

## Concerns about violations of human rights in Turkey

The Rafto Foundation awarded the Rafto prize to Leyla Zana for her non-violent struggle for the human rights of the Kurdish population in Turkey in 1994. On the occasion of the upcoming visit of the Secretary General of the Council of Europe to Turkey, the Rafto Foundation wants to express its grave concern for the deterioration of the respect and protection of human rights, democracy, and rule of law, in the country.

We recognize that the government of Turkey has been exposed to extraordinary challenges in recent years. They are not limited to, but certainly including, the employment of violent and illegal means to oppose governmental authority by certain proponents of autonomy for provinces with a predominantly Kurdish population; the employment of violent and illegal means to terrorize the civilian population by proponents of the so-called Islamic State and other parties involved in the civil war in Syria; the massive influx of refugees from this ongoing civil war; the organized crime exploiting these events through trafficking and smuggling; the illegitimate non-parliamentary means of influence on governmental institutions exercised by supporters of the Gülen movement; and finally the coup d'état attempted and overcome by the democratically elected authorities on 15 July 2016, suspected to have been organized also by such supporters.

We condemn attempts to overturn the democratically elected authorities in Turkey by use of violent means, and note with satisfaction that this position seems to be shared by all legitimate political organizations active in the country.<sup>1</sup> The government of Turkey has the right to respond to such challenges to the democratic and legal order with the necessary force allowed by Turkish law, and within the constraints of the human rights obligations recognized by all civilized states. We are, however, concerned that the response to these challenges in Turkey have for some time exceeded these bounds, thereby undermining the democratic legitimacy of the government, negating rule of law, and violating a number of human rights – especially but not exclusively the right to freedom of speech, organization and assembly.<sup>2</sup>

We are concerned that the use of force to control violent opposition, whether in the ongoing conflict in the provinces with a predominantly Kurdish population, or in the recent response to the attempted coup d'état, seems to have harmed persons who cannot reasonably be suspected to have broken the law, and who have not resisted the legal authorities by use of force. These include women, children and other civilians in the Kurdish regions<sup>3</sup>, and soldiers who may have been involved in the attempted coup d'état, but acting on the order of their superiors and not on their own behalf. The harm inflicted includes incarceration, various degrees of physical injury, and loss of life.<sup>4</sup> We are also very concerned about reports indicating that persons suspected of participation in the attempted coup d'état or other forms of rebellion, may have been subjected to torture while in the custody of the authorities.<sup>5</sup>

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<sup>1</sup> <http://www.aljazeera.com/news/2016/07/turkish-political-parties-unite-coup-attempt-160717170830139.html>

<sup>2</sup> <https://www.amnesty.org/en/latest/news/2016/07/turkey-intensified-crackdown-on-media-increases-atmosphere-of-fear/>

<sup>3</sup> <http://foreignpolicy.com/2016/07/27/turkeys-other-crackdown-hursit-kulter-kurds/>

<sup>4</sup> <http://www.bbc.com/news/world-europe-36354742>

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



The democratic legitimacy of a government does not rest solely on the support of a majority of the electorate, the majority in popular polls, or what appears to be a majority in the streets. Democratic legitimacy also requires the provision of equal and fair opportunities for the opposition to voice their concerns, organize to promote their interests, and assemble to make their opinions known to the general public. The democratic legitimacy of a government also rests on its adherence to the principles of rule of law.

We are therefore very concerned about the closing and legal persecution of independent media, the arrest of journalists<sup>6</sup> and retraction of the immunity of members of parliament<sup>7</sup>, seemingly on perfunctory charges and without probable cause or reasonable suspicion specified and communicated publicly in each individual case. We protest the flagrantly unreasonable persecution of citizens who sign petitions as accomplices of terrorists.<sup>8</sup> We are equally concerned about the collective dismissal of large numbers of public employees without individual justification of their supposed abuse of the power of their office, and are especially concerned with the purge of the judiciary presumed to provide an independent check on the legality of measures carried out by the executive.<sup>9</sup> We also protest the collective retraction of the right to travel freely in and out of the country for a large group of citizens without any presentation of documentation indicating that they may reasonably be suspected of violations of law.<sup>10</sup>

While declaring a state of emergency secures the legality of such proceedings, they nevertheless conflict with the basic principles of rule of law, undermine the democratic legitimacy of the current government, and violate the human rights of the citizens affected.

We ask that international observers be given immediate access to all relevant facilities to ensure that abuse of the human rights of Turkish citizens are respected; that the state of emergency be lifted as soon as possible; that freedom of speech, organization and assembly be restored; and that negotiations be initiated to end the violence in provinces affected by the conflict with Kurdish militants.

Sincerely yours,

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The Rafto Foundation is a legally autonomous organization dedicated to the promotion human rights. The work of the foundations is funded by the Norwegian government, by non-governmental organizations, and by contributions from private citizens. We recognize no political or religious commitments apart from those required by the human rights norms. Our work consists in the annual selection and presentation of the Rafto Prize for Human Rights work, in providing various forms of assistance to the work of the Rafto Laureates, and by offering human rights education.

<sup>6</sup> <https://www.amnesty.org/en/latest/news/2016/07/turkey-intensified-crackdown-on-media-increases-atmosphere-of-fear/>

<sup>7</sup> [http://www.nytimes.com/2016/05/21/world/europe/turkey-parliament-immunity-kurds.html?\\_r=0](http://www.nytimes.com/2016/05/21/world/europe/turkey-parliament-immunity-kurds.html?_r=0)

<sup>8</sup> <https://www.hrw.org/news/2016/03/16/turkey-academics-jailed-signing-petition>

<sup>9</sup> <http://www.icj.org/turkey-icj-condemns-purge-of-judiciary/>

<sup>10</sup> <http://www.independent.co.uk/news/world/europe/turkey-coup-erdogan-academics-ban-leaving-country-government-crackdown-latest-a7146591.html>