

**DECLASSIFIED<sup>1</sup>**

**AS/Mon/Inf (2016) 14 rev3**

12 December 2016

amoninfdoc14rev3\_2016

## **Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)**

### **Post-monitoring dialogue with Turkey**

#### **The failed coup in Turkey of 15 July 2016<sup>2</sup>: some facts and figures**

Co-rapporteurs: Ms Ingebjørg Godskesen, Norway, European Conservatives Group, and Ms Marianne Mikko, Estonia, Socialist Group

#### **1. The failed coup attempt of 15 July 2016**

1. On 15 July 2016, a group within the Turkish Armed Forces attempted to overthrow the democratic institutions and abolish the constitutional order with force and violence. According to the General Staff of the Army, 8 651 military personnel were involved, 35 planes including fighter jets of the Turkish Armed Forces, 37 helicopters, 246 armoured vehicles including 74 tanks and approximately 4 000 light weapons were used.<sup>3</sup> This group issued a declaration on behalf of the "Peace at Home Council" on the Turkish Radio and Television (TRT). During this coup, a number of state institutions were targeted by planes and bombs (including the Turkish Parliament, the Presidential Premises, the Ankara Security Directorate, the Police Special Operation Forces of the General Directorate of Security and the National Intelligence Agency).

2. President Erdogan escaped an assassination attempt at his hotel in Marmaris. He addressed the Turkish people by videophone on the private channel CNN Türk that night, calling on them to take to the streets and oppose the coup. Thousands of people demonstrated and confronted the plotters. The coup subsequently failed in the early morning of 16 July 2016. It left 248 people dead and 2 200 injured, causing a great trauma in society. It was unanimously condemned by all political parties and civil organisations, as well as by the international community.<sup>4</sup> On 7 August 2016, President Erdogan organised a meeting in Yenikapı with Prime Minister Binali Yıldırım, Chair of the Justice and Development Party (AK Party), Mr Kılıçdaroğlu, leader of the Republican People's Party (CHP) and Mr Bahçeli, leader of the Nationalist Movement Party (MHP). The leader of the Democratic Peoples' Party (HDP) Mr Demirtaş was not invited to this meeting. On 9 August 2016, millions of Turks demonstrated to express their commitment to democracy.

3. The authorities, backed by a large consensus in society, immediately considered that the Movement led by Fetullah Gülen<sup>5</sup>, which was labeled a terrorist organisation in 2016, had masterminded the coup and that therefore state institutions needed to be cleansed of loyalists to this movement. Bringing back the death penalty was also debated at that moment. The authorities have since asked for the extradition of Mr Gülen<sup>6</sup>

---

<sup>1</sup> Document declassified by the Monitoring Committee at its meeting on 14 December 2016.

<sup>2</sup> This note was prepared on the basis of information provided by the Turkish authorities, and reports prepared by media and NGOs.

<sup>3</sup> See <http://constitutionalcourt.gov.tr/inlinepages/press/PressReleases/detail/31.html>, para. 2.

<sup>4</sup> See compilation of statements issued by PACE President Mr Agramunt, Council of Europe Secretary General Mr Jagland and the Chairperson of the Committee of Ministers S.E. Ms Kaljurand, Minister of Foreign Affairs of Estonia and the Commissioner for Human Rights Mr Muižnieks (See AS/Mon/Inf (2016) 13).

<sup>5</sup> Fetullah Gülen is a Muslim preacher, who has developed an educational network throughout the world whose students became influential in state institutions, as already reflected in previous PACE reports. After 2013, a rift openly developed between Mr Erdogan and his former ally Gülen, who is currently self-exiled in the United States.

<sup>6</sup> On 11 July 2016, Turkey ratified the Additional Protocol to the European Convention on Extradition ([ETS No. 86](#)), the Third ([CETS No. 209](#)) and Fourth Additional Protocols to the European Convention on Extradition ([CETS No. 212](#)).

from the United States. The United States has requested evidence regarding his direct involvement in the coup attempt. On 13 September 2016, Turkey sent a first temporary arrest request against Fethullah Gülen.<sup>7</sup>

4. On 16 July 2016, the High Council of Judges and Prosecutors (HSYK) held an extraordinary meeting and decided to lay off 2 745 judges and remove 5 members of the HSYK allegedly linked to the Gülen Movement. Arrest warrants were issued for 140 members of Supreme Court of Appeal as well as 48 members of the State Council.<sup>8</sup> 2 836 soldiers, including high-ranking officers, were arrested on the same day<sup>9</sup>. By 18 July 2016, 7 543 people were detained for their alleged participation in the coup, including 100 police officers, 6 038 soldiers of different ranks, 755 judges and prosecutors and 650 civilians. 316 of them were arrested. 8 777 officials from the Ministry of the Interior (including police officers, governors and gendarmerie officers), and 1 500 officials from the Finance Ministry were suspended.<sup>10</sup>

5. Two members of the Constitutional Court, Alparslan Altan and Erdal Tercan, were taken into custody on 16 July 2016. On 4 August, the Constitutional Court decided to dismiss them from the profession following the decree-law of 23 July 2016.<sup>11</sup>

6. In the field of education, 15 200 staff members from the Education Ministry (out of 930 000) were dismissed, the licences of 21 000 teachers in private schools (mostly teachers in Gülenist schools) were revoked.<sup>12</sup> 1 557 deans (1 176 from public universities, 401 from foundation universities) resigned at the request of the Turkey's Higher Education Board (YÖK). Four university rectors were suspended. In addition, all assignments of academics working abroad were suspended until further notice. Academics assigned abroad were required to return to Turkey.<sup>13</sup>

7. On 19 July 2016, the Radio and Television Supreme Council (RTÜK) decided to revoke the licences "of all [25] radio and television stations" alleged to "have links with the Gülenist Terror Organisation".<sup>14</sup> The press cards of 34 journalists working in pro-Gülenist newspapers were annulled.

