, media institutions, and freedoms on social media.
* Not to use violence to disperse demonstrations and deal with security forces by the Citizens Code of Conduct for Law Enforcement, adopted in December 1979.
* Reconsider the targeting of Turkish civil society with the need to release the Turkish activist Osman Kavala.

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