



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Maat's Report on Turkey's Submission to the UPR

Introduction

Maat for Peace, Development and Human Rights (Egypt) presents this report to clarify and follow up the human rights situation in the State of Turkey and monitor the most important changes related to it. Maat analyzed the documents and results of the second cycle of the Universal Periodic Review (UPR) of Turkey in January 2015. 278 recommendations were made to Turkey, of which 215 accepted and 63 rejected. The Government of Turkey commits major violations of fundamental human rights on a daily basis, in particular the freedom of expression. Also, it practices torture against opponents and persecutes minorities.

Accession to International Human Rights Treaties

Maat is deeply concerned about the decline in the human rights situation in Turkey, especially since Turkey has not yet acceded to a number of international conventions, such as the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; as well as its reservations to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 41 of the International Covenant on Civil and Political Rights; and it has not ratified the Rome Statute of the International Criminal Court, ILO Conventions No. (169) and (189), the Additional Protocols I, II and III of the Geneva Convention of 1949, and the UNESCO Convention against Discrimination in Education¹.

¹ تم الرجوع إلى التقرير الوطنى فى تركيا، وتقارير أصحاب المصلحة، والتقارير المجمع من قبل المفوضية السامية لحقوق الإنسان، وللإطلاع على المزيد فيما يخص موقف تركيا من الاتفاقيات الدولية والآليات الأممية، يمكن الرجوع إلى الرابط التالى: <http://cutt.us/q16Tu>

المنظمة حاصلة على المركز الاستشاري الخاص في المجلس الاقتصادي والاجتماعي منذ 2016

Organization in special consultative status with the Economic and Social Council since 2016

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Freedom of Opinion and Expression

Since the failed coup attempt in 2016, a number of journalists and academics have been subjected to criminal investigation and have been prosecuted. This has been accompanied by the closure of at least 156 media organizations, including 5 news agencies, 62 newspapers, 19 magazines, 14 radio stations, 29 television channels, 29 publishing houses affiliated to the Gulen movement, and a number of independent Kurdish and left-wing channels and radio stations, as well as blocking 127,000 websites and 94,000 blogs on the Internet, including Wikipedia², under an executive decree issued by Turkey in the context of the state of emergency imposed in the country³. In the period from 1 January 2016 to 29 November 2018, the Turkish authorities abolished the accreditation cards of 1954 journalists. The Turkish authorities have already abolished the management of press information on the granting of press accreditation cards. In addition, a third of journalists, media personnel and press executives are in prisons. Quite a few journalists have lost their jobs because they have criticized the government and its policies. The government has taken over the media criticizing it and replaced its officials with others who conform with the orientations of the State.

In the same context, the Committee to Protect Journalists (CPJ) has ranked Turkey among the world's 10 worst countries in the area of the independent journalism. The International Federation of Journalists (IFJ) has ranked Turkey as the world's largest prison for journalists, whereas Journalists detained in Turkey represent half the number of detained journalists worldwide. According to the 2017 index of Reporters Without Borders, Turkey ranked 155 out of 180 countries.

The intimidation, repression and detention of journalists and activists in Turkey has become the rule rather than the exception. The number of women journalists has recently increased by fourfold. Between July 20 and December 31, 2016, the Turkish authorities closed 178 media organizations and publishing houses and imprisoned about 150 journalists, under the pretext of supporting the failed coup in 2016. The information on the number of journalists held in Erdogan's prisons is conflicting, whereas human rights reports have reported the dire situation of the press and the suffering of journalists in Turkey. There are 319 detained journalists, arrest warrants have been issued for 142 other journalists displaced abroad and 839 journalists prosecuted in 2017, based on press reports they wrote or participated in⁴.

In October 2016, the journalists of the newspaper Jamhurit protested outside its office after a number of journalists were arrested; Turkish security forces raided the offices of the newspaper and arrested its journalists, some of them were released and some were imprisoned. In addition, during the presence of Erol Onderoglu, press freedom defender and a representative of Reporters Without Borders, in a meeting held by the Kurdish newspaper Ozgur Gendem to celebrate World Press Freedom Day, the newspaper was accused of publishing Kurdish terrorist propaganda. The Turkish authorities closed the

² أردوغان يخنق الإعلام.. إلغاء 1954 اعتماداً صحفياً في 3 أعوام، م منشور على موقع العين الإخبارية، بتاريخ 20 ديسمبر 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/tjfs1>

³ حرية التعبير في تركيا الى أين؟ م منشور على موقع أحوال، بتاريخ 17 ديسمبر 2017، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/7bFLU>

⁴ الصحافة في تركيا.. حريات مفقودة وديكتاتورية صارخة، م منشور على الشروق العربي، بتاريخ 9 أكتوبر 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/0NmSN>

newspaper and detained Onderoglu for 10 days. A report by RSF noted that Erdogan directly or indirectly controls 80% of the Turkish media⁵.