## 2. Declaration of a state of emergency and publication of decree-laws

8. On 20 July 2016, President Erdogan announced that Turkey would declare a three-month state of emergency under Article 120 of the Constitution.<sup>15</sup>

9. On 21 July 2016, the Turkish authorities notified its derogation from the European Convention on Human Rights under the Convention's Article 15 to the Secretary General of the Council of Europe.<sup>16</sup> The Turkish authorities have provided since then regular information about the implementation of the state of emergency.

---

<sup>7</sup> <http://www.hurriyetdailynews.com/turkish-justice-ministry-demands-us-arrest-gulen-over-coup-attempt.aspx?pageID=238&nID=103844&NewsCatID=510>.

<sup>8</sup> <http://bianet.org/english/politics/176814-constitutional-court-supreme-board-of-judges-and-prosecutors-supreme-court-of-appeal-state-council-members-taken-into-custody>.

<sup>9</sup> <http://www.hurriyetdailynews.com/july-15-to-mark-fest-for-our-democracy-says-turkish-pm-.aspx?pageID=238&nID=101691&NewsCatID=338>.

<sup>10</sup> Figures provided by the Prime Minister, in: <http://www.hurriyetdailynews.com/208-people-killed-by-coup-attempters-turkeys-pm-.aspx?pageID=238&nID=101745&NewsCatID=341>.

<sup>11</sup> See <http://constitutionalcourt.gov.tr/inlinepages/press/PressReleases/detail/31.html>.

<sup>12</sup> <http://bianet.org/english/politics/176920-15-200-public-officials-suspended-within-ministry-of-national-education>

<sup>13</sup> <http://www.hurriyetdailynews.com/turkeys-higher-education-board-suspends-all-assignments-abroad-.aspx?pageID=238&nID=101850&NewsCatID=341>.

<sup>14</sup> i.e. TV, Samanyolu Haber, Samanyolu Haber Radyo, Can Erzincan TV, Kanal 124, Yumurcak TV, Hira TV, MC TV, Dünya TV, Kanal Türk, Bugün TV, Mehtap TV, Berfin FM, Kanal Türk Radyo, Burç FM, Samanyolu Haber Radyosu, Radyo Mehtap, Haber Radyo Ege, Dünya Radyo, Radyo Küre, Merkür TV, Esra Radyo, Tuna Shopping TV, Samanyolu Haber, Radyo Anadolu.

<sup>15</sup> Article 120 of the Constitution stipulates that " In the event of the emergence of serious indications of widespread acts of violence aimed at the destruction of the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence, the Council of Ministers, meeting under the chairmanship of the President of the Republic, after consultation with the National Security Council, may declare a state of emergency in one or more regions or throughout the country for a period not exceeding six months", see <http://codices.coe.int/NXT/gateway.dll?f=templates&fn=default.htm>.

<sup>16</sup> See [the news](#) released by the Secretary General on 21 July 2016. It was recalled that there could be no derogation from the following articles: Article 2 (Right to life), Article 3 (Prohibition of torture and inhumane or degrading treatment or punishment), Article 4 para. 1 (Prohibition of slavery), Article 7 (No punishment without law). The European Convention on Human Rights would continue to apply in Turkey. Where the government would seek to invoke Article 15 in order to derogate from the Convention in individual cases, the European Court of Human Rights would decide whether the application meets the criteria set out in the Convention, notably the criteria of proportionality of the measure taken.

10. In the framework of the state of emergency, several “Decrees with Force of Law” (“Kanun Hükmünde Kararname”, KHK) were published, which notably regulated:<sup>17</sup>

10.1. the dismissals of civil servants, members of the judiciary<sup>18</sup>, members of the public service, the Turkish Armed Forces<sup>19</sup>, the Coast Guard Command organisation and the Turkish National Police,<sup>20</sup> whose names appeared in the lists appended to the decree-laws, or those who were “considered to be a member of, affiliated with or have cohesion or connection with ‘terrorist organisations or structures, organisations or groups which are established by the National Security Council as engaging in activities against the national security of the State’. Those dismissed from office shall not be employed again. They shall not, directly or indirectly, be assigned in a public service. Their gun licences were revoked and their passports cancelled.

