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Just Atonement Inc.

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Just Atonement Inc. (JAI) is an order of legal professionals who defend democracy and fight for a peaceful, sustainable world.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in

harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Republic of Turkey (“Turkey”).

Analysis

1. In 2016, Turkey saw an attempted military coup, which lead the government to impose a state of emergency that restricted free expression and imposed censorship on many media outlets.
2. In June 2018, Parliamentary and presidential elections saw the reelection of President Recep Tayyip Erdoğan and the majority Justice and Development Party (AKP) retain control of parliament.



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3. The effects of the **state of emergency**, however, are still being felt as new counterterrorism legislation has been introduced that contains many of the same limitations as the original state of emergency.
4. Turkey has continued its practicing of **jailing journalists**, generally on charges related to terrorism or the attempted coup. Pro-Kurdish newspapers are regularly shut down by the government, as well as online content censored. Bans on public assemblies and protests are still common.
5. A number of human rights lawyers and other **activists are currently in jail** or on trial in Turkey, largely on grounds of terrorism. Turkey takes a particularly repressive approach towards LGBTQ activism and assemblies.
6. Allegations of **torture and ill treatment of prisoners** continues in Turkey, including claims of forced disappearances.
7. Throughout 2018, Turkish government forces continued to engage in **armed conflict with Kurdistan Workers' Party** fighters. Turkey continues to take repressive measures against pro-Kurdish officials and activists.
8. Turkey currently hosts the **largest numbers of refugees in the world**, primarily from Syria, as well as smaller numbers from Iraq, Afghanistan, and other countries. Pursuant to an agreement with the European Union for financial assistance in exchange for preventing refugees from migrating deeper into Europe, Turkey has effectively closed its borders to Syrian refugees. Border guards have shot at refugees trying to cross the border, and summarily returned many more to Syria.

State of Emergency and Executive Power

9. The Turkish government was granted emergency powers in 2016 after the attempted coup, which expired in July 2018.
10. In August 2018, however, parliament approved legislation that granted the executive similarly expansive powers, including the ability to dismiss government officials by administrative decision and strengthened police powers.
11. In January 2019, parliament granted President Erdoğan new emergency powers over the country's financial system in light of Turkey's recent currency difficulties.



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12. Pursuant to the state of emergency, Turkey has dismissed about 130,000 government officials over alleged terrorist affiliation or participation in the coup.
13. About one-fifth of Turkey's current prison population has been convicted of charges related to terrorism. Many convictions have taken place absent compelling evidence of terrorist activity. Additionally, suspects are often held in prolonged pretrial detention.
14. Between 2016 and February 2019, Turkey has jailed around 168 lawyers on charges related to terrorism and involvement in the coup. Reports suggest that there is often little evidence that these lawyers have genuinely been involved with terrorist organizations. Lawyers who have been convicted of terrorism-related offenses can be barred for up to two years under Turkish law from representing clients who face similar charges. Courts can also restrict lawyers who have a past conviction related to terrorism from accessing certain police records, undermining their ability to effectively represent clients.
15. As of June 2019, Turkey has begun trials for 16 activists accused of terrorism and anti-government protests in 2013, including well-known philanthropist Osman Kavala. Some of the individuals on trial have been in jail for up to 20 months. Sources say that the indictments do not detail how the activists conspired against the government.
16. Under international law, Turkey has the obligation to afford individuals accused of crimes due process guarantees. Turkey's terrorism-related prosecutions violate article 14 of the ICCPR, which provides equal protection and due process guarantees, as article 9, which prohibits arbitrary arrest and detention.
17. Article 4 of the ICCPR states that parties may not derogate from many international law obligations, even in times of emergency. Thus, many of Turkey's actions under the emergency powers grant are likely violations of international law.

Restrictions on Freedoms of Press and Assembly

18. As of early 2019, around 175 journalists were in jail in Turkey. Numerous others were currently on trial or in pretrial detention.
19. As of early 2019, Turkey had arrested the highest number of journalists in the world.
20. The alleged offenses committed by the journalists were commonly related to terrorism, though a few had reported on subjects including women's rights issues.



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21. In February 2019, three writers and commentators were sentenced to life imprisonment based on coup-related charges. One was released, but two remain in prison.
22. Many of the jailed journalists had been involved with pro-Kurdish media outlets, including the *Cumhuriyet* newspaper.
23. Turkey continues to heavily censor media, and individuals have been prosecuted on terrorism charges for content they posted to social media.
24. Turkey continues to heavily restrict public citizen protests.
25. At least 18 university students were held in pretrial detention following a peaceful protest held on a university campus for the purpose of criticizing the president.
26. In August 2018, the Interior Minister banned a vigil that was organized by the relatives of victims of enforced disappearances. Police used force to disband the vigil, and 27 of the organizers were briefly detained.
27. Turkish police also detained a number of workers protesting poor working conditions at the site of a new airport in Istanbul in September 2018. 37 organizers were arrested and held in pretrial detention. A handful were later released, but most were later convicted of offenses related to unauthorized staging of a protest and resisting arrest.
28. Turkey has an obligation to recognize individuals' rights to free speech, expression, and assembly under international law. Turkey's failure to do so is a violation of article 19 of the ICCPR, which protects free expression, article 21, which protects free assembly, and article 22, which guarantees the freedom of association. Turkey's jailing of journalists is also a violation of violate article 14 of the ICCPR, which provides equal protection and due process guarantees, as article 9, which prohibits arbitrary arrest and detention.

