Resolution 840 (1985)[1]

Situation in Turkey

Parliamentary Assembly

The Assembly,

1. Having examined the reports of its Political Affairs Committee (Doc. 5378) and its Legal Affairs Committee (Doc. 5391), which take account of the fact-finding mission carried out in Turkey by the respective Rapporteurs from 5 to 9 March 1985 ;

2. Recalling its previous positions, in particular its Resolution 822 (1984), detailing a number of measures which would be conducive to furthering the restoration of democratic normality and respect for human rights, in accordance with the statutory obligations of Council of Europe membership ;

3. Noting with satisfaction the progress achieved over the past year towards the normalisation of political and parliamentary life, although it is still restricted notably due to martial law which implies the suspension of several rights and liberties as well as of the separation of powers ;

4. Noting with satisfaction the progressive lifting of martial law, this measure having been implemented in a further 11 provinces on 19 March 1985, but regretting that these emergency provisions still remain in force in 23 of Turkey's 67 provinces ;

5. Noting that the press today is more free in discussing and criticising the Government, the Grand National Assembly and political life in general, while still being subject to certain restrictions especially where radio and television are concerned ;

6. Welcoming the spirit in which the seven-member committee of the Grand National Assembly on prison conditions is approaching its work, which it has chosen to interpret as a long-term mandate ;

7. Concerned at the restrictions imposed in the life of the universities ;

8. Concerned also by the fact that mass trials, like those of the members of DISK and the Turkish Peace Association (TPA), are still continuing, and that new trials are being prepared against TPA, several of whose members are still in prison ;

9. Reiterating its serious concern at the restrictions on the right of defence which affect both the accused and their lawyers in the ongoing mass trials, some of which have entered their final stages ;

10. Recalling its Resolution 727 (1980), appealing to parliaments of those member states of the Council of Europe which have retained capital punishment for crimes committed in times of peace to abolish it from their penal systems, and deploring that the death sentence is so often asked for and pronounced in Turkey, before being submitted for ratification by the Grand National Assembly, in accordance with the Constitution ;

11. Expressing its indignation at the continued terrorist attacks on Turkish citizens, and diplomats in particular, and stressing that this sort of action in no way serves the cause of democracy, but on the contrary tends to strengthen the enemies of democracy in Turkey ;

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1. Assembly debate on 23 April 1985 (2nd and 3rd Sittings) (seeDoc. 5378, report of the Political Affairs Committee, and Doc. 5391, opinion of the Legal Affairs Committee). Text adopted by the Assembly on 23 April 1985 (3rd Sitting).

12. Reaffirming its interest in the result of the proceedings currently pending before the European Commission of Human Rights which recently carried out its decision, following an invitation by the Turkish Government, to send a delegation to Turkey to gather first-hand information on the current situation as it relates to Turkey's obligations under the European Convention on Human Rights ;

13. Noting the express assurance of the Turkish Prime Minister that the period of remand in custody without contacts with family or lawyer, still legally set at forty-five days, is now in practice restricted to ten days, subject to two extensions each for a further ten days, and noting also that this practice is likely soon to be given legal force, but expressing its concern that any period of such detention is a grave infringement of human rights and its anxiety that such detention should be reduced to an absolute minimum as soon as possible ;

14. Recalling its constant concern for the removal of the restrictions which continue to affect the exercise of the rights of trade unions, of political parties and of minorities.

15. Urges the Turkish Government and the Grand National Assembly that they should continue to give attention to all the measures listed in Resolution 822 (1984), and in particular :

15.1. to make full use of their constitutional powers to secure the continued abolition of martial law and of the state of emergency which has often replaced it in most of the provinces, until normal civilian courts have full jurisdiction over the whole country ;

15.2. to take immediate steps towards granting amnesty to those prosecuted or convicted for their opinions, exploiting to the full those possibilities which exist, short of amending the Constitution, such as specifying the notion of &rsquo crime against the state rsquo in such a way that those who are not condemned or accused of crimes of violence can be freed, at least conditionally ;

15.3. to accelerate progress towards the necessary full affirmation of political pluralism and human rights, encompassing freedom of association, including within trade unions, freedom for political personalities, including those temporarily excluded from Parliament, all rights of minorities, of the press, and especially broadcasting, and of education ;

16. Expresses the hope that the Grand National Assembly will not ratify the death sentences at present referred to it ;

17. 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 38th Session of the Parliamentary Assembly, in the light of the response and concrete action taken by the Government and Grand National Assembly.