10.2. the closure of private health institutions and organisations, private education institutions and organisations as well as private dormitories and lodgings for students, foundations and associations and their commercial enterprises, foundation-run higher education institutions, unions, federations and confederations on the ground that “they belong to, are connected or are in communication with the Fethullah Terrorist Organization (FETÖ/Parallel State Structure)”.<sup>21</sup> All movables, real estate assets, receivables and rights, and all documents and papers of foundations closed down were seized and transferred to the General Directorate of Foundations;

10.3. the closure of private radio and television, newspapers and periodicals;<sup>22</sup>

10.4. the dissolution of the Association of Judges and Prosecutors (Yarsav, a member of the International and European Association of Judges) – and later the arrest of its board members, as well as its President Murat Arslan on 26 October 2016<sup>23</sup>;

10.5. the dismissal of an additional 50 589 civil servants on 1 September 2016<sup>24</sup> and the dismissal and re-election of presidents and members of the Monitoring Boards of Penitentiary Institutions and Detention Houses;<sup>25</sup>

10.6. the compensation awarded to public officials and civilians who were injured during the coup attempt and terrorist action carried out on 15 July 2016, and those injured while trying to be helpful and beneficial to ensure that further actions of this attempt were revealed, prevented to be effective or eliminated;<sup>26</sup>

10.7. the definition of investigation and prosecution procedures during the period of the state of emergency (for example, the duration of custody without court order is extended to 30 days);

10.8. provisions related to the Telecommunications Communication Presidency and amendments to the Electronic Communications Law no. 5809 of 2008;<sup>27</sup>

10.9. amendments to the Law on Military Judges, including the closing of war Colleges, military high schools and training schools for noncommissioned officers;<sup>28</sup> which were replaced by a “National Defence University”.<sup>29</sup>

---

<sup>17</sup> Non-exhaustive information, based on the translation available.

<sup>18</sup> [Decree with Force of Law No 669](#) of 31 July 2016 and Decree with Force of Law No. [670](#) of 17 August 2016.

<sup>19</sup> [Decree with Force of Law No 667](#) of 23 July 2016.

<sup>20</sup> Decree with Force of Law No. [670](#) of 17 August 2016.

<sup>21</sup> [Decree with Force of Law No 667](#) of 23 July 2016 and [Decree with Force of Law No 673](#) of 1 September 2016.

<sup>22</sup> Decree with Force of Law [No 668](#) of 27 July 2016.

<sup>23</sup> <http://bianet.org/english/law/180038-yarsav-president-murat-arslan-arrested>.

<sup>24</sup> Decree with Force of Law No [672](#). This list concerns 28 163 people from the Education Ministry, most of them teachers, 7 669 police officers, 323 gendarmes. 2 346 staff members from the Council of Higher Education (YÖK), 2 018 from the Health Ministry, 1 519 from the Religious Affairs Directorate; 829 from the Finance Ministry and 733 from the Ministry of Food, Agriculture and Livestock. The list of persons dismissed is available at following link: <http://www.resmigazete.gov.tr/eskiler/2016/09/20160901M1-1.htm>.

<sup>25</sup> [Decree with Force of Law No 673](#) of 1 September 2016.

<sup>26</sup> Decree with Force of Law No. [670](#) of 17 August 2016.

<sup>27</sup> Decrees with Force of Law No. [671](#) of 17 August 2016.

<sup>28</sup> [Decree with Force of Law No 669](#) of 31 July 2016.

<sup>29</sup> On 5 October 2016, Professor Erhan Afyoncu, a columnist at the pro-government daily Sabah, was appointed Rector of the National Defence University by President Erdogan.

### 3. Prolongation of the state of emergency and recent institutional developments

11. On 23 September 2016, the CHP decided to challenge some Articles of Decrees 668 and 669 before the Constitutional Court. There is however an on-going legal debate on whether or not these decree-laws, adopted under the state emergency, are subject to review by the Constitutional Court.<sup>30</sup> On 12 October 2016, the Constitutional Court declined to review the constitutionality of these decree-laws due to "lack of jurisdiction".<sup>31</sup>

12. At the same time, 45 000 individual applications were sent to the Constitutional Court<sup>32</sup>. It remains however uncertain whether the Constitutional Court is competent to provide remedies in such cases.<sup>33</sup>

13. There were allegations of ill-treatment and torture during detention evoked by the CHP,<sup>34</sup> the Human Rights Association of Turkey<sup>35</sup> and Amnesty International<sup>36</sup>. The CHP collected 37 000 complaints about unfair treatment.<sup>37</sup>

14. The Prime Minister announced on 8 September 2016 that crisis management centres would be set up in the Prime Ministry and in governors' offices in order to receive applications from individuals regarding wrongful prosecutions made as part of the investigation into the Gülen Movement.

15. On 13 October 2016, Mehmet Metiner, AKP Deputy and Chair of Parliamentary Sub-Committee for Prisons, said that the sub-committee would not visit those arrested for being a member of the "Fethullahist Terrorist Organisation (FETÖ)" and not run any investigation into the torture and maltreatment claims. Prominent human rights organisations protested against this statement.<sup>38</sup>

16. On 28 September 2016, the National Security Council (MGK), meeting under the leadership of Mr Erdogan, recommended that the state of emergency be extended beyond its initial three-month period. The government announced on 3 October that the state of emergency would be extended of three months, starting on 19 October 2016, a measure approved by the parliament on 11 October 2016.

17. On 6 October 2016, the AK Party proposed the establishment of an inter-party commission of 5 members (1 member from each political party represented in parliament, and one Minister) to evaluate the criticisms directed at the implementation of the decree laws. The CHP however criticised the limited number of members, and required that already-approved decree-laws also be discussed by this commission.<sup>39</sup>

18. A parliamentary investigation committee, made up of deputies from all four of the political parties represented in parliament<sup>40</sup>, was set up by the parliament to investigate the failed coup bid. The committee planned to interview former chiefs of general staff, the Deputy Chief of the General Staff, former Interior

---

<sup>30</sup> <https://www.turkishminute.com/2016/09/23/chp-takes-no-668-govt-decree-constitutional-court-cancellation/>  
<http://www.dailysabah.com/legislation/2016/09/27/chp-takes-several-articles-of-statutory-decrees-to-top-court-amid-legality-debate>.

