



RESOLUTION ON TURKEY

The free expression environment in Turkey continues to worsen at breakneck speed. The year has seen a sharp increase in courts prosecuting journalists, academics, human rights defenders and non-violent political activists, in an attempt to quell critical and dissenting voices. Presidential and parliamentary elections on 24 June 2018, which saw President Erdoğan securing a new five-year term, were free but not fair.¹ New constitutional changes, fully entered into force following the elections,¹ grant wide-reaching centralised new powers to the president, including the right to rule by decree, to solely appoint or dismiss ministers, to abolish parliament and to call elections at any time. The new constitution also removes the authority of parliament to monitor the executive branch and debate budget bills, while making it harder to impeach the president for criminal behaviour. Although the two-year long state of emergency was lifted on 18 July 2018, new legislation introduced to parliament on 16 July could prolong the state of emergency indefinitely.

Media pluralism continues to be gravely undermined. Over 170 journalists and writers are in prison¹, and more than 190 media outlets and publishing houses have been closed down.¹ In April 2018, 14 employees of the opposition newspaper Cumhuriyet were sentenced to prison on terrorism charges.¹ This was a trial where the 'crime' was journalism and the only 'evidence' was journalistic activities. The acquisition of Doğan Group, Turkey's largest media organisation and newspaper distributor, by a pro-government conglomerate in March 2018 risks further silencing independent voices.¹

Political pluralism is essential in providing a real choice to voters yet members of the parliamentary opposition Peoples' Democratic Party (HDP) have been held in pre-trial detention since November 2016 on dubious terrorism charges. Party leader and writer Selahattin Demirtaş ran for president from his prison cell. Enis Berberoğlu, a journalist for over 30 years and an MP for the opposition People's Republican Party (CHP), has been sentenced to a 25-year prison sentence for 'leaking state secrets'.¹ We urge the Turkish parliament to enable him to continue his duties as a parliamentarian. The forced replacement of elected local officials in the southeast has deprived millions of voters of their elected representatives in parliament and local government.¹

Kurdish culture and language continue to be harshly repressed. Most pro-Kurdish and Kurdish-language media outlets have been closed down and dozens of journalists of Kurdish or pro-Kurdish outlets languish behind bars, including reporter and editor Nedim Türfent and journalist, painter and poet Zehra Doğan.¹ Renewed violence since the breakdown of the peace process between the Turkish authorities and the Kurdistan Workers' Party (PKK) in July 2015 has seen thousands killed and wounded. Historical sites and buildings have been destroyed. Meanwhile, the Turkish authorities have taken to persecuting those who call for peace, including Academics for Peace, a diverse group who signed a declaration calling for peace in Turkey's south-east in January 2016. Some members have been convicted of spreading terrorism propaganda, others remain on trial.¹

Overbroad antiterrorism legislation is being used to stifle dissent. In February 2018, Ahmet Altan, Mehmet Altan¹ and Nazlı Ilıcak were convicted of 'attempting to overthrow the constitutional order'

and sentenced to life imprisonment without parole following proceedings marred by violations of their right to a fair trial.¹ Prominent publisher and civil society activist Osman Kavala has been arbitrarily detained since October 2017 on alleged suspicion of attempting to overthrow the government and the constitutional order. An indictment has yet to be issued. ¹Over 170,000 civil servants, including teachers, academics, lawyers and judges, have been dismissed on terror-related charges since the attempted coup, with devastating effect. ¹ Over 1,300 NGOs have been permanently closed, depriving those that need them of crucial support. People continue to be arrested and prosecuted over social media posts.¹ Scores of websites, including Wikipedia, are still banned.

Turkey's constitution protects freedom of expression. Turkey is also party to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) and as such has obligations to respect, protect and fulfil the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. Although under international law the exercise of the right to freedom of expression may be subject to certain restrictions, including for reasons of national security, the continuous crackdown far exceeds the scope for legitimate limitations. ¹

The Assembly of Delegates of PEN International calls on the Turkish authorities to:

- Release all those held in prison for peacefully exercising their rights to freedom of opinion and expression immediately and unconditionally;
- End prosecutions and detention of journalists and other writers based solely on the content of their writing;
- Ensure the right to a fair trial, including an independent and impartial judiciary, effective, impartial and fair prosecution, and respect for the right to a legal defence in all stages of the proceedings;
- Permit the reopening and independent operation of closed media outlets (including online publications), the return of all seized assets and halt executive interference with independent news organisations;
- Review the Anti-Terror Law so as to ensure that counter-terrorism measures are compatible with compatible with Turkey's constitutional and international human rights obligations, in particular article 19(3) of the ICCPR and Article 10(2) of the ECHR;
- Repeal all emergency measures that have now passed into law that restrict freedom of expression and dissemination of information, and those which are not demonstrably necessary and proportionate for protection against threats to national security or public safety, or which entail disproportionate restrictions on the exercise of freedom of expression;
- End the persecution of those who call for peace in the conflict between the Turkish authorities and the Kurdish population both within and outside of Turkey. We urge for a peaceful solution to the conflict and for the international community to actively promote this, whilst providing humanitarian assistance to civilians.

The Assembly of Delegates of PEN International calls on the European Court of Human Rights (ECtHR) to:

- Fulfil its role as the ultimate guardian of human rights in Europe, and to rule swiftly on the free expression cases currently pending before it and provide an effective remedy for the severe human rights violations taking place in Turkey.

The Assembly of Delegates of PEN International calls on institutions of the Council of Europe and its member states to:

- Remind Turkey of its international obligation to respect and protect human rights, in particular the right to freedom of expression and the right to a fair trial, and to give appropriate priority to these issues in their relations with Turkey, both in bilateral and multilateral forums;

Provide adequate support to the ECtHR.