



New York, 24 September 2017

Request for an international commission to investigate Turkey's failed coup of July 15 th, 2016

Guided by the Charter of the United Nations, the Statute of the Council of Europe¹ and the Helsinki Final Act,²

Recalling the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, and that all States are bound to promote and protect human rights and fundamental freedoms,

Recalling further Article 4 of the International Covenant on Civil and Political Rights and Article 15 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* with regard to rights that may not be derogated from under any circumstances, even in a public emergency,

Alarmed by the grave deterioration of the human rights situation in the aftermath of the July 15, 2016 attempted coup and the indiscriminate killing and deliberate targeting of civilians in Turkey's South-East, in violation of international humanitarian law,

Expressing outrage at the culture of impunity for serious violations of international humanitarian law and violations and abuses of human rights law committed by state agents acting on behalf of the government of Turkey, which has provided a fertile ground for further violations and abuses,

Expressing grave concern at government's constant exploitation of the attempted coup of July 15, 2016 to resort to more extreme forms of repression

1 Statute of the Council of Europe, (ETS No. 001), *entered into force on* August 3, 1949.

2 Founding document of the Organization for Security and Co-operation in Europe, August 1, 1975.

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against its real or perceived political opponents and anyone with dissenting views; in particular against institutions which in normal circumstances provide structural defence against authoritarian descent and the social group/movement inspired by the teachings of the Islamic scholar Fethullah *Gülen*,

The Journalists and Writers Foundation (JWF),

- having regard to the most recent report on the Progress made in the implementation of EU-Turkey Statement by the European Commission,ⁱ
- having regard to the report on the human rights situation in Southeast Turkey by the Office of the United Nations High Commissioner for Human Rights,ⁱⁱ
- having regard to the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression - Mission to Turkey (A/HRC/35/22/Add.3),ⁱⁱⁱ
- having regard to the report of the Working Group on Enforced or Involuntary Disappearances (A/HRC/33/51/Add.1),^{iv}
- having regard to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions - Turkey (A/HRC/29/37/Add.4),^v
- having regard to the concluding observations of the Committee against Torture (CAT/C/TUR/CO/4),
- having regard to the opinions of the UN Working Group on Arbitrary Detention (Nr. 38/2017, Nr. 41/2017)^{vi}
- having regard to the Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey by the Commissioner for Human Rights, Council of Europe,
- having regard to the European Council's Turkey Report 2016,^{vii}
- having regard to the Report on "The functioning of democratic institutions in Turkey" by the Parliamentary Assembly of the Council of Europe",^{viii}
- having regard to Turkey's Human Rights Report 2016 by the US Department of State,^{ix}
- having regard to the Record of the Parliament of the UK,^x



- having regard to the Report “Human Rights and the Political Situations in Turkey“ of the House of Commons Library of the UK,^{xi}
- having regard to the Report “A Blank Check Turkey’s Post-Coup: Suspension of Safeguards Against Torture“ of Human Rights Watch,^{xii}
- having regard to Country Report of Human Rights Watch,^{xiii}
- having regard to World Press Freedom Index 2016 by Reporters without Borders,^{xiv}
- having regard to the policy paper released by the Netherlands-based Institute on Statelessness and Inclusion (ISI),^{xv}
- having regard to the report “Suspicious Deaths and Suicides“ of the Stockholm Center for Freedom (SCF),^{xvi}
- having regard to the report “Turkey’s Descent Into Arbitrariness: The End Of Rule Of Law“ of SCF,^{xvii}
- having regard to the report “Jailing Women In Turkey: Systematic Campaign Of Persecution And Fear“ of SCF,^{xviii}
- having regard to the report “Erdogan’s Vile Campaign Of Hate Speech Case Study: Targeting Of The Gülen Movement“ of SCF,^{xix}
- having regard to the report “Post-Coup Turkey: State Of Emergency, Torture and Impunity“ of the Journalists and Writers Foundation (JWF),^{xx}
- having regard to the report “Women’s Rights Under Attack In Turkey“ of JWF,^{xxi}
- having regard to the report “Assault On Education In Turkey And Abroad“ of JWF,^{xxii}

witnessing that,

- A. the coup attempt of 15 July 2016 was an attack on the democratic order of the Republic of Turkey. The state of emergency declared by the Turkish government led to incitement to hatred, atrocity crimes, massive human rights violations and the collective punishment and arbitrary persecution of people on the basis of their alleged/perceived relationship to the Gülen inspired Hizmet movement.
- B. the censorship on the media is far-reaching, and thousands of civil society organizations have been shut down by 24 emergency decree laws.