<sup>31</sup> The [decision](#) was published on 4 November 2016 by the Constitutional Court.

<sup>32</sup> Figures provided by the authorities.

<sup>33</sup> Figures as of 7 October 2016, provided by the Commission for Human Rights in his "Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey" ([CommDH\(2016\)35](#)), para. 43).

<sup>34</sup> The CHP received complaints from 3 304 people stating that allegations of torture during detention were not investigated and people were falsely accused of "being FETÖ members" over personal conflicts. See <http://www.hurriyetdailynews.com/chp-receives-more-than-3000-complaints-over-gulen-probes-state-of-emergency.aspx?pageID=238&nID=103713&NewsCatID=338>.

<sup>35</sup> <http://www.hurriyetdailynews.com/former-torture-methods-reemerge-in-turkish-prisons-human-rights-association.aspx?pageID=238&nID=103887&NewsCatID=339>.

<sup>36</sup> See report by Amnesty International Turkey: Independent monitors must be allowed to access detainees amid torture allegations, [Amnesty International](#), 24 July 2016.

<sup>37</sup> <http://www.hurriyetdailynews.com/chp-urges-fair-trial-cites-1-million-sufferers-in-post-coup-process.aspx?pageID=238&nid=104053>.

On 13 September 2016, Deputy Prime Minister Canikli indicated that 53 schools, which were shut down for allegedly being linked with the Gülen community, had been reopened "after it was realised that they actually have no connection to the community". See <http://bianet.org/english/politics/178682-vice-pm-there-are-some-wrongful-civil-service-dismissals>.

<sup>38</sup> <http://bianet.org/english/human-rights/179597-rights-organizations-protest-akp-mp-rejecting-to-investigate-torture-of-feto-arrestees>.

<sup>39</sup> <http://www.hurriyetdailynews.com/government-proposes-inter-party-commission-to-work-on-decree-laws.aspx?pageID=238&nID=104701&NewsCatID=338>.

<sup>40</sup> i.e. 9 MPs from the AK Party, 4 from the CHP, 1 from the MHP and 1 from the HDP.

Ministers, Diyarbakır Metropolitan Municipality Mayor Gültan Kışanak and President Erdoğan's brother-in-law, Ziya İlgen "from whom Erdoğan said he first learned about the coup attempt".<sup>41</sup>

19. On 23 November 2016, two more Statutory Decrees (No. 677 and 678) were published, leading to:

- the closure of an additional 375 associations and nine media outlets for "carrying out activities against national security";
- the discharge of 15 726 public officials including 242 academics;
- the exemption from mandatory military service of the children and brothers of those "who had lost their lives trying to prevent the coup attempt by the Fethullahist Terrorist Organisation (FETÖ) and subsequent actions" (Decree-Law No. 678);
- the re-opening of 175 associations, 18 foundations and one healthcare organisation which had been closed by Law No. 6749.

20. Twelve decrees-laws have been published since 21 July 2016. On 2 December 2016, the parliament approved 5 of them (Nrs 669,670,672,675 and 677), thus confirming the permanent dismissal of 79 006 public servants and 4 039 security officers (including high-ranking army officers discharged from the Turkish Armed Forces).<sup>42</sup>

21. Another practical consequence of the decree laws has been the liquidation of associations and companies and the seizure and confiscation of their assets. A total of 691 companies (including giant holdings such as Boydak Holding, Kaynak Holding, Koza İpek Holding and Fi Yapı) suspected to have links with the Gülen Movement have been seized so far by the Saving Deposit Insurance Fund (TMSF). According to media reports, TMSF hired three financial institutions to advise on the sale of the seized companies.<sup>43</sup>

#### 4. Action and measures affecting the functioning of the parliament

22. On 4 November 2016, 12 members of parliament belonging to the Peoples' Democratic Party (HDP) – including the party's co-chairs Selahattin Demirtaş and Figen Yüksekdağ – were arrested after failing to appear when summoned by prosecutors<sup>44</sup>. 3 MPs (Ziya Pir, Sirri Sureyya Onder and İmam Taşçier) were later released on bail.<sup>45</sup>

23. *Pro memoria*, their parliamentary immunity had been lifted in May 2016 after the adoption of a constitutional amendment by the parliament, a move which "disproportionately affects the opposition parties, in particular the HDP, many of whose members have been charged for their statements under the anti-terror law (No. 3713)"<sup>46</sup> and was criticised by the Assembly<sup>47</sup> and the Venice Commission.<sup>48</sup> On 7 November 2016, Hakkari deputy Nihat Akdoğan was arrested (bringing the number of detained HDP deputies to 10), while detention warrants were ordered for two other HDP deputies (Faysal Sarıyıldız and Tuğba Hezer Öztürk), currently abroad.

24. Following these arrests, the HDP decided to boycott the work of the Grand National Assembly, which was brought to an end on 22 November 2016.

25. The HDP protested against the detention conditions of the detained parliamentarians, who are in solitary confinement in remote high-security (F-type) prisons<sup>49</sup> with restricted access to their lawyers<sup>50</sup>. A

<sup>41</sup> <http://www.hurriyetdailynews.com/parliamentary-commission-on-coup-attempt-to-hear-from-erdogans-brother-in-law.aspx?pageID=238&nID=104941&NewsCatID=338>.