The Turkish government continued to place arbitrary restrictions on the freedom of the press and the media by imposing selective disciplinary fines against all those who oppose the government. The government also conducts defamation campaigns against journalists and detains journalists without trial for terrorism. On April 25, 2018, a court sentenced 14 Turkish opposition newspaper Jamhurit to prison terms on overbroad charges including supporting terrorism. In March 2018, the Turkish security forces raided the headquarters of the Kurdish newspaper Uzhgorod Demokrasi and its printing press, after the news coverage that was opposed to the occupation of Syria's Afrin, which is called Olive Branch operation by Erdogan. The Turkish authorities confiscated the property of the newspaper, including the printing press, to a fund belonging to the Prime Minister. The authorities also confiscated the property of Zaman after the closure of its headquarters⁶.

In the same context, the Turkish authorities used the legislative power, represented by the parliament, to pass a package of laws that restrict the freedom of the press. In March 2018, the Turkish parliament approved a draft law to include the Internet within the supervisory powers of the Radio and Television Supreme Council⁷.

In early 2018, President Erdogan was ranked first in the category of leaders who reject criticism. the CPJ awarded him two awards in two of five categories of press freedom violations because of the continued targeting of journalists, channels, news sites, and social media users on charges of insulting the president. It should be noted that the reports of some opposition newspapers on the Ministry of Justice have indicated that more than 6033 cases were filed on charges of insulting Erdogan in 2017, 2099 sentences were issued in these cases; and, in 2016, 4187 cases were filed on the same charges, 844 sentences were issued⁸.

Torture

In April 2019, Turkish security forces tortured the Palestinian citizen Zaki Mubarak to death after failing to extract confessions for a crime he has not committed, alleging that he committed suicide in prison. The case has started when the Turkish authorities arrested Mubarak and another person named Samer Shaaban for allegedly spying for another country. On April 28, 2019, the Palestinian ambassador in Turkey Fayed Mustafa reported that the Palestinian detainee Zaki Mubarak died under mysterious circumstances⁹.

The Turkish media that close to the government has tackled the death of Mubarak briefly. Which raised a lot of controversy, especially that the accusations made by Ankara to Mubarak were questionable

⁵ نيفين الحديدي، الصحافة في تركيا.. حريات مفقودة وديكتاتورية صارخة، م منشور على موقع 24، بتاريخ 9 أكتوبر 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/e1933>

⁶ المصدر السابق نفسه.

⁷ أردوغان يمنع كلمة "حرية" من الإنترنت في تركيا، م منشور على موقع أخبارك، بتاريخ يونيو 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/wg8EA>

⁸ إيمان جمعه، أردوغان "المتناقض" يطالب بحريات شعوب العالم ويكتم أفواه دولته، م منشور على موقع الأمصار، بتاريخ 25 أغسطس 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/IWK9r>

⁹ مقتل فلسطيني بسجن تركي، والسلطات بقفص الاتهام، سكاي نيوز عربية، 29 ابريل 2019. <http://bit.ly/2DPxaxd>

and deficient in concrete evidence, referring to the involvement of the Turkish security authorities in his death. Therefore, he was not suicide as promoted by the Turkish media, but a victim of a full-fledged political assassination.

In the same context, following the failed coup attempt in 2016, the Turkish authorities launched the largest cleansing operation in Turkey's modern history, whereas more than 125,000 employees were dismissed and arrested and approximately 40,000 arrested on charges of associating with the movement of the Turkish cleric Fathullah Gulen, who is accused by the government of masterminding the coup. As a result, hundreds or even thousands were subjected to extrajudicial torture. On July 15, 2016, the lawyer Sejlin Bayon presented a video of a detainee suffering from a head injury; and said "My client and others have been beaten, hit in the wall, and burned in the legs because of being forced to kneel on hot asphalt. I saw a police officer strangling another person I am defending during an investigation."¹⁰

