



Resolution 765 (1982)¹

Situation in Turkey

Parliamentary Assembly

The Assembly,

1. Having considered the report of its Political Affairs Committee ([Doc. 4841](#)) and the opinion of its Legal Affairs Committee ([Doc. 4849](#)) which particularly take account of the fact-finding visit carried out by an Assembly delegation from 7 to 14 January 1982 ;
2. Recalling the position it adopted previously on the situation in Turkey, namely [Recommendation 904 \(1980\)](#), [Resolution 757 \(1981\)](#) and Orders Nos. 392 (1980), 395 (1981), 397 (1981) and 398 (1981) ;
3. Having taken note of the statements of the Turkish Head of State on 31 December 1981 indicating a timetable according to which a draft constitution will be submitted to referendum in the autumn of 1982 and legislative elections will take place in 1983 or at the latest in spring 1984 ;
4. Considering that the present situation in Turkey is still incompatible with the Council of Europe's Statute, but that Turkey's continued membership of the Council of Europe gives the latter the opportunity as well as the obligation to watch over the restoration of democratic institutions and the respect of human rights in that country ;
5. Stressing its links of friendship with the Turkish people and reiterating its faith, confirmed by the fact-finding delegation to Turkey, in the people's attachment to Europe in general and to the ideals of the Council of Europe in particular, recognising at the same time the importance of the role of this people as a cultural bridge between Europe and the Middle East ;
6. Recalling that the terms of Article 15 of the European Convention on Human Rights provide that Contracting Parties can derogate from the provisions of the convention only "to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law" ;
7. Recalling, with a view to making use of all available means for verifying allegations of torture, its Order No. 395 (1981), by which it instructed the Secretary General "to seek with the Turkish authorities information in every case of alleged torture or ill-treatment of prisoners brought to his attention by members of the Parliamentary Assembly" ;
8. Noting in this context that the Head of State informed the delegation of the Parliamentary Assembly of the Council of Europe on 8 January 1982 that any allegation of torture can be brought by any individual to the attention of the Minister for Justice for investigation ;
9. Expressing satisfaction that terrorism has diminished in Turkey, but noting that this has not yet been accompanied by a corresponding restoration of human rights and fundamental freedoms limited or suspended in conformity with Article 15 aforementioned ;
10. Condemning the recent decision of the National Security Council to dissolve the political parties and to confiscate their property ;

1. Assembly debate on 27 and 28 January 1982 (24th, 25th and 26th Sitings) (see [Doc. 4841](#), report of the Political Affairs Committee). Text adopted by the Assembly on 28 January 1982 (26th Sitting).



11. Concerned by reports according to which torture and ill-treatment are still practised, but noting that the Turkish authorities have reaffirmed their intention to investigate all allegations and punish officials found to be guilty of torturing prisoners ;
12. Considering that a consultative assembly has been set up to draw up a draft constitution, while deploring the fact that political organisations are excluded from participating in the work of this assembly ;
13. Concerned about the undemocratic aspects of some recent legislation, such as the law on the universities, which might prejudice the democratic quality of the draft constitution ;
14. Considering finally that the Council of Europe cannot, at the risk of losing its credibility as a human rights institution, postpone again the taking of a firm stand against the current situation in Turkey,
15. Condemns the human rights violations which have taken place in Turkey, inter alia the abolition of political parties and trade union organisations, detention for offences relating to the holding of opinions, torture and ill-treatment inflicted on political prisoners, and the holding of trials without the rights of defence of the accused being guaranteed ;
16. Asks the Turkish Government to free political prisoners, to allow democratic and trade union organisations to be reconstituted free from interference, to ensure the protection and equality of treatment of the country's religious minorities, and to re-establish democratic institutions ;
17. Draws the attention of the governments of member states of the Council of Europe to Article 24 of the convention which permits any Contracting State to seize the Commission of Human Rights of any infringement of the provisions of the convention ;
18. Expresses the opinion that the procedure envisaged under Article 24 of the convention ought to be utilised in the case of Turkey, in order to verify the extent to which the allegations of torture and other violations of human rights in Turkey are founded ;
19. Urges the Turkish Government :
 - a. to ensure that the draft constitution which is to be submitted to the approval of the Turkish people, as well as the future laws on political parties and on the electoral system are fully in conformity with Turkey's obligations under the Council of Europe Statute and the European Convention on Human Rights ;
 - b. to see to it that adequate provision is made for free public discussion before the draft constitution is submitted as planned to a referendum by a secret ballot in autumn 1982 ;
 - c. to respect fully all provisions of the European Convention on Human Rights from which no derogation is admitted, with special emphasis on the elimination of the practice of torture and ill-treatment of prisoners, and pursue vigorously its investigation of all reports in this connection ;
 - d. to give a delegation of the International Red Cross the possibility of undertaking an objective investigation of the conditions in prisons in Turkey, particularly in connection with allegations of torture ;
 - e. to guarantee the right of every individual to a fair trial before fully independent courts, as well as humane living conditions in prison establishments, and to release all prisoners unduly detained ;
 - f. to abolish all laws which unduly limit the right to free expression, the activities of political parties and trade unions and to guarantee these rights explicitly ;
 - g. to recognise the Turkish population's right to information by establishing genuine freedom of the press ;
 - h. to ensure that all the conditions of democracy are complied with to enable, in the not too distant future, the new democratically elected Turkish parliamentarians to take their places again in a parliamentary delegation to the Council of Europe.