<sup>42</sup> <http://turkeypurge.com/turkish-parliament-passes-5-govt-decrees-approves-dismissal-of-thousands>.

<sup>43</sup> <http://turkeypurge.com/turkey-says-seized-691-companies-over-gulen-links>.

<sup>44</sup> <http://www.dailysabah.com/politics/2016/11/04/detention-of-hdp-deputies-totally-in-line-with-rule-of-law-justice-minister-bozdaq-says> The other deputies detained are İdris Baluken, Leyla Birlik, Ferhat Encü, Nursel Aydoğan, Selma İrmak, Abdullah Zeydani and Gülser Yıldırım.

<sup>45</sup> <http://www.hurriyetdailynews.com/seven-opposition-hdp-lawmakers-arrested-including-co-chairs.aspx?pageID=238&nID=105756&NewsCatID=338>.

<sup>46</sup> Resolution 2121 (2016), para.7.

<sup>47</sup> See Resolution 2121 (2016), and Resolution 2127 (2016) on "Parliamentary immunity: challenges to the scope of the privileges and immunities enjoyed by members of the Parliamentary Assembly"

<sup>48</sup> See Turkey – Opinion on the suspension of the second paragraph of Article 83 of the Constitution (parliamentary inviolability), adopted by the Venice Commission at its 108th Plenary Session (Venice, 14-15 October 2016) [CDL-AD\(2016\)027-e](https://www.venicecommission.europa.eu/media-332766/publications/2016-10-15-CDL-AD(2016)027-e).

<sup>49</sup> Selahattin Demirtaş and MP Abdullah Zeydan are in Edirne F-Type Prison; co-chair Figen Yüksekdağ, MPs Gülser Yıldırım and Ferhat Encü in Kandira F-Type Prison No I; MPs Nihat Akdoğan, Selma İrmak, Leyla Birlik, and Nursel

delegation of CHP MPs visited Mr Demirtas in Edirne, while, at the same time, a visit was refused to an HDP delegation. On 4 December, two HDP MPs were finally allowed to visit the detained HDP parliamentarians.

## 5. Action and measures affecting the judicial system

26. According to figures from official sources (as of 14 October 2016)

- 3 456 judges and prosecutors were dismissed following the decision of 16 July 2016 of the High Council of Judges and Prosecutors (HSYK);
- 3 693 judges and prosecutors were suspended for three months, a period extended by two months in 2 700 of these cases;
- 2 410 judges and prosecutors were in detention, 769 under judicial control. 177 arrest warrants against judges and prosecutors were issued, while 122 judges and prosecutors had been released.

27. On 11 October 2016, President Erdogan announced that 198 judges and prosecutors would be reintegrated “as a result of evaluations [by the HSYK] that allegations against them were baseless”.<sup>51</sup>

28. On 15 November 2016, the High Council of Judges and Prosecutors suspended 203 judges and public prosecutors over suspected links to the Gülen Movement. The dismissals were based on complaints, denunciations and investigations, use of communication programmes used by the members of the Gülen Movement, as well as confessions by other prosecutors and judges. The rulings stated that those dismissed had engaged in illegal wiretapping against ministers, governors, district governors, police chiefs, army personnel, academics, NGO executives, and businessmen.<sup>52</sup>

29. On 29 November 2016, the High Council of Judges and Prosecutors (HSYK) appointed 3 940 judges and prosecutors (ie 3 022 judicial court judges and prosecutors as well as 918 administrative justice court judges).<sup>53</sup>

30. On 1 September, 33 838 prisoners and detainees for minor offences were released in order to reduce the prison population and free space for the arrested persons as part of the coup probe.<sup>54</sup>

## 6. Action and measures affecting civil servants

31. On 23 July 2016, 15 200 staff of the Education Ministry were dismissed, and on 1 September 2016 more than 50 000 civil servants were dismissed – including 28 000 people from the Education Ministry, 2 346 staff member from the Council of Higher Education and the licences of 21 000 teachers in private schools was revoked (see supra).<sup>55</sup>

32. On 8 September 2016, 11 285 teachers suspected of “having links to or supporting the PKK” were dismissed.<sup>56</sup> On 13 October, 2 400 additional teachers were suspended for their alleged links to the Gülen Movement.<sup>57</sup>

33. On 31 October 2016, two new decree-laws (Nos. 675 and 676) were published leading, among other things, to:

---

Aydoğan in Silivri F-type Prison No 9; and Deputy Chair of HDP’s Parliamentary Group Idris Baluken in Kandira F-Type Prison No II. Information provided by the HDP.

<sup>50</sup> According to the HDP, meetings of detained MPs with their lawyers “are physically observed by an officer and recorded, and the documents they give to their lawyers as well as the notes the lawyers take during the meetings are confiscated or censored.”

<sup>51</sup> <http://www.hurriyetdailynews.com/supreme-board-reinstates-198-judges-prosecutors-to-duty.aspx?pageID=238&nID=104934&NewsCatID=341>.

<sup>52</sup> <http://www.hurriyetdailynews.com/over-200-judges-prosecutors-dismissed-over-gulen-links.aspx?pageID=238&nID=106239&NewsCatID=509>.