Furthermore, the extreme deterioration of the rule of law through the widespread persecution of lawyers, journalists, judges and prosecutors is a clear evidence for Turkish government's abuse of the state of emergency to establish an atmosphere of fear and to silence each and every opponent. Associations of lawyers and judges e.g. YARSAV have been closed down and their assets have been seized or frozen without compensation.

- C. currently more than 2000 (out of 4424 dismissed) judges and prosecutors, 513 lawyers and 234 journalists and media workers are under arrest, with further 867 lawyers being prosecuted. Most of them are detained, without being taken to a court, on the basis of poorly grounded accusations of supporting terrorist organizations.
- D. Turkish Courts order the freezing of assets when they issue detention warrants, which leaves the detainees in a position of not being able to support their families. Furthermore, the right of the defense is undermined by the adopted decree-laws. The detainees have no access to a lawyer for the first five days of police custody, and this right can be further suspended for up to six months. Even in the cases when access to a lawyer is possible, the confidentiality between the lawyer and the client is violated; the conversation between them are often taking place in the presence of a police officer and their conversation in the prisons are recorded. In addition, documents are confiscated and checked by police officers.
- E. it is almost impossible to seek a remedy in Turkish courts, including the Constitutional Court which has a mandate to hear individual complaints on fundamental rights violations. The government has also made it very difficult to exhaust domestic remedies by slowing down processes, suspending applications to judicial and administrative bodies and making pending cases linger indefinitely. In addition,, many citizens who had to flee Turkey to avoid persecution and wrongful detention, have no access to the Turkish justice system to file motions through powers of attorney, because Turkish consular services refuse to grant such documents.



- F. the European Court of Human Rights (ECtHR), whose judgements are binding on Turkey and who remains a contracting state to the European Convention on Human Rights (ECHR), has so far rejected several complaints from Turkish applicants, citing non-exhaustion of domestic remedies.
- G. the Board of the European Network of Councils for the Judiciary (ENCJ) pointed out that the Turkish High Council for Judges and Prosecutors (HSYK) has fallen short of meeting the requirements of the ENCJ, which undermines the independence of the Turkish Judiciary.
- H. President Erdogan is abusing the coup attempt, which he qualified in the same night of coup as “a blessing from Allah”³, to collectively incriminate the social group/movement inspired by the teachings of the Islamic scholar Fethullah Gulen, and, in parallel, to try to put anybody who is not in line with him behind bars. To that end, the judiciary has become the Turkish government’s instrument to intimidate their opponents.
- I. any attempt to investigate and report human rights abuses, in particular those involving criticism of the government’s actions or violations, is facing the high risk of one being labelled “terrorist”, “traitor” or “pro-coup” individual or organization. Consequently, many civil society components and other local actors have understandably resorted to silence and self-censure out of fear of being associated with the Hizmet movement.
- J. serious human rights violations have been reported in prisons across the country, including systematic torture and ill-treatment. In addition, prisons witnessed a significant increase⁴ in the number of *suspicious deaths*, which authorities hastily categorized as *suicide* without undertaking effective or independent investigations.
- K. in the time period from July 2016 to June 2017, 12 cases of *enforced disappearances* have been documented, which implies a systematic and

³ <https://www.neweurope.eu/article/erdogan-calls-turkish-coup-gift-allah-istanbul/>

⁴ <http://stockholmcf.org/suspicious-deaths-and-suicides-in-turkey-updated-list/>.



deliberate campaign aiming at intimidating and silencing dissent. Some of these enforced disappearances took place in broad daylight and were carried out by law enforcement officials acting on behalf of the Turkish authorities in major Turkish cities. Requests by family members to investigate the disappearances have been ignored by the authorities. Abductions of citizens allegedly linked to the Hizmet movement seek to produce forced, fabricated and self-incriminating confessions often written by the police in advance, as well as to spread an atmosphere of fear among dissenters.

