



TURKEY'S 3RD UNIVERSAL PERIODIC REVIEW (UPR) – 28th January 2020

Fact sheet on report

Government Confiscations of Private Properties and Companies

Stakeholder submission by Universal Right Association (URA), in cooperation with International Association for Human Rights Advocacy in Geneva (IAHRA Geneva) and Social Justice Advocacy Campaign (SOJAC).

SUMMARY

A coup attempt took place in Turkey on 15 July 2016. Turkey declared a state of emergency on 21 July 2016 and lodged a derogation as per Article 15 of the ECHR to the Council of Europe regarding its obligations with respect to basic rights and freedoms.

This report focuses on the human rights violations in Turkey before and after the coup attempt, with a special focus on government confiscations of private properties and companies of “non-loyalist” business people without due process on unsubstantiated charges of terrorist links.

The companies are alleged to be connected to the Gulen Movement, an international civic initiative, to which the government coining the term “FETÖ” to designate the movement a terrorist organization. The government accuses the Movement of masterminding the coup attempt even though the latter denies involvement, demanding credible evidence.

In this regard, special attention should be drawn to the fact that human rights violations stated in the key words of this report started in 2015, i.e. before the declaration of state of emergency.

In addition, no measure of derogation, including state of emergency, can go against obligations stemming from international law, and measures of derogation must comply with the requirements of necessity and proportionality as stipulated by article 4.1 of the ICCPR and article 15.1 of the ECHR.

RECOMMENDATIONS

Turkey should be urged to:

- **Conduct a review of all articles of laws that are used to restrict the rights to property, freedom to conduct a business, freedom of expression and the right to access to information, and amend or repeal restrictive provisions, including the Turkish Criminal Procedure Code, the Turkish Penal Code, the Anti-Terror Law, the Law on the National Intelligence Agency**
- **Amend following articles: Article 133 of Turkish Criminal Procedure Code, Article 19 of Law no. 6758, Emergency Decree Laws No. 667, 668, 670, 686**
- **End the practice of appointing trustees to the companies against the legislative regulation stated at Article 133 of Turkish Criminal Procedure Code**
- **End the misuse of terrorism charges against individuals for whom there is no evidence of violent activities, plotting or logistic help to armed groups**
- **Further limit prolonged and arbitrary pre-trial detention and speed up trial proceedings**
- **Strengthen the independence of judges and prosecutors from the Executive**
- **End government’s interference in the criminal justice system and in criminal investigations relating to government-linked corruption allegations**
- **Revoke all the decrees and laws associated with the now-lifted state of emergency and re-establish the State of Law.**

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