<sup>53</sup> <http://bianet.org/english/politics/181208-3-940-judges-and-prosecutors-appointed>

<sup>54</sup> <http://www.hurriyetdailynews.com/over-33000-prisoners-released-to-free-up-jail-space-turkish-justice-minister.aspx?pageID=238&nID=103514&NewsCatID=509>. On 26 July 2016, the Minister of justice had announced the recruitment of 5110 new judges and prosecutors in the wake of the failed coup. See <http://www.hurriyetdailynews.com/turkish-justice-ministry-plans-to-appoint-5110-new-judges-and-prosecutors-in-august.aspx?pageID=238&nID=102111&NewsCatID=338>.

<sup>55</sup> See footnote 23.

<sup>56</sup> <http://www.hurriyetdailynews.com/more-than-11000-teachers-suspended-over-pkk-links.aspx?pageID=238&nID=103720&NewsCatID=341>.

<sup>57</sup> <http://www.dailysabah.com/education/2016/10/13/ministry-of-education-suspends-2400-teachers-over-feto-links>.

- The dismissal of 10 130 officials, including 1 267 academics (24 of them belonging to the “Academics for Peace”)<sup>58</sup>;
- The appointment of university rectors by the President of the Republic, for a maximum of two terms at the same university, from three candidates suggested by Turkey’s Higher Education Board (YÖK). The President will also be able to appoint a rector directly if he does not select one of those presented by YÖK within a month and the body does not present a new candidate.<sup>59</sup>

34. Decree-Law No. 677, issued on 23 November 2016, led to:

- the discharge of 15 726 public officials serving in military departments, security directorates, ministries and their affiliated institutions, as well as from the public service;<sup>60</sup>
- the reinstatement of 157 public officials to their positions.<sup>61</sup>

35. It is estimated that 125 000 persons have been dismissed since the failed coup. In 85 000 of the cases, the dismissal resulted from the publication of individuals’ names in the decree-laws.

36. On 25 November 2016, the authorities announced that 6 000 teachers would be reinstated.<sup>62</sup>

## 7. Action and measures affecting military and law enforcement personnel

37. The dismissal of a number of members of the Turkish armed forces resulted in a decrease, by one third, of military personnel:

*Personnel serving in the Turkish Armed Forces*<sup>63</sup>

	1 July 2016	9 September 2016	5 October 2016	Evolution from July to October (in %)
Military personnel	518 166	351 176	355 212	-31,4
Generals and admirals	358	206	201	-42,5
Military officers	39 287	29 946	29 434	-25,1
Non-commissioned officers	96 391	67 646	67 257	-30,2
Specialized sergeants		48 879	49 279	
Contracted privates	13 216	15 888	15 869	20,1
Reserve officers	6 477	5 827	6 072	-6,3
Privates	264 493	182 784	187 100	-29,3
Specialized gendarmerie	21 303			
Specialized privates	76 641			
Total	518166	351176	355212	

38. On 4 October 2016, 12 801 police officers were suspended from duty over their alleged links to the Gülen Movement.<sup>64</sup> On 13 October, 109 military judges were dismissed from the Turkish armed forces.<sup>65</sup>

<sup>58</sup> The number of Academics for Peace members dismissed in the statutory decrees issued in the state of emergencies has risen to 68). <http://bianet.org/english/human-rights/180172-of-1-267-academics-dismissed-in-new-statutory-decree-24-are-academics-for-peace>.

<sup>59</sup> <http://www.hurriyetdailynews.com/bogazici-university-academics-rally-against-turkeys-new-decree-law-on-rector-appointments.aspx?PageID=238&NID=105650&NewsCatID=339>.

<sup>60</sup> including 1 184 personnel discharged from the Council of Higher Education (YÖK), 94 others from the Presidency of Religious Affairs, 45 personnel from the public channel TRT, 15 personnel from the HSYK and 14 from the Disaster and Emergency Management Presidency (AFAD) <http://bianet.org/english/law/180965-375-associations-9-media-outlets-closed-15-726-public-officials-discharged>.

<sup>61</sup> <http://bianet.org/english/law/180965-375-associations-9-media-outlets-closed-15-726-public-officials-discharged>

<sup>62</sup> <http://www.hurriyetdailynews.com/thousands-of-suspended-teachers-return-to-duty-in-turkey.aspx?pageID=238&nID=106591&NewsCatID=341>.

<sup>63</sup> Based on figures provided by the Turkish Army, as reported by media. See <http://www.hurriyetdailynews.com/turkish-military-sees-dramatic-decline-in-personnel-numbers-after-coup-attempt.aspx?pageID=238&nID=104629&NewsCatID=341>.

39. With the decree-laws Nos 675 and 676 of 31 October 2016, 39 members of the Turkish armed forces and 3 civil servants were reintegrated.

40. On 3 November 2016, 1 218 gendarmerie personnel were suspended from duty by the Ministry of the Interior for suspected links with the Gülen Movement.<sup>66</sup>

41. On 16 November, the Defence Ministry announced that the Turkish Armed Forces would hire 30 159 new personnel by transferring students who fulfill the necessary conditions from the relevant branches of universities and non-commissioned officer colleges to the Turkish Military Academy and the Turkish Naval Academy.

42. In Statutory Decree No. 677 of 23 November 2016, 1 259 personnel were discharged from the Land Forces Command, 391 others from Navy Forces Command, 338 from the Turkish Air Forces Command, 403 more from the Gendarmerie General Command and 7 586 personnel from the Security Directorate.

