Resolution 822 (1984)[1]

Situation in Turkey

Parliamentary Assembly

The Assembly,

1. Having examined the report of its Political Affairs Committee (Doc. 5208) and the opinion of its Legal Affairs Committee (Doc. 5216), which give inter alia an account of the fact-finding mission carried out in Turkey by its delegation from 25 to 28 April 1984 ;

2. Recalling its previous positions, in particular its Resolution 803 (1983) ;

3. Considering that the timetable drawn up by the previous military government for a return towards democracy has been formally respected ;

4. Noting that the polling operations of 6 November 1983 to designate the Grand National Assembly were properly conducted, but that the restrictions placed on parties and on the right of Turkish citizens to stand as candidates limited its democratic character and raised a problem of compatibility with the principles of the Council of Europe Statute, which can only be fully resolved through future elections ;

5. Welcoming the conditions under which the municipal elections of 25 March 1984 took place ;

6. Noting with satisfaction the lifting of martial law in thirteen provinces ;

7. Considering nevertheless that the maintenance of martial law for the great majority of the population, which implies the suspension of several rights and liberties as well as of the separation of powers, presents an obstacle to the full restoration of democracy ;

8. Concerned inter alia about the number of persons convicted and imprisoned for their opinions, about the length of some trials and about the prolongation of a situation in which military courts are exercising jurisdiction over areas which should normally fall within the competence of the civil courts ;

9. Particularly regretting that numerous and serious limitations are still placed on the exercise of trade union freedoms in Turkey ;

10. Expressing the wish that freedom of education and conscience be fully respected in Turkey ;

11. Taking note of the decisions of the Turkish Government aimed at dispelling doubts about the conditions in prisons and allegations of torture, as well as of the penal sanctions already applied to officials who have been found guilty of it, while underlining that it remains concerned by the gravity of the situation, to which the death of several prisoners, following hunger strikes notably, bears witness ;

12. Welcoming with satisfaction in this connection the proposal of some members of the Grand National Assembly to set up a parliamentary committee to investigate allegations concerning the situation in Turkish prisons ;

13. Concerned at the restrictions on the right of defence which affect both the accused and their lawyers, in the ongoing mass trials ;

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1. Assembly debate on 9 and 10 May 1984 (5th, 6th and 7th Sittings) (see Doc. 5208, report of the Political Affairs Committee, and Doc. 5216, opinion of the Legal Affairs Committee). Text adopted by the Assembly on 10 May 1984 (7th Sitting).

14. Concerned by the prosecution brought against an authorized political party which might create a situation where political rights and liberties would not be guaranteed in accordance with the requirements of a democratic society ;

15. Reaffirming its interest in the investigation currently in progress before the European Commission of Human Rights ;

16. Considering that it falls on the Council of Europe to encourage the present process of democratisation, in accordance with the will of the Turkish people and so as to ensure full compatibility with the principles of the Statute of the Council of Europe,

17. Urges the Turkish authorities :

a. A. To continue the democratic normalisation of the situation of the country, bearing in mind the requirements of the Council of Europe's Statute and the European Convention on Human Rights, inter alia, through the following measures :

1. the progressive abolition of martial law throughout the country, implying the restoration of the full jurisdiction of the civil courts and the abolition of the rule authorising the police authorities to remand an individual in custody for forty-five days without contacts with his family or his lawyer ;
2. the abolition, at the earliest possible moment, of measures derogating from the European Convention on Human Rights taken under Article 15, such measures being admissible only "to the extent strictly required by the exigencies of the situation" ;
3. an amnesty for those prosecuted or convicted for their opinions ;
4. the full affirmation of political pluralism, trade union freedoms, freedom for political parties, all rights of the minorities, freedom of association and of the press and education, in order to ensure free expression of opinion of citizens in the framework of a democratic society ;

b. B. To strive for the respect of human rights :

1. by taking a vigorous stand against all cases of torture and of inhuman and degrading treatment ;
2. by improving conditions in prisons ;
3. by thoroughly investigating all allegations of torture and ill-treatment ;
4. by ensuring that each individual's right to have his case heard within a reasonable time-limit is respected ;
5. by ensuring respect for the rights of the defence ;
6. by putting an end to the infliction of hardship on political refugees in various ways, such as stripping them of their citizenship, confiscating their assets in Turkey and refusing passports to their families in order to prevent their unification ;

18. Expresses the hope that the Turkish Government will accept the compulsory jurisdiction of the Court in accordance with Article 46 of the European Convention on Human Rights ;

19. Instructs its Political Affairs and Legal Affairs Committees to continue to follow the evolution of the situation in Turkey and to report back to it, at the latest at the beginning of the 37th Session of the Parliamentary Assembly, in the light, inter alia, of the response and concrete action taken by the Government and the Grand National Assembly on the basis of this resolution.