



EUROPEAN UNION

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EU statement on human rights and rule of law in Turkey

The EU continues to follow with great concern the situation in Turkey with regards to human rights and fundamental freedoms, democracy and the rule of law, and would like to raise the following recent developments.

On 20 March the European Court of Human Rights ruled that the rights to liberty and security and freedom of expression of the two Turkish journalists Şahin Alpay and Mehmet Altan had been violated. It held that the refusal of the lower courts in Turkey to follow the judgment of the Constitutional Court of 11 January to release them ran counter to the fundamental principles of the rule of law and legal certainty. Further, the Court underlined that the existence of a public emergency must not serve as a pretext for limiting freedom of political debate and that criticism of governments should not attract criminal charges for serious offences such as belonging to or assisting a terrorist organization.

As we have done before, the EU calls on Turkey to uphold the European Convention on Human Rights and the case-law of the European Court of Human Rights. Pre-trial detention of anyone expressing critical views produces a range of adverse effects, including for society as a whole, since it will inevitably have a chilling effect on freedom of expression by intimidating civil society and silencing dissenting voices. The EU will continue to follow on-going procedures against human rights defenders, including the still imprisoned head of Amnesty International Turkey Mr Taner Kılıç as well as journalists, academics, writers, members of parliament and others.

The EU shares the concerns expressed by the OSCE Representative on Freedom of the Media with respect to 25 media workers being sentenced to prison on 8 March and the life sentences imposed on six journalists on 16 February. We also echo his call on 16 March to release Cumhuriyet CEO Akın Atalay, who has spent over 500 days in detention.

The EU regrets that following the 2016 constitutional amendment lifting parliamentary immunities, a number of opposition members of the Parliament remain under arrest, facing judicial proceedings or having been sentenced on the basis of terrorism-related activities and other charges. A number of restrictions to suspects' procedural rights, which were introduced during the state of emergency, have significantly curtailed the right to obtain an effective review of detention.

The EU is further concerned about the findings of the 20 March report of the Office of the United Nations High Commissioner for Human Rights on the impact of the state of emergency, pointing to a constantly deteriorating human rights situation in Turkey, exacerbated by the erosion of the rule of law. We concur in the concerns expressed by UN Special Rapporteur on Torture on 27 February about the rising number of allegations of torture and other ill-treatment in Turkish police custody. It is abundantly clear from international human rights law and our OSCE commitments that the prohibition of torture is absolute and unconditional. We therefore call on Turkey to promptly investigate these allegations and to hold perpetrators accountable.

In the 1991 Moscow Document all participating States subscribed to the importance of protecting human rights and fundamental freedoms during a state of public emergency, stating also that a state of public emergency will be lifted as soon as possible. The EU calls on Turkey to adhere to its international human rights obligations and OSCE human dimension commitments, and remains committed to working with Turkey to this end.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, SERBIA* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND and NORWAY, members of the European Economic Area, as well as ARMENIA and CANADA align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.