



**Ms Federica Mogherini, High Representative of the Union
for Foreign Affairs and Security Policy and Vice-President of the European Commission
Mr Donald Tusk, President of the European Council
cc: Ministers of Foreign Affairs of the European Union and EU ambassadors to Turkey**

20 April 2016

Object: Extension of Turkey's state of emergency in a context of grave human rights violations

Dear HR/VP Federica Mogherini,
Dear President Donald Tusk,

EuroMed Rights, European Federation of Journalists, Front Line Defenders, Index on Censorship and World Organisation Against Torture (OMCT) are deeply concerned by the Turkish government's decision to extend the state of emergency in Turkey by a further three months. The decision has been approved by the Turkish parliament and published in the Official Gazette.

The far-reaching discretionary powers exercised by the Turkish authorities during the nine months of the state of emergency have deeply undermined the rule of law and human rights safeguards.

We support the position of the Venice commission of December 2016, which stated that "the Government interpreted its extraordinary powers too extensively and took measures that went beyond what is permitted by the Turkish Constitution and by international law." We also note the preliminary findings and conclusions of the OSCE-ODIHR International Observation Mission stating that "under the state of emergency (...), fundamental freedoms essential to a genuinely democratic process were curtailed (...). One side's dominance in the coverage and restrictions on the media reduced voters' access to a plurality of views".

In view of the dangers arising from the extension of the state of emergency and the worrying human rights situation in Turkey (see appendix), **the signatory organisations call on you to:**

1. Urge the Government of Turkey to reverse its decision to renew the state of emergency and to revoke measures incompatible with Turkey's human rights obligations;
2. Urge the Turkish authorities to release from custody without delay, unconditionally drop politically-motivated charges and proceedings, and quash sentences against the hundreds of journalists, elected members of parliament and mayors of South Eastern municipalities, human rights defenders,

- trade unionists, and intellectuals unjustly jailed or facing judicial harassment for their legitimate human rights work, writing, non-violent political association or convictions;
3. Monitor closely the safety of human rights defenders and encourage the EU Delegation and the EU Member State Embassies in Turkey to proactively implement the EU Guidelines on Human Rights Defenders. In particular, the EU Missions should as often as possible visit political prisoners in jail and attend the trials of human rights defenders, including journalists and trade unionists. The EU Delegation and the EU Member State Embassies in Turkey should also press Turkish authorities to ensure that human rights organisations and professional bodies of relevant experts such as medical chambers, bar associations and lawyers associations are also given access to all places of detention and court rooms.

We look forward to hearing from you about steps that the European Union will take to implement these recommendations, in line with the EU Guidelines on Human Rights Defenders and the EU's Human Rights Action Plan adopted by the Council on 20 July 2015.

Yours sincerely,

Michel Tubiana – EuroMed Rights President

Mogens Blicher Bjerregård – European Federation of Journalists President

Andrew Anderson – Front Line Defenders Executive Director

Hugh Williamson – Human Rights Watch Executive Director, Europe & Central Asia

Jodie Ginsberg – Index on Censorship Chief Executive

Gerald Staberock – World Organisation Against Torture (OMCT) Secretary General

Appendix – Human rights violations committed during the state of emergency in Turkey

Dismissal of government officials

More than 134,000 civil servants have been dismissed, including more than 3,500 military personnel, 10,000 policemen and 3,500 judges and public prosecutors. As a consequence of their dismissal, their passports have been seized. Other negative consequences include a life-long ban from working in the public sector/private security companies and eviction of staff housing.

Torture and ill-treatment in detention

Since the failed coup attempt, Turkish authorities launched mass judicial investigations. According to the Turkish Ministry of Justice in January 2017, 105,532 people face investigation while 42,083 are in prison. These include soldiers, officers, policemen, judges, prosecutors, journalists, teachers and others. Provisions in Turkey's emergency decrees have suspended key safeguards that protect detainees from torture and other ill-treatment in ways that violate Turkey's international obligations and place detainees at risk, such as:

1. A police detention period of seven days renewable once, without legal review, for terrorism-related offences and organised crime;
2. Interference with confidential access to a counsel, including monitoring and recording of communications at the request of a prosecutor.

In practice, law enforcement officials and agents have undermined those safeguards to an extent exceeding even the permissive leeway granted them under the emergency decrees. Many non-governmental organisations have gathered credible evidence that detainees in Turkey are being subjected to beatings and torture, including rape.

Attacks against any form of dissent, including human rights defenders, independent media, trade unionists and other forms of peaceful dissent

Human rights defenders face constant harassment and even death, as evidenced by the assassination of Mr Tahir Elçi, President of the Diyarbakır Bar Association, on 28 November 2015. Another recent example of this worrying trend is the harassment of human rights defenders of the Human Rights Association (İHD) and the Human Rights Foundation of Turkey.

As of 31 March 2017, there are at least 146 journalists in jail, 32 of which work with media outlets reporting extensively on Kurdish issues. The Cumhuriyet newspaper director, Mr Can Dundar, and head of the Ankara office, Mr Erdem Gul are accused of revealing state secrets "for espionage purposes" and seeking to "violently" overthrow the Turkish government as well as aiding an "armed terrorist organisation" for an article alleging that the Turkish government tried to ship arms to Islamists in Syria. They have been released from jail after 92 days following a decision by the Constitutional Court arguing that their personal liberty and their freedom of expression and freedom of press had been violated. They still face charges despite their release. Another journalist from Cumhuriyet, Mr Ahmet Şık, was detained from 6 March 2011 to 12 March 2012. It is said that the case was launched and tried by gulenist public prosecutors and judges. However, Mr Şık was detained again on 31 December 2016 and released on 12 April 2017 for propaganda of terrorism. Many others remain behind bars in similar cases.

Other noteworthy cases are those of trade unionists charged of “disseminating propaganda concerning a terrorist organisation” after demonstrating peacefully, or that of more than a thousand academics who signed a statement for peace, some of whom were judicially charged, while over 300 of them were dismissed or suffer from administrative and financial harassment from their hierarchy. 1,500 associations, 104 foundations and 19 unions have been closed. 596 private businesses have been seized and could be sold if their shareholders were accused of supporting terrorism.

Erosion of procedural safeguards and lack independence of the judiciary

The anti-terror Law is applied in many politically-motivated cases, granting extended powers to public prosecutors and judges while limiting the rights of the defence. Prosecution under the anti-terror Law goes through special courts that do not guarantee the basic rights of the defence. Provisions such as “propaganda for a terrorist organisation” are commonly applied to punish freedom of expression online and offline and freedom of peaceful assembly, and the right of defendants to a fair trial is in many cases violated.

Recent reforms have severely eroded the independence of the judiciary, in particular the modification of the composition of the Supreme Board of Judges and Prosecutors. In April 2015, the reform of the ‘internal security package’ granted broad search and arrest powers to police officers without a judicial warrant, and eased the use of firearms. Dozens of lawyers have been arrested and tried only for exercising their duty and authorities have the right to revoke a defendants’ lawyer.