## 8. Action and measures affecting media

43. On 29 September 2016, 10 TV channels including Hayatın Sesi, Azadi TV, Jiyan TV, Van TV, TV10, Denge TV and Zarok TV were removed from TÜRKSAT, the national satellite platform, within the scope of the Decree-Law 668<sup>67</sup>, due to “threats they pose to national security and their support for terrorist groups”<sup>68</sup>. On 30 September 2016, 12 TV channels (including İMC TV, Hayatın Sesi, TV 10, Van TV, Jiyan TV, Azadi TV and Zarok TV) and 11 radio channels were closed. Buildings of Denge TV, Birlik Medya TV and Van TV were sealed.<sup>69</sup>

44. On 3 October 2016, the France-based satellite company Eutelsat removed the signal of Med Nuçe TV<sup>70</sup> (a Kurdish language television channel broadcasting from Belgium) which contested the lack of legal basis for such a decision. According to European Federation of Journalist sources, Eutelsat SA has been put under pressure by the Turkish Radio Television Supreme Council to remove the signal of this station, considered as a pro-PKK television channel by Turkish authorities.<sup>71</sup> The Commercial Court of Paris ruled on 16 and 17 November 2016 that Newroz TV and Med Nûçe TV should resume broadcasting, stating that Belgium’s authorised radio and television institution has the cut off authority, not Eutelsat.<sup>72</sup>

45. According to the press trade association, 2 500 journalists have become unemployed since the adoption of the decree-laws.<sup>73</sup>

46. On 6 October 2016, media reported that “the Turkey’s Press Advertisement Institution, the authority for distributing official adverts to newspapers, announced that it would not direct any business to publications whose owners, partners or executives face terrorism charges, raising criticism from the opposition and a an organisation from the sector. Newspapers who do not fire journalists who face such charges within five days will also not benefit from official adverts, according to a regulation published in the Official Gazette on 5 October 2016”<sup>74</sup>.

---

<sup>64</sup> <http://www.hurriyetdailynews.com/turkish-police-suspends-12801-personnel-over-alleged-links-to-gulen.aspx?pageID=238&nID=104563&NewsCatID=509>

<sup>65</sup> <http://www.hurriyetdailynews.com/supreme-board-reinstates-198-judges-prosecutors-to-duty.aspx?pageID=238&nID=104934&NewsCatID=341>.

<sup>66</sup> <http://www.dailysabah.com/war-on-terror/2016/11/03/1218-feto-linked-gendarmerie-staff-suspended-from-profession-in-coup-probe>.

<sup>67</sup> <http://bianet.org/english/media/179149-10-tv-channels-removed-from-national-satellite-platform>. Zarok TV has been broadcasting since 21 March 2015 in the Kurmanci and Zazaish dialects of Kurdish, being the first and only Kurdish children’s channel.

<sup>68</sup> <http://www.dailysabah.com/war-on-terror/2016/09/30/turksat-removes-more-than-20-tv-radio-stations-cites-national-security-threats>.

<sup>69</sup> <http://bianet.org/english/media/179190-websites-of-ımc-tv-ozgur-radyo-hayatin-sesi-blocked>.

<sup>70</sup> <http://bianet.org/english/freedom-of-expression/179263-broadcast-of-med-nuce-tv-shut-down>.

<sup>71</sup> <http://www.coe.int/en/web/media-freedom/home>.

<sup>72</sup> <http://bianet.org/english/freedom-of-expression/180836-med-nuce-tv-to-resume-broadcasting>.

<sup>73</sup> <http://bianet.org/english/media/179282-2-500-journalists-become-unemployed-as-of-july-15>.

<sup>74</sup> <http://www.hurriyetdailynews.com/turkey-to-cut-official-ads-on-newspapers-of-journalists-charged-with-terror-links-.aspx?pageID=238&nID=104691&NewsCatID=509>.



47. After the publication of the decree-laws 675 and 676 on 31 October 2016, 15 Kurdish media were closed, including the Dicle News Agency (DÎHA) and Jin News Agency (JINHA)<sup>75</sup>;

48. On 31 October 2016, 13 journalists, including Cumhuriyet Editor-in-Chief Murat Sabuncu and executive board members of the Cumhuriyet Foundation were arrested, accused of “committing crimes on behalf of FETÖ and the outlawed Kurdistan Workers’ Party [PKK] without being a member,” aiming to “conceal the truth with manipulation and publish stories that aimed to make Turkey ungovernable.”<sup>76</sup> Nine of them were placed in pre-trial detention on 3 November 2016, while four were released on bail and barred from travelling abroad.<sup>77</sup> A detention notice was issued for former Cumhuriyet Editor-in-Chief Can Dündar, who is currently abroad.

## 9. Action and measures affecting local administration

49. On 11 September 2016, 28 trustees were appointed to a number of municipalities which had allegedly provided support to the Kurdistan Workers’ Party (PKK) (24 mayors belonging to the Democratic Unity Party (DBP), the sister party of the Peoples’ Democratic Party (HDP)), and the “Fethullahist Terror Organisation” (FETÖ) (3 AK Party mayors and 1 MHP).<sup>78</sup> The HDP considered the move as an unacceptable violation of international conventions, while a CHP representative protested against a decision (ie a decree-law (KHK) issued by the government) which had bypassed the decision of the parliament not to allow the appointment of trustees by the government to replace mayors<sup>79</sup>. This decision was followed by clashes in some cities in southeast Turkey, and a terrorist attack in Van injuring 53 people, for which the People’s Defence Forces (HPG) claimed responsibility.