Human Rights Activists

29. Turkey is still currently trying Amnesty International Turkey's honorary chair Taner Kılıç on terrorism charges. Kılıç was arrested in July 2017 with a group of other human rights activists, most of whom are still in jail or on trial.
30. The aforementioned Turkish businessman and philanthropist Osman Kavala has been in detention since November 2017, and is on trial for conspiracy against the government.



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The charges against Osman appear to be tied to his involvement with the 2013 Gezi Park citizen protests.

31. Human rights lawyers make up over 1,500 of the lawyers currently on trial for terrorism offenses in Turkey.
32. Many municipalities in Turkey continue to ban activism related to LGBTQ rights. On June 23, 2019, Turkish police used force to disperse a crowd who had gathered in the city of İzmir to read a statement condemning the city government's ban of a pride parade. 17 individuals were arrested and detained.
33. International law affords individuals the rights to free speech, expression, and assembly, which Turkey is obligated to respect. Turkey's failure to do so is a violation of article 19 of the ICCPR, which protects free expression, article 21, which protects free assembly, and article 22, which guarantees the freedom of association. Turkey's jailing of activists is also a violation of violate article 14 of the ICCPR, which provides equal protection and due process guarantees, as article 9, which prohibits arbitrary arrest and detention.

Torture, Mistreatment in Custody, and Abductions

34. In February 2018, the UN Special Rapporteur on torture, Nils Melzer, visited Turkey and expressed concern at the number of allegations of torture and cruel and degrading treatment of those held in Turkish prisons and police custody.
35. Multiple reports indicate that detainees in Turkey have been subjected to stress positions, held without food, water, or medical treatment, subjected to beatings and other violence, and sexually assaulted.
36. In 2017, at least four men were abducted by state agents and held in police custody in undisclosed locations before release, circumstances which could amount to a forced disappearance.
37. The Turkish government does not appear to have investigated the abductions, nor have any of the agents implicated in the events been charged with crimes.
38. Turkey has an obligation under international law to refrain from torturing those in custody, as well as to avoid subjecting them to other cruel or inhumane treatment. Turkey's treatment of individuals in custody is a violation of article 7 of the ICCPR, which prohibits torture and cruel, inhuman, or degrading treatment or punishment.



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Kurdish Conflict

39. Armed conflict between the Turkish military and the Kurdistan Workers' Party (PKK) forces continue in Turkey, especially in the southeastern rural areas of the country.
40. Turkey continues to take repressive measures against pro-Kurdish officials and media outlets.
41. The Turkish government effectively retains control over 94 Kurdish municipalities, and has suspended local democracy in many of these areas.
42. In April 2019, Turkey's High Election Board (YSK) overturned the election of seven mayors from a pro-Kurdish party, and instead gave the seats to candidates from President Erdoğan's party.
43. Turkey's repression of Kurdish groups likely constitutes a violation of article 1 of the ICESCR, which guarantees all peoples the right to self-determination, including the right to determine their political fate.

Refugees and Migrants

44. Turkey still receives the highest number of refugees in the world, with around 4.9 million as of early 2019.
45. Turkey also receives many asylum-seekers from Afghanistan, Iraq, and other countries.
46. In 2018, Turkey struck a deal with the European Union to prevent refugees arriving in Turkey from migrating deeper into the European Union in exchange for financial aid. The agreement continues at present.
47. Syrian nationals in Turkey are not able to register as refugees, so they are not entitled to the full protections that Turkey affords refugees.
48. The Turkish border is effectively closed to Syrian refugees. Thousands of Syrian nationals have been deported, and Turkish border guards reportedly shot at individuals trying to cross into Turkey from the Syrian border.



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49. Rates of child labor among refugees and child refugees who do not attend school remain high in Turkey.
50. All individuals have the right to seek asylum under international law, a right which Turkey has the responsibility to safeguard.
51. Turkey's treatment of migrants is a violation of article 14 of the Universal Declaration of Human Rights, which provides a right of individuals to seek asylum. Incidence of child labor and lack of education among child migrants could also constitute a violation of article 10 of the ICESCR, which prohibits most child labor, as well as article 13, which recognizes a right to education.

Recommendations

52. Turkey should **end all emergency powers**, and enact emergency legislation to ensure compliance with its international obligations.
53. Turkey should release all activists, journalists, lawyers, and other individuals who are in jail for terrorism-related offenses absent compelling proof of involvement with terrorist organizations.
54. Turkey should drop charges terrorism related charges against all activists, journalists, lawyers, and other individuals who are currently on trial or in pretrial detention absent compelling proof of involvement with terrorist organizations.
55. Turkey should examine government practices to ensure that citizens' rights to freedom of expression and assembly under international law are being respected.
56. Turkey should investigate allegations of torture and other mistreatment of prisoners, and implement legislation to ensure that prisoners are being treated humanely in accordance with international law.
57. Turkey should investigate allegations of abductions by government agents, and commence legal proceedings against any government agents who have acted in violation of international law.



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58. Turkey should release control of elections in pro-Turkish areas, and restore normal functioning of local democracy.
59. Turkey should review immigration legislation to ensure compliance with international law.
60. Turkey should enact policies to ensure that Syrian refugees are not subjected to violence or inhumane treatment, as required by international law.

Respectfully submitted,

/s/ Inder Comar and Kaitlyn Box

of Just Atonement Inc.

