

# TURKEY



## THE ISSUE:

### THE RIGHT TO EXPRESS FREEDOM OF EXPRESSION

In Turkey, the crackdown on real or perceived dissent continues, despite the end of the two-year long state of emergency in July 2018. Thousands of people are held in lengthy and punitive pre-trial detention, often without any credible evidence of their having committed any crime recognizable under international law. Journalists, political activists, human rights defenders, and people considered critical of the current government see their rights to freedom of expression and peaceful assembly severely restricted through lengthy pre-trial detention and trumped-up criminal charges. The authorities arbitrarily ban demonstrations and use unnecessary or excessive force to disperse peaceful protestors.

Criminal investigations and prosecutions under anti-terrorism laws and punitive pre-trial detention continue to be used, in the absence of evidence of any criminal wrongdoing, to silence real or perceived dissent. At least 839 social media accounts have been investigated for allegedly “sharing criminal content” related to “Operation Peace Spring.” Hundreds of people were taken into police custody and at least 24 were remanded in pre-trial detention.

Over 100 journalists and other media workers are in prison, either held in pre-trial detention or serving a custodial sentence. Some of those investigated and prosecuted under anti-terrorism laws were convicted and sentenced to years of imprisonment, their peaceful journalistic work presented as evidence of a criminal offence. Dozens of human rights defenders face criminal investigations and prosecutions and are detained in police custody or imprisoned for their human rights work, and opposition politicians and activists are continually arrested, tried, and convicted for crimes such as, for example, “making propaganda for a terrorist organization” in the case where 10 academics signed a peace petition in 2016 criticizing indefinite curfews and security operations in southeastern Turkey.

## THE HUMAN COST:

Author Ahmet Altan and broadcaster Nazlı Ilıcak have spent over three years in prison, the majority of which was in pre-trial, solely based on their critical writings and broadcast media commentary. On 4 November 2019, Ahmet Altan was sentenced to 10 and a half years in prison. Nazlı Ilıcak was sentenced to eight years and nine months in prison on ludicrous charges of ‘aiding a terrorist organization without being its member.’ Both Ahmet Altan and Nazlı Ilıcak were released pending their appeals by the Istanbul Heavy Penal Court No. 26, subject to foreign travel bans.

The prosecutor appealed against Ahmet Altan’s release on November 6. On November 8, the Istanbul Heavy Penal Court No. 26 rejected the prosecutor’s request for Ahmet Altan’s return to prison, referring it to the Heavy Penal Court No. 27, which accepted the prosecutor’s appeal on November 12. While Ahmet Altan’s lawyers were not informed of the decision, it was leaked to media. Ahmet Altan was taken into police custody the same evening at his home in Istanbul.

Ahmet Altan’s re-arrest and detention give every appearance of being politically motivated, arbitrary, and incompatible with the right to liberty under Article 5 of the European Convention on Human Rights, which

prohibits all arbitrary deprivation of liberty. The European Court of Human Rights has held that arbitrariness can arise where there has been an element of bad faith on the part of the authorities. His continued arbitrary detention in prison is a serious violation of his rights.



## RECOMMENDATIONS:

The United States should:

- Use all diplomatic opportunities with Turkey to raise concern about the unfair and unlawful restrictions of the right to freedom of expression of journalists, human rights defenders, politicians and others
- Urge Turkey to end the crackdown on peaceful dissenting opinion through trumped up criminal investigations, prosecutions and the punitive use of lengthy pre-trial detention to silence dissent.

## ADDITIONAL RESOURCES:

- Turkey: Prosecution call for jail term of up to 15 years for six human rights defenders, including Amnesty's honorary chair and former director, defies logic <https://www.amnesty.org/en/latest/news/2019/11/turkey-amnestys-exdirector-and-honorary-chair-must-be-acquitted-in-absurd-terror-trial/>
- “We can’t complain”: Turkey’s continuing crackdown on dissent over its military operation “Peace Spring” in north-east Syria <https://www.amnesty.org/en/documents/eur44/1335/2019/en/>
- Turkey: “Judicial reform” package is a lost opportunity to address deep flaws in the justice system <https://www.amnesty.org/en/documents/eur44/1161/2019/en/>
- Turkey: Deepening backslide in human rights: Amnesty International submission for the UN Universal Periodic Review, 35th session of the UPR Working Group, January 2020 <https://www.amnesty.org/en/documents/eur44/0834/2019/en/>

### FOR MORE INFORMATION, PLEASE CONTACT:

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