Also, she added that "Ribs have been broken because of beatings and some have been injured in their wrists due to handcuffing their hands behind their backs as well as fractures in the skull." Press reports revealed more testimonies of abuses committed by the authorities against detainees, not only against those suspected of masterminding the coup attempt, but others who have been cleansed on charges of supporting terrorism, including Kurds and leftists. Kamel Oloch was arrested in August 2016 on charges of belonging to the outlawed Kurdistan Workers' Party (PKK). He was held in Istanbul's Isnellar and Fatan prisons where he was severely tortured. He said "They have pictures of about 200 people and are forcing us to confess that we are members of the PKK. When I refused, torture began. They tied heavy things in our testis, which still causes me pain, and then they spilled water on us and hit us. We were then taken to the hospital, but the police asked the doctor not to record anything."¹¹

In accordance with the emergency law imposed in Turkey following the attempted coup, in particular article 9, which exempts State officials from any legal, administrative, financial or criminal liability under the state of emergency. This article was used by a prosecutor in the northern city of Trabzon, in the east of the country, in response to complaints of torture, and he sentenced to reject charges against a police officer suspected of torturing a newspaper distribution agent in front of his wife and children. Cases involving torture and ill-treatment have been all dropped, based on the same article. Moreover, incidents of collective torture of Kurdish villagers in the southeastern province of Nisibin and the images of Kurds being stripped naked and assaulted by police on the side of the road in the western state of Mugla have gone unimaginably and without punishment. Which reflects the extent to which security officers are protected from any legal accountability¹².

Although in normal circumstances the Turkish laws provides for daily medical examinations of detainees, this procedure has been condoned in the case of those detained in connection with the coup in Turkey. The Turkish criminal courts also has refused to record the confessions and statements of the suspects about their torture, on the grounds that this is not within the subject of the case under consideration. Several accounts of persons who had been subjected to police abuses indicated that they had been sexually assaulted. The appalling conditions in which detainees are held are also a form of torture. The greatest victims of these conditions are the young children who are forced to live in prisons

¹⁰ مارك لوين، شهادات مروعة عن حالات تعذيب في تركيا بعد محاولة الانقلاب، م منشور على موقع النى بى سى، بتاريخ 28 نوفمبر 2016، ويمكن قراءة المقال كاملاً من خلال الرابط التالى: <http://cutt.us/bvFhL>

¹¹ نفس المصدر السابق.

¹² أمرة قورال، زيادة كبيرة في شكاوى التعذيب في تركيا.. والسبب حالة الطوارئ!، م منشور على موقع أحوال نيوز، بتاريخ 6 يونيو 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالى: <http://cutt.us/tkcim>

alongside their detained mothers. More than 700 children are currently being held in prisons, forced to live under these conditions. This dire situation has prompted many mothers who face prison sentences to flee the country with their children to seek asylum abroad¹³.

In March 2018, the United Nations published a report indicating a marked increase in human rights violations and cases of torture in Turkey, and that there were Turkish prisons that witnessed systematic torture of the 160,000 detainees. Torture ranges from severe beatings, punches, kicking, threats and harassment, to rape, sexual violence and sleep deprivation, as well as overcrowding of about 20 to 30 persons in a room measuring 3 meters by 3 meters. Over the past two years, the Turkish courts have received 121,000 complaints of violations against detainees, but none have been investigated. Human rights reports have documented violations of women's rights, prompting 51 women to commit suicide; between 18,000 and 20,000 women arrested in Turkey after the failed coup; and these detainees have been subjected to harassment and torture and deprived of meeting with their families and lawyers¹⁴.

Persecution of Minorities

The issue of oppression of minorities in Turkey is still ongoing and has been highlighted recently, especially with the exposure of many ethnic Kurdish minorities to the violations and torture continued by the Turkish authorities, and preventing them from speaking in their Kurdish language. The situation worsened with the suicide of the Kurdish activist Medya Çınar on March 26, 2019, in prison, to protest against the arrest of the historic leader of the Kurds, Abdullah Ocalan. This was not the first suicide case but the fourth. Ugur Scar, Zulkuf Gezen and Ayten Beçet also have committed suicide after the strike of Kurdish MP Laila Guvin on 8 November 2018. There is inhuman treatment by the Turkish authorities for the Kurds in prisons, as a consequence of an eternal crisis that has been going on since 1984, in which about 50,000 people were killed and a large number of Kurdish citizens were resettled in southeastern Turkey.