- L. in the aftermath of the attempted coup, Turkey witnessed the detention and arrest of thousands of women, including housewives, journalists, teachers, academics, physicians, healthcare professionals and businesswomen for allegedly having links to the *Hizmet movement*. Credible evidence suggests that many were subjected to torture and ill-treatment. Furthermore, sexual assaults and rape of men and women in prisons have been widely documented in multiple human rights organizations reports.
- M. there are serious testimonies coming from lawyers, human rights activists and family members, about discrimination and ill-treatment of women during pregnancy, childbirth and, in particular, the postpartum period, including cases of detention/arrest and denial of medical services.
- N. on a more disturbing level, hundreds of women, children and elderly were among around 1,200 local residents who lost their lives between July 2015 and December 2016 during security and military operations carried out in South-East Turkey. In addition, Women, children and elderly, mostly citizens of Kurdish origin, form the majority of people reported as internally displaced persons (IDPs) in South-East Turkey, a number estimated between 355,000 to half a million people⁵.
- O. persecution of women is seen across all age groups, from ages as young as 18 to 86 years of age. Highly-educated segments among women, including

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OHCHR, Report on the human rights situation in South-East Turkey, July 2015 to December 2016, para 14.



professionals ranging from academics, teachers, doctors, judges and prosecutors, are the most targeted. Also, women are increasingly arrested in an attempt to force their spouses at large to either turn themselves into police or, if already under custody, to deliver false testimonies.

- P. there are several figures reported in the Turkish media which put the number of women in prison at 6,616 as of March 2016 and 7,894 as of November 2016. The number of women under custody pending trial tripled from 1,157 in March 2016 to 3,235 in November 2016. It is estimated that around 17,000 women are currently under custody across Turkey.
- Q. the situation of more than 660 children, between 0 to 6 years old, who according to the Justice Ministry are being held (as of August 2017) in Turkish prisons along with their mothers. 149 children in prison are between 0 and 12 months old; 140 children are 1 year old; 124 children 2 years old; 117 children 3 years old; 77 children 4 years old; 44 children 5 years old; 6 children 6 years old; while the age of the remaining 11 are unknown. According to the Ministry of Justice, 324 of the children imprisoned along with their mothers are female and 344 are male.⁶
- R. intolerant, xenophobic and hateful speech has been extensively used by the ruling political establishment in Turkey, primarily by the president himself, deepening divisions in result, and increasing polarization, mostly in quest for short-term political gains. Social cohesiveness, pluralism and integrity in Turkish society were accordingly undermined, along with fundamental human rights and liberties; state institutions were further politicized. Speech that stigmatizes millions among vulnerable social groups, minorities and others became a simple routine for an autocratic regime.
- S. members of the Hizmet movement, in particular, have been targeted by a consistently demonizing hate speech. The direct result was a mass persecution unparalleled in modern Turkish history. More than 240 different derogatory

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<https://hapistecocuk.wordpress.com/2017/08/15/her-gun-en-az-1-cocuk-annesiyle-birlikte-hapishaneyeye-girdi/>



phrases (see below) that infer hate speech were repeatedly voiced against the Hizmet movement in a little over three years, mainly by president Erdoğan himself, at his numerous public speeches. Another direct result was the widespread violations of human rights and torture reported in detention centers and prisons; the systematic hate speech had a damaging influence on the mindset of law enforcement officers.

- T. Turkey's National Intelligence Organization (MİT) has reportedly extended the persecution of supposed Hizmet movement sympathisers abroad.

Abductions and alleged extrajudicial executions of Hizmet movement sympathizers orchestrated by the MİT have previously taken place in Malaysia in October/December 2016 and again in May 2017, as well as in Somalia, Myanmar, Thailand and Nigeria among other countries.

In June 2017 Turkey's National Intelligence Organization (MİT) established an "Office for Human Abduction and Executions" - In Turkish "*İnsan Kaçırma ve İnfaz Bürosu*". Pursuant to the information published in many Turkish media outlets, the Office is vested with the authority to conduct 'operations' abroad, with the objective of abducting or murdering mainly Hizmet sympathizers living and working in foreign countries. According to the same sources, the Office's "field of activity" will initially be Sudan, Morocco, Pakistan, Azerbaijan and Iraq. The Office has been already allegedly allocated an initial five (5) million US dollars budget, which will be also used for payments to various criminal and other illegal groups in achieving the stated "objectives".

- U. high level officials have publicly threatened that supposed Hizmet movement sympathisers "will not enjoy the right to life". Turkey's Economy Minister Zeybekçi stated in July 2016 that the government will punish plotters of the recent failed military coup attempt so severely that they will beg for death. Furthermore, Erdoğan's son-in-law and Energy and Natural Resources Minister Albayrak said he would strangle supporters of the Gülen movement wherever



he sees them addressing university students being sent abroad on scholarships.⁷

- V. across Turkey, at least 70 suspicious deaths of members or sympathizers of the Hizmet movement have been up to now documented, most of which occurred in detention places. In addition, real concerns about extrajudicial executions beyond prison walls have surfaced, allegedly orchestrated by law enforcement personnel. Investigations about those deaths are routinely obscured by the government, and families of the victims are hesitant to file formal complaints, because of intimidation and fear of further persecution.