50. On 10 November 2016, Varto Municipality co-Mayor Sabite Ekinçi, belonging the Democratic Regions Party (DBP), was arrested on claims of “being a member of a terrorist organisation”, “damaging Varto Municipality”, and “tender irregularity”.<sup>80</sup> On 16 November 2016, Cizre co-Mayor (DBP) Kadir Kunur was arrested and replaced by a trustee. Mr Tuncer Bakırhan, co-mayor of Siirt and the Co-Mayors of Dersim Municipality Mehmet Ali Bul and Nurhayat Altun – a member of the Turkish delegation to the Congress of Local and Regional Authorities – were arrested.<sup>81</sup> On 17 November 2016, the DBP Mayors of Mardin and Siirt were suspended, while the Mayor of Van (DBP) was arrested.<sup>82</sup> The arrest of other co-mayors followed in Çukurca, Yüksekova, Şemdinli, Diyarbakır’s Kayapınar, Yenişehir, and other municipalities.

51. As of 9 December 2016, according to figures provided by the Union of Southeastern Anatolia Region Municipalities (GABB):

- 55 BDP co-mayors have been arrested;
- 70 BDP mayors have been dismissed;
- 43 trustees have been appointed in the 103 municipalities<sup>83</sup> won by the BDP at the last local elections of 30 March 2014.

## 10. Preliminary conclusions

52. The decrees implemented under the state of emergency resulted in widespread purges. As of 9 December 2016, and according to figures reported in media, there were:

<sup>75</sup> See also <https://www.coe.int/en/web/media-freedom>.

<sup>76</sup> <http://www.hurriyetdailynews.com/cumhuriyet-journalists-acted-with-gulenists-claims-prosecutor.aspx?pageID=238&nID=105621&NewsCatID=339>.

<sup>77</sup> <http://aa.com.tr/en/todays-headlines/turkish-newspaper-staff-sent-to-prison-pending-trial/679124>.

<sup>78</sup> <http://bianet.org/english/politics/178653-justice-minister-statement-on-trustee-appointment-to-municipalities>.

<sup>79</sup> According to media reports, “The government was given authority to directly appoint trustees to municipalities in a state of emergency decree issued on 1 September after the failed coup attempt of 15 July. According to the decree, the appointment of trustees to municipalities would be possible if mayors, deputy mayors or members of the municipal council were suspended on terror charges. The regulation had previously been included in an omnibus bill in parliament but was later removed upon the opposition’s reaction.” <http://www.hurriyetdailynews.com/28-mayors-replaced-with-trustees-by-turkish-government.aspx?pageID=238&nID=103784&NewsCatID=341.0>.

<sup>80</sup> <http://bianet.org/english/politics/180599-mus-varto-municipality-co-mayor-arrested>.

<sup>81</sup> <http://bianet.org/english/diger/180780-co-mayors-of-dersim-siirt-municipalities-taken-into-custody>. The arrest of the Dersim co-mayors, and the raid of their houses, occurred after demonstrations were held in front of the municipality building in protest of the detentions of HDP co-Chairs and Deputies.

<sup>82</sup> <http://www.dailysabah.com/war-on-terror/2016/11/17/pkk-linked-mayors-detained-suspended-from-duty-in-southeastern-turkey>.

<sup>83</sup> <http://bianet.org/english/politics/181437-semdinli-co-mayor-seferi-yilmaz-arrested>.

- Over 125 000 persons dismissed
  - Legal action against 92 607 suspects, 39 378 of whom have so far been arrested, as part of the investigation into the failed coup attempt.<sup>84</sup>
  - 3 673 judges and prosecutors dismissed<sup>85</sup> and 2 700 suspended
  - 177 media outlets shut down and 11 reopened<sup>86</sup>
  - Over 140 journalists arrested.<sup>87</sup>
  - about 1 800 associations/foundations shut down
  - about 2 100 schools, dormitories, and universities shut down
53. The situation is still evolving and requires continuous follow-up and updates.

---

<sup>84</sup> [http://www.hurriyetdailynews.com/drugs-worth-billions-of-liras-seized-in-operations-against-pkk-gulenists-interior-minister.aspx?pageID=238&nID=106457&NewsCatID=338&sgm\\_source=106457&sgm\\_campaign=scn\\_b1055d51fae9c000&sgm\\_action=click](http://www.hurriyetdailynews.com/drugs-worth-billions-of-liras-seized-in-operations-against-pkk-gulenists-interior-minister.aspx?pageID=238&nID=106457&NewsCatID=338&sgm_source=106457&sgm_campaign=scn_b1055d51fae9c000&sgm_action=click).

<sup>85</sup> Figures mentioned in the Opinion on Emergency Decree Laws N° 667-676 adopted following the failed coup of 15 July 2016, adopted by the Venice Commission at its 109th Plenary Session, 9-10 December 2016 ([CDL-AD\(2016\)037](#), para. 147).

<sup>86</sup> [http://bianet.org/english/media/181486-balance-sheet-of-state-of-emergency\\*](http://bianet.org/english/media/181486-balance-sheet-of-state-of-emergency*).

<sup>87</sup> <http://www.hurriyetdailynews.com/kilicdaroglu-warns-judiciary-oppression-will-come-to-you.aspx?pageID=238&nID=105985&NewsCatID=338>. See concurring numbers issued by the [Platform 24](#), and the [PEN organisation](#).