



---

*Plenary sitting*

---

**B8-0091/2018**

5.2.2018

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the current human rights situation in Turkey  
(2018/2527(RSP))

**Kati Piri, Victor Boştinaru, Elena Valenciano, Knut Fleckenstein**  
on behalf of the S&D Group

**European Parliament resolution on the current human rights situation in Turkey  
(2018/2527(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Turkey, in particular that of 27 October 2016 on the situation of journalists in Turkey<sup>1</sup>,
- having regard to its resolution of 6 July 2017 on the 2016 Commission Report on Turkey<sup>2</sup>,
- having regard to the Commission's Turkey 2016 report,
- having regard to the Commission President Jean-Claude Juncker's State of the Union Address of 13 September 2017,
- having regard to the statement by the Vice-President of the Commission / High Representative, Federica Mogherini, and the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, on the latest developments in Turkey of 2 February 2018, their statement a year after the coup attempt in Turkey of 14 July 2017, and their statement on the Venice Commission's opinion on the amendments to the Constitution of Turkey and recent events of 13 March 2017,
- having regard to the statements by the European External Action Service (EEAS) Spokesperson of 8 June 2017 on the reported detention of the head of the Amnesty International in Turkey, Taner Kiliç, of 8 July 2017 on the detention of human rights defenders on the island of Büyükada in Turkey, and of 26 October 2017 on ongoing human rights cases in Turkey,
- having regard to the written observations by the Council of Europe Commissioner for Human Rights submitted to the European Court of Human Rights of 2 November 2017 concerning a group of twelve applications relating to the freedom of expression and right to liberty and security of parliamentarians in Turkey and of 10 October 2017 concerning a group of ten applications relating to the freedom of expression and right to liberty of journalists in Turkey,
- having regard to the fact that EU's founding values include the rule of law and respect for human rights and that a proper functioning judicial system and respect for fundamental rights are of paramount importance for and should be a priority for candidate countries like Turkey,
- having regard to the right to freedom of expression enshrined in the European Convention on Human Rights (ECHR) and the International Covenant on Civil and

---

<sup>1</sup> Texts adopted, P8\_TA(2016)0423.

<sup>2</sup> Texts adopted, P8\_TA(2017)0306.

Political Rights (ICCPR), to both of which Turkey is a state party,

- having regard to the ‘Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment’, adopted by UN General Assembly resolution 43/173 of 9 December 1988,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Parliament strongly condemned the attempted coup of 15 July 2016; whereas the state of emergency is currently being used to silence dissent and goes far beyond any legitimate measures to combat threats to national security; whereas under international law, emergency measures must be necessary and proportionate in scope and duration and must be used only to counter genuine security threats to the nation; whereas the Turkish authorities have abused emergency provisions to impose blanket bans, arbitrary detentions and restrictions on freedom of expression and assembly; whereas these measures have undermined protections against ill-treatment and the right to a fair trial while allowing the government to bypass parliamentary and judicial scrutiny; whereas, according to Human Rights Watch, many legal actions were taken out in the absence of any evidence of participation by those accused in the failed coup attempt;
- B. whereas the human rights defenders, political activists, lawyers, journalists and other intellectuals who are detained are often falsely accused of ‘being a member of an armed terrorist organisation’ or ‘support of an armed terrorist organisation’; whereas according to the official statistics of the Turkish Ministry of Justice for 2016, 4187 people were charged with ‘insulting the President’ under Article 299 of the Turkish Penal Code, 482 lawsuits were opened on grounds of ‘insulting the Turkish nation’ under Article 301 of the same code, and 17 322 people were charged with making propaganda for illegal organisations; whereas 148 signatories of the ‘Academics for Peace’ petition are facing indictments for disseminating ‘terrorist propaganda’ and await court hearings in May 2018;
- C. whereas the disproportionate measures taken following the declaration of the state of emergency have targeted, through detention, dismissals, arrests and property confiscation, not only thousands of people who are alleged members/supporters of the Gülen movement, which is believed to have been behind the coup attempt, including 50 000 who have been remanded in pretrial custody, but also dissidents in general and members of opposition political parties in particular; whereas thousands more have been remanded on the basis of alleged links to terrorist organisations like the Kurdistan Workers’ Party (PKK); whereas cases reviewed by Amnesty International did not contain credible evidence of individual involvement in criminal acts, suggesting many or most of those in pretrial detention have been put there arbitrarily; whereas appeals for release from pretrial detention are routinely refused and the courts systematically fail to uphold the principle of the presumption of innocence;
- D. whereas according to the European Federation of Journalists, following the coup attempt of 15 July 2016 at least 148 journalists and writers remain in prison, most of whom are being held with no charges brought against them, while many of those

incarcerated have no access to a lawyer; whereas Reporters Without Borders classified Turkey in 2017 as ‘the world’s biggest prison for media personnel’; whereas the restrictive and intimidating environment created by the increasing wave of prosecutions of journalists, writers, social media users and other citizens, even juveniles, for ‘insulting the President’ leads to increased self-censorship; whereas some of the detained journalists have been denied the right of access to a lawyer and are being kept in inhumane conditions in which they are being threatened and mistreated;