Over successive generations, the Turkish authorities have dealt with the Kurdish minority in brutal manner, resettled them, denied many of their names and uniforms, as well as the Kurdish ethnic identity was denied and They are referred to as mountain Turks. The Turkish authorities have banned the Kurdish language and discriminated in the acceptance in employment opportunities and universities, even those who hold higher positions in the Kurdish areas are non-Kurds. In addition to the marginalization of the Kurdish areas in the absence of development and rehabilitation processes; preventing them from free political expression; impeding the work of the Kurdish parties, in the event they are allowed to be formed; the absence of a constitution guaranteeing the basic rights of the Kurds, which increase the national tendency to integrate into society; and the absence of a culture of coexistence. Moreover, the authorities have carried out military and security operations against the Kurds, during which food was banned from

¹³ نفس المصدر السابق.

¹⁴ محمود حسن، التعذيب في سجون تركيا: اغتصاب وحرمان من الماء وتفتيش الزوار عرايا، م منشور على صوت الأمة، بتاريخ 13 يوليو 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/OVzJo>

the Kurdish villages and towns; and many of them have been forcibly evicted from their villages by the security forces¹⁵

In the same context, press reports quoted testimonies of torture of Kurds in Turkish prisons, indicating that prisoners have been subjected to rib fractures and some have been injured in their wrists due to handcuffing their hands behind their backs as well as fractures in the skull. Kamal Olek, who was arrested on charges of being associated with the PKK, was tortured several times at an Istanbul police station. Kamal asserted that a pistol was placed in his mouth in order to repeat what the officers dictated, and that he was forbidden from entering the toilet, explaining that he was subjected to sexual abuse, in addition to threatening him of raping his wife. The UN High Commissioner for Human Rights said, in a report, that between July 2015 and December 2016 about 2000 people were killed and entire neighborhoods were destroyed in southeastern Turkey during security operations launched by the Turkish government, which was marred by massive destruction and serious human rights violations¹⁶.

Maat for Peace, Development and Human Rights confirmed in a previous report on the sidelines of the 40th session of the Human Rights Council that Turkey continued to persecute and repress some religious and ethnic minorities on its territory, especially the Kurds with whom the Turkish government deals with repression and arrests. It mobilizes military forces on the border with Syria, in front of Kurdish areas, using the Kurds as a pretext for military interference in Syria. Maat also has asserted that the Turkish authorities are inhumanly dealing with the Kurdish minority on its territory and outside its borders, in an attempt to annihilate the entire people¹⁷.

Recommendations

Believing in the important role that civil society organizations play in the utilizing of human rights approaches and the utilizing of its mechanisms and tools to promote human rights, Maat for Peace, Development and Human Rights recommends the State of Turkey and its representatives to:

- Amend the Penal Code and the Law on Fight Against Terrorism, in line with international standards on the right to freedom of expression.
- Conduct a comprehensive review of the laws on freedom of peaceful assembly and to simplify the requirements for allowing the planning of peaceful demonstrations to ensure the right to peaceful expression of views.
- Consider the cases of torture and complaints concerning detainees being tortured in prisons, which is a clear violation of all international conventions.
- Comply with the articles of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁵ أسماء البتاكوشى، أكراد في زنازين أردوغان.. سجون تركيا غرف تفتيش للأقليات والمعارضة، م منشور على موقع المعراج، بتاريخ 27 مارس 2019، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/nMvbZ>

¹⁶ أسماء البتاكوشى، أكراد في زنازين "أردوغان".. تعذيب وانتحار.. سجون "أنقرة" غرف تفتيش للأقليات والمعارضة.. باحث في الشأن التركي: معاملة لا إنسانية من قبل السلطات التركية، م منشور على موقع البوابة نيوز، بتاريخ 2 أبريل 2019، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/Narkz>

¹⁷ انتهاكات حقوق الإنسان في تركيا بالجملة.. اضطهاد وقمع للأقليات الدينية وحبس للصحفيين واستضافة إعلاميين تابعين للإخوان.. المنتدى العربي للحوار يقدم شكوى ضد اسطنبول إلى المجلس الدولي لحقوق الإنسان، م منشور على موقع أخبارك، مارس 2019، ويمكن قراءة المقال كاملاً من خلال الرابط التالي: <http://cutt.us/Wc1ZN>

- Establish a national association to conduct secret, undeclared and irregular visits to prisons in order to find out the truth about torture in prisons.
- Seriously consider the complaints of citizens and detainees and their families against police officers; and to hold lawbreakers accountable.
- Take serious and concrete steps to ensure the independence and impartiality of the judiciary to resolve these violations, in particular the cases of the detention of journalists, torture and ill-treatment by police and State officials.
- Stop targeting Kurds both inside and outside Turkey; and release the Kurdish activist Abdullah Ocalan, who has been in prison since 1999.