[Witnessing all this and being deeply concerned about the threats of AKP officials regarding “new attempts like 15 July“],

the Journalists and Writers Foundation

1. **requests** the establishment of an independent international and credible investigation Committee into the coup attempt of 15 July 2016 in Turkey by the UN, in order to remove any kind of vagueness, and to end the exploitation of the coup attempt and human rights violations by the Turkish government,
2. **reminds** the international Community about their responsibility to protect the victims, and underlines the importance of granting them asylum
3. **urges** the Council of Europe and the European Union to demand the establishment of an independent international investigation Committee by UN.
4. **urges** the relevant entities of UN and OSCE to establish special and independent investigation Committees regarding torture, arbitrary detention and other human rights violations and calls for the appropriate international monitoring bodies to be granted access to detainees in prisons and detention centers

⁷ <https://stockholmcf.org/minister-son-in-law-of-turkeys-erdogan-i-would-strangle-gulen-supporters-wherever-i-see-them/>



5. **reminds** of the fact that courts and tribunals which may fall into the category of domestic remedies in Turkey have lost their competence to achieve independent and fair decisions.
6. **calls** on the European Court of Human Rights, to which a majority of the appeals have been directed, and on other relevant international monitoring bodies, not to delay or deny applications of Turkey's purge victims based on the unrealistic premise that domestic legal processes must first be exhausted.
7. **calls** on international and national media and civil society to support the establishment of independent international investigation Committees to put an end to the massive human rights violations in Turkey
8. **urges** the Turkish government to restore an independent judicial system in accordance with the rule of law and to guarantee all its citizens the fundamental right of access to justice.
9. **urges** the Turkish government to withdraw all the charges against judges, prosecutors, lawyers, journalists and other dissenters and immediately and unconditionally release human rights defenders, journalists, academics and activists in custody or under arrest on baseless charges.



References

- ⁱ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/170613_6th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf
- ⁱⁱ http://www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf
- ⁱⁱⁱ <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/TRIndex.aspx>
- ^{iv} <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/166/87/PDF/G1616687.pdf?OpenElement>
- ^v <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/090/35/PDF/G1509035.pdf?OpenElement>
- ^{vi} http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_38.pdf
- ^{vii} https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf
- ^{viii} <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbnQvbncveG1sL1hSZWYvWDJILURXLWV4dHluYXNwP2ZpbGVpZD0yMzUyNSZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvWFJiZi1XRRC1BVC1YTUwyUERGLnhzbA==&xslparams=ZmlsZWlkPTIzNTI1>
- ^{ix} <https://www.state.gov/documents/organization/265694.pdf>
- ^x <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmcaff/615/61511.htm>
- ^{xi} <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2017-0077#fullreport>
- ^{xii} https://www.hrw.org/sites/default/files/report_pdf/turkey1016_web.pdf
- ^{xiii} <https://www.hrw.org/wohttps://www.state.gov/documents/organization/265694.pdf/rd-report/2017/country-chapters/turkey>
- ^{xiv} <https://rsf.org/en/ranking>
- ^{xv} http://www.institutesi.org/news/Policy-brief-Turkey-arbitrary-deprivation-of-nationality_2017.php
- ^{xvi} http://stockholmcf.org/wp-content/uploads/2017/03/Suspicious-Deaths-And-Suicides-In-Turkey_22.03.2017.pdf
- ^{xvii} <http://stockholmcf.org/wp-content/uploads/2017/04/Turkey%E2%80%99s-Descent-Into-Arbitrariness-The-End-Of-Rule-Of-Law.pdf>
- ^{xviii} <http://stockholmcf.org/wp-content/uploads/2017/04/Jailing-women-in-Turkey.pdf>
- ^{xix} http://stockholmcf.org/wp-content/uploads/2017/06/Erdogans-Vile-Campaign-Of-Hate-Speech-Case-Study-Targeting-Of-The-Gulen-Movement_2017.pdf
- ^{xx} <http://jwf.org/download/reports/Torture-Report-in-Turkey-2017.pdf>
- ^{xxi} <http://jwf.org/wp-content/uploads/2017/05/Womens-Rights-Under-Attack.pdf>
- ^{xxii} <http://jwf.org/download/reports/Education-Report-in-Turkey-2017.pdf>