- E. whereas, according to Amnesty International, the Turkish authorities have, following the coup attempt, closed down the offices of more than 160 broadcasters, newspapers, magazines, publishers and distribution companies; whereas, again according to Amnesty International, hundreds of civil society organisations have been shut down under the state of emergency decree, including the leading NGOs assisting IDPs and refugees and children’s and women’s rights NGOs; whereas the crackdown has had a profound impact on civil society;
- F. whereas Amnesty International further reports that the Turkish authorities have dismissed 107 000 people from their professions since July 2016; whereas since July 2016 more than 100 000 legal complaints have been filed with the Turkish Constitutional Court, which has declared itself not competent on matters falling under the emergency decree; whereas the ‘Commission of Inquiry for State of Emergency Practices’ set up upon the recommendation of the Council of Europe has received 104 789 applications as of 18 January 2018 and has so far issued decisions only in 3 110 cases, which have not been made public; whereas as a result of this Turkey has so far also failed to offer any other swift and effective appeal procedure; whereas most of those dismissed cannot continue working in their professions, nor can they leave the country as their passports have been cancelled, which leaves them and their families in a desperate situation waiting for a remedy;
- G. whereas Turkish trade union confederations have reported serious allegations relating to numerous dismissals, harassment, retaliatory action, arrest and police assault against union officials for legitimate union activities; whereas in the aftermath of the 15 July coup attempt, two trade union confederations and their 19 member unions, totalling almost 50 000 affiliated workers, were closed by decree over alleged links to terrorist organisations; whereas a significant number of trade union protests and demonstrations have been prevented, thus disproportionately restricting union rights;
- H. whereas the justice system lacks independence and impartiality; whereas recent years have seen the extension of executive control over the judiciary and prosecution, the widespread arrest, dismissal and arbitrary transfer of judges and prosecutors, and the persistent attacks against lawyers; whereas 47 lawyers were detained in 2017; whereas approximately one fourth of judges and prosecutors, amounting to over 4 000, have been dismissed, many of whom have been arrested and in some cases have had their property confiscated; whereas these developments seriously undermine the independence and integrity of Turkey’s judicial system;
- I. whereas according to data provided by the Human Rights Association (HRA), in the first 11 months of 2017 a total of 2 278 people encountered torture and ill-treatment; whereas 428 of these cases involved people being beaten or subjected to other methods

in detention, while 1 855 occurred outside detention centres, in the context of meetings and demonstrations which suffered intervention by the security forces;

- J. whereas the situation in the south-east of the country remains extremely worrying; whereas some 2,500 people have been reportedly killed in the context of security operations and an estimated half a million people have become displaced since July 2015; whereas owing to armed conflicts in the whole country, a total of 695 people, including 183 soldiers, police, village guards, 460 militants, and 52 civilians lost their lives in the first 11 months of 2017; whereas a series of laws, including Law No 6722 on the legal protection of security forces participating in the fight against terrorist organisations, adopted in 2016, have created an atmosphere of ‘systematic impunity’ for the security forces; whereas local prosecutors have consistently refused to open investigations into the reported killings and access to the area by independent observers has been denied; whereas 68 Kurdish mayors remain imprisoned; whereas two State of Emergency (SoE) Decrees were published in the Official Gazette of 24 December 2017 and introduced, inter alia, ‘criminal non-liability for civilians who act to suppress coup attempt and terror acts’;
- K. whereas among the journalists and human rights activists detained are, for example, the German-Turkish journalist Deniz Yücel; the Finnish-Turkish reporter Ayla Albayrak, sentenced in absentia; the academic and columnist Mehmet Altan and the journalist Şahin Alpay; and numerous journalists and staffers from the daily ‘Cumhuriyet’, including Ahmet Şık;
- L. whereas, in the aftermath of the constitutional amendment lifting the parliamentary immunity of a large number of MPs, many opposition MPs have faced judicial proceedings and detention on the basis of terrorism-related and other charges, on account of their legitimate exercise of the right to freedom of expression; whereas 10 MPs remain detained, including HDP Co-Chairs Figen Yüksekdağ and Selahattin Demirtaş and CHP MP Enis Berberoğlu, and 6 MPs have been stripped of their parliamentary mandate, including the Sakharov Prize laureate Leyla Zana;
- M. whereas in July 2017 the Turkish authorities arrested 10 human rights activists (the ‘Istanbul Ten’), of whom two are still in prison and eight have been released on bail; whereas the Istanbul court overturned its own decision to release Taner Kılıç, Amnesty International’s Turkey chair, on 1 February 2018, keeping him detained for the duration of his trial;
- N. whereas one of Turkey’s leading civil society leaders, Osman Kavala, was arrested on 18 October 2017, and has been held in prison ever since on the accusation that he ‘attempted to overthrow the government’ by supporting the Gezi Park protests in December 2013;
- O. whereas the crackdown on political dissent through social media continues; whereas 573 people, including activist Nurcan Baysal and members of the Executive Committee of the Turkish Medical Association, were detained for posting comments on social media that were critical of the Turkish government’s military incursion in the Syrian enclave of Afrin;
- P. whereas at least 55 women’s rights organisations have been closed down since July

