

20 November 2017

STATEMENT

BHRC expresses concern at recent arrests of academics and activists in Turkey

BHRC expresses serious concern at the recent arrests by Turkish authorities of academics and activists. The arrests appear consistent with a sustained attack on dissent as a means of silencing critical voices within Turkey.

Background

On 16 November 2018 fourteen high-profile activists and academics were arrested in Turkey.¹

Those who were arrested included the board members of a cultural organisation founded by the philanthropist Osman Kavala, who has held in prison for over a year after being arrested for alleged involvement with a failed coup against President Recep Tayyip Erdoğan's government in 2016.² Osman Kavala is the founder of the Turkish civil society group 'Anadolu Kultur'. He has been held in solitary confinement since October 2017 without an indictment.³

¹ The FT, "Turkey arrests high-profile activists and academics in crackdown", available at <<https://www.ft.com/content/cc44aac-e98f-11e8-a34c-663b3f553b35>> and Al Jazeera "Turkey academic jailed after raids on professors and activists" <<https://www.aljazeera.com/news/2018/11/turkey-academic-jailed-raids-professors-activists-181115085605059.html>>.

² Democracy Now, "Turkey: Government Arrests 14 in Crackdown on Academics and Activists" <https://www.democracynow.org/2018/11/19/headlines/turkey_government_arrests_14_in_crackdown_on_academics_and_activists>.

³ The Guardian, "Turkey should look to its own brutal treatment of journalists" <<https://www.theguardian.com/commentisfree/2018/oct/21/turkey-human-rights-abuses-journalist-shocking-jamal-khashoggi-osman-kavala>> and the FT, "Turkey arrests high-profile activists and academics in crackdown", available at <<https://www.ft.com/content/cc44aac-e98f-11e8-a34c-663b3f553b35>>

On Friday, the Turkish authorities issued arrest warrants for twenty people including fourteen academics and activists.⁴ Twelve of the fourteen people detained on Friday have been released after being questioned by police,⁵ however an Istanbul academic has been held in custody pending trial – Yigit Aksakoglu,⁶ who specialises in education research, and is a staff member of Istanbul’s Bilgi University.⁷

All suspects, including those twelve suspects who have been released, are accused of “*creating chaos and mayhem*” and “*seeking to overthrow the government*”.

The arrests have been condemned by the US and EU. Heather Nauert, US State Department has released a statement expressing concern at the detentions and urged Turkish authorities to release those held arbitrarily.⁸ While EU foreign affairs spokesperson, Maja Kocijancic, described the detentions as “*alarming*”, adding that the arrests formed part of the “*repeated detentions of critical voices*” in the country.⁹

Legal framework

BHRC is seriously concerned by the methods used by Turkish authorities to carry out these arrests; which appear to fail to follow legal procedures violating fundamental international human rights standards. These rights include the presumption of innocence as well as freedom of expression and assembly under the rule of law. The arrests, when taken together with the vast number of other arrests of persons in civil society, raise serious concerns of a determined

⁴ Al Jazeera “Turkey academic jailed after raids on professors and activists” <<https://www.aljazeera.com/news/2018/11/turkey-academic-jailed-raids-professors-activists-181115085605059.html>>.

⁵ Al Jazeera “Turkey academic jailed after raids on professors and activists” <<https://www.aljazeera.com/news/2018/11/turkey-academic-jailed-raids-professors-activists-181115085605059.html>>.

⁶ Al Jazeera “Turkey academic jailed after raids on professors and activists” <<https://www.aljazeera.com/news/2018/11/turkey-academic-jailed-raids-professors-activists-181115085605059.html>>.

⁷ Al Jazeera “Turkey academic jailed after raids on professors and activists” <<https://www.aljazeera.com/news/2018/11/turkey-academic-jailed-raids-professors-activists-181115085605059.html>>.

⁸ US Department of State, ‘On the Detention of Civil Society Leaders’, available at <<https://www.state.gov/r/pa/prs/ps/2018/11/287426.htm>>.

⁹ European Union External Action, “Statement by the Spokesperson on the detention of academics and civil society representatives in Turkey” <https://eeas.europa.eu/headquarters/headquarters-homepage/53929/statement-spokesperson-detention-academics-and-civil-society-representatives-turkey_en>.

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attempt by Turkish authorities to silence dissent. This falls below the human rights standards which Turkey has agreed to uphold in ratifying International Human Rights Instruments.

Turkey has acceded to the International Covenant on Civil and Political Rights, which protects the right not to be arbitrarily detained (Article 9), the presumption of innocence (Article 14(2)), the right to freedom of thought and conscience (Article 19), the right to freedom of assembly (Article 21) and the right to freedom of association (Article 14).¹⁰

Turkey has also ratified the European Convention on Human Rights. Notably, however, Turkey temporarily suspended the European Convention on Human Rights after announcing a state of emergency following the attempted coup. Turkish authorities' continuing restrictive actions would represent violations of the European Convention on Human Rights' right to liberty and security (Article 5), right to a fair trial (Article 6) and freedom of assembly and association (Article 11).

The Turkish government's continuing actions, having itself declared an end to the state of emergency in July 2018, appear to represent a clear and unambiguous violation of these obligations.

Conclusion

The arrests and continued detention of Yigit Aksakoglu and Osman Kavala appear part of a continued and sustained attempt to silence critical voices in Turkey and are, as such, incompatible with Turkey's human rights commitments.

BHRC urges Turkish authorities to immediately and unconditionally drop the charges against those arrested on Friday and to release Yigit Aksakoglu and Osman Kavala, and the many others who are being detained without evidence of any wrong-doing.

¹⁰ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

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NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Amanda June Chadwick, Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.

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