2016; whereas on 19 November 2017 the Ankara Governor's Office decided to impose an indefinite ban on any event organised by LGBTI organisations;

1. Reiterates its strong condemnation of the coup attempt of 16 July 2016, and expresses its solidarity with Turkey's citizens; recognises the right and responsibility of the Turkish Government to take action in bringing the perpetrators to justice while guaranteeing respect for the rule of law and the right to a fair trial; stresses, however, that the failed military takeover is currently being used to further stifle legitimate and peaceful opposition and to deny the media and civil society the peaceful exercise of freedom of expression through disproportionate and illegal actions and measures;
2. Expresses its deep concern at the ongoing deterioration in fundamental rights and freedoms and the rule of law in Turkey, and the lack of judicial independence; condemns the use of arbitrary detention and judicial and administrative harassment to persecute tens of thousands of people, including human rights defenders, members of independent civil society organisations, lawyers, judges, political activists, media workers, trade unionists and academics; urges the Turkish authorities to immediately and unconditionally release all those who have been detained only for carrying out their legitimate work and exercising their rights to freedom of expression and association and are being held without compelling evidence of criminal activity; calls for the lifting of the state of emergency in the country and the repeal of the emergency decrees;
3. Stresses that journalists should not be detained on the basis of the content of their journalism or alleged affiliations; underlines the need to ensure that pretrial detention remains an exception; regrets that emergency provisions have also been used to harass family members of journalists and human rights defenders who have fled abroad or gone into hiding, including by cancelling their passports or temporarily detaining them;
4. Calls on the Turkish Government to offer all persons subject to restrictive measures appropriate and effective remedies and judicial review in line with the rule of law; stresses that the presumption of innocence is a fundamental principle in any constitutional state; laments the severe restrictions placed on access to lawyers by detainees; calls on Turkey to review, as a matter of urgency, the nature of the 'Commission of Inquiry for State of Emergency Practices' in such a way that it becomes a robust and independent commission capable of giving individual treatment to all cases, of effectively processing the enormous number of applications it receives, and of ensuring that judicial review is not unduly delayed; urges the Commission of Inquiry to make its decisions public; in the absence of the latter, calls on the Turkish authorities to reinstate those who have been dismissed and restore their social rights, and to allow trade unions to exercise legitimate union activity; stresses its solidarity with all who were fired from their positions without having had the chance to defend themselves, like Nuriye Gulmen and Semih Ozakca, who went on hunger strike after they were removed from their academic positions and whose appeals for review were rejected by the Commission of Inquiry on 26 January 2018;
5. Underlines that terrorism continues to pose a direct threat to citizens in Turkey, and emphasises the importance of the need to step up existing cooperation between the EU and Turkey in order to counter the threat of terrorism in an effective manner; reiterates, however, that the broadly defined Turkish anti-terrorism legislation should not be used

to punish citizens and media for exercising their right of freedom of expression; condemns, in that respect, the detention and trial of at least 146 academics from public and private universities in Istanbul who signed the 'Academics for Peace' petition, and equally condemns the most recent arrests of journalists, activists, doctors and ordinary citizens for expressing their opposition to the Turkish military operation in Afrin;

6. Is deeply concerned about detention conditions, and calls on the Turkish authorities to carry out a thorough investigation into allegations of the serious ill-treatment of prisoners, as reported by several human rights organisations; reiterates its call for publication of the report of the Council of Europe's Committee for the Prevention of Torture (CPT report), and calls for the full accountability and punishment of those guilty of human rights violations; urges the Turkish authorities to allow national and international observers to monitor detention facilities;
7. Is seriously concerned over the closure of more than 160 media outlets by executive decree under the state of emergency; condemns the political pressure on journalists and the attempts by the Turkish authorities to arrest, intimidate and expel foreign correspondents; urges the immediate and unconditional release of all those detained without proof, including EU citizens such as the German journalist Deniz Yücel, who has been held in jail for a year, including nine months in solitary confinement, while no formal charges have yet been brought against him, and the Finnish Wall Street Journal journalist Ayla Albayrak, who was sentenced in October 2017 in absentia on terrorism charges to 25 months in prison for an article about the situation in the south-east of Turkey; welcomes the fact that some journalists and staff of the opposition paper Cumhuriyet were released after months in prison, and also calls for the immediate release of the four Cumhuriyet journalists still behind bars - Chief Executive Akin Atalay, Editor-in-Chief Murat Sabuncu, investigative journalist Ahmet Şık and accountant Emre Iper - and of all other journalists detained in Turkey on politically motivated charges;
8. Is very concerned at the massive crackdown against Turkey's civil society organisations, whereby 1125 associations and 41 foundations have been shut down using emergency decrees, and specifically the arrest of one of the leading NGO leaders, Osman Kavala; condemns the statements made by President Erdogan calling Kavala an 'agent' and the 'Red Soros of Turkey', while no indictment had yet been formulated against him; urges the Turkish government to release Kavala as his arrest is politicised and arbitrary; is deeply concerned that politicians have continued to publicly condemn and intimidate journalists, editors, academics and human rights defenders for their critical views; is extremely concerned about the increased use of hate speech by officials, including senior representatives of the state;
9. Condemns the statement by the Ankara Governor's Office of 19 November 2017 regarding the decision to impose an indefinite ban on any event organised by LGBTI organisations, following three consecutive bans of the Istanbul Pride and other pride marches in the country; regrets that following this statement, other regions in Turkey have banned LGBTI events; highlights that this is in gross violation of the right to freedom of expression and freedom of assembly, as guaranteed in Articles 26, 33 and 34 of the Turkish Constitution, as well as Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR); calls on the Turkish authorities to immediately

revoke the ban and to release the recently arrested leading LGBTI activist Ali Erol;

10. Is deeply concerned that lawyers, judges and prosecutors continue to come under strong political pressure, including dismissals and arrests; calls on Turkey to restore and implement all legal guarantees so as to ensure full respect for the independence of the judiciary, and to urgently implement the recommendations of the Venice Commission;
11. Strongly condemns the decision of the Turkish Parliament to unconstitutionally waive the immunity of a large number of MPs, paving the way for the recent arrests of 10 opposition MPs, including the co-chairs of the People's Democratic Party (HDP), Figen Yuksekdag and Selahattin Demirtas, and revoking the mandate of 6 opposition MPs, including most recently that of Sakharov Prize laureate Leyla Zana; reiterates its solidarity with legitimately elected parliamentarians who are subject to detention and intimidation, and calls for respect for their mandate and their right to a proper defence in court, and for their release; condemns the imprisonment of 68 Kurdish mayors; condemns the arbitrary replacement of local elected representatives, which is undermining further the democratic structure of Turkey;
12. Expresses its serious concern at the situation in south-east Turkey, especially in the areas where curfews are imposed, excessive force is used and collective punishment is applied; urges Turkey to come up with a plan for the effective reintegration of the half-million internally displaced people; reiterates its condemnation of the return to violence by the PKK, which has been on the EU's terror list since 2002, and urges it to lay down its arms and to use peaceful and democratic means to voice its expectations; recalls that the Turkish government has a responsibility to protect all of its citizens; deplores the widespread practice of expropriation, including of properties belonging to the municipalities; is convinced that only a fair political settlement of the Kurdish question can bring sustainable stability and prosperity, both to the area and to Turkey as a whole, and therefore calls on both sides to return to the negotiating table;
13. Expresses its serious concern over the functioning of the legal system in Turkey after the Istanbul criminal court decision to keep two jailed journalists, Mehmet Altan and Sahin Alpay, in detention following the request of the constitutional court for their release on the grounds that they had had their rights violated in custody; supports the call made by VP/HR Mogherini and Commissioner Hahn stating that the EU expects the Turkish authorities to ensure that the Constitutional Court decision of 11 January 2018 is implemented and that the journalists are released without delay; deeply regrets the recent re-arrest of the president of Amnesty International Turkey, Taner Kılıç which is widely considered a travesty of justice, and calls for the charges against him and his co-defendants (the 'Istanbul Ten') to be dropped as no concrete evidence has yet been submitted against them;
14. Urges the High Representative, the EEAS, the Commission and the Member States to continue to raise with their Turkish interlocutors the situation of human rights defenders, political activists, lawyers, journalists and academics in detention, and to provide diplomatic and political support for them, including observation of trials and monitoring of cases;
15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign



Affairs and Security Policy, and the President, Government and Parliament of Turkey.