



POINT OF VIEW

Coronavirus measures and dangers from possible state abuse: The case of Turkey

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Due to the Coronavirus pandemic many countries have adopted several measures to stop the spread of the disease. For some of these measures reservations are expressed regarding their conformity with the required respect for human rights. The concern is especially due to the fear of the measures been enforced in discriminatory ways against certain segments of the population, or that abuse of powers could take place. The very battle to thwart the spread of SARS-CoV-2 could serve as pretext for authoritarian governments to exercise more control over citizens. What is particularly worrying is that the restrictions and surveillance could survive even the end of the pandemic, justified as a way to make sure it will not return, or prevent a new pandemic from taking place. The Council of Europe¹, the UN High Commissioner for Human Rights², as well as generally human rights organisations³ have raised awareness, so that civil liberties, human dignity, human rights and even human lives are not put in danger, not now, nor in the period after this acute phase of the pandemic. To show the many challenges COVID-19 poses for those concerned for the protection of human rights, this article will highlight the example of Turkey.

Respect for human rights has been problematic during several historic periods of political turbulence⁴ in Turkey. In recent years- especially after the coup d'état attempt in 2016- there are many voices denouncing the abuse of counter-terrorism legislation⁵, applied strategically to silence different political opinions. Even lawyers defending those accused of terrorism related offences have been targeted, not just obstructed from performing their duties, but also arrested and jailed⁶. Journalists and academics are another group that has seen systematic persecution due to the restriction and penalisation of free speech⁷. Artists, writers, businessmen⁸ with international social profile and activity have found themselves behind bars, accused as supporters either of the Gülen movement (FETO) or terrorist groups⁹. Given the above, it is interesting to see how Coronavirus measures could affect even worse the rights and liberties of Turkish people, already severely compromised. 3 major areas of concern are already

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evident around the measures against COVID-19: treatment of prisoners, control of free speech and surveillance mechanisms. The following are some comments as the situation develops:

I. Correctional facilities are one of the hottest issues been discussed on fighting effectively the spread of COVID-19. Confined overcrowded spaces with minimal possibility for "social distancing" and not many ways to practice disinfection habits are maybe the best environment for the disease to pass from one individual to another. Prison population is extremely vulnerable to both spreading SARS-CoV-2 and getting sick by it. Additionally, the persons working in such an environment (for example prison guards) can transfer the virus to others outside prison facilities. So even if society doesn't care per se about prisoners' health (unfortunately convicts are usually "out of sight, out of mind" for many), actually it should do so, because the danger of disease can exit prison walls. For this reason, governments in various countries have decided to proceed in releasing prison population, in an attempt to ease overcrowded facilities¹⁰.

Turkey also has decided to release prisoners¹¹, but the plan has not been realized yet. Plus, despite even possible underlying medical conditions making them even more vulnerable to dying of COVID-19, those accused of terrorism offenses are not supposed to benefit from the relevant law¹². This is extra worrying, if we consider that in Turkey convicts or accused of terrorism offences can very well be lawyers, artists, intellectuals that have never perpetrated any violent activity whatsoever. These convicts or pre-trial detainees¹³, if finally excluded from the release measures, they are in reality sentenced to possibly contract the Coronavirus and even die from COVID-19. This constitutes inhuman treatment for prisoners and it even can lead to indirectly enforcing death penalty. More over, prisoners of terrorism offences that in many cases have already undergone torture will have probably to endure now solitary confinement. Justified "for their own good" in order not to be infected or if they become patients in order not to infect others, they will be subjected to the punitive measure of solitary confinement with detrimental physical and mental health consequences. All the above are examples of how this virus can serve as a way to exterminate political prisoners without resorting to a direct death penalty (that would cause issues regarding international conventions Turkey has signed¹⁴), or introduce inhuman treatment against them, disguised as health protection measures.

II. Free flow of information and the ability to question a government for its actions are integral parts of a democracy. Yet, criticism against the government and more specifically against the country's leader has been for a long time a taboo and major problem for Turks. During this particular period, there is another reason why journalists, plus anyone using social media and Internet, could end up in prison: criticism of the measures taken to fight COVID-19. The critique could be about questioning the effectiveness of the health policy to tackle the danger, the number of patient cases or- as argued above- the discriminatory way of enforcing measures, the state of the national health system and its capacity to handle the disease. And of course there is the problem of – indeed- fake news around this new virus, but also news named as fake, so that they are not circulated. All can be interpreted as attacking national security and safety during the struggle to fight the pandemic. Turkish authorities have actually started identifying and arresting people for "unfounded and provocative" posts on social media related to the Coronavirus¹⁵. This emergency situation offers the opportunity for the state to create a new category of dangerous to national security behaviours that must be suppressed at all costs for the good of the many during emergency times. In such a case, even the general public will not react strongly against such a practice, as the fear of the disease will silence opposing voices.

III. Fear can be indeed a big weapon in the hands of governments. Especially fear of death that can make citizens accept even a dystopian future of electronic surveillance, with their privacy and personal information in open access status. The Turkish Health Ministry has developed the Pandemic Isolation Tracking Project to reduce the spread of SARS-CoV-2 by using location data from patients' mobile devices¹⁶. What looks as technology in the service of health can become a weapon against the freedoms of citizens, if used in the wrong way and for wrong purposes. For now such a measure may seem necessary and adequate for monitoring COVID-19 patients. Tomorrow it can be used to monitor

anyone who does not agree with the government. The ability to monitor locations through smartphones and have access to citizens' data in conjunction with the abuse of counter-terrorism legislation can lead to the control of population and easier ways to find excuses in order to prosecute individuals. Even if an official commitment is made to protect the privacy of citizens and use surveillance technology only during this pandemic, it is not at all certain that such a power- once seized- will not be used in the future for other objectives.

Turkey has entered the big fight against SARS-CoV-2, with thousands of people infected and the number of the dead rising. Turkish government has every right (and even a duty) to protect the country's population from COVID-19 disease. It is expected to make use of all resources and all methods possible to achieve that goal. Despite that, all efforts must take place within the context of the rule of law and respect for liberties and human rights. Citizens should not be confronted with the pseudo-dilemma "life or human rights" and the government should not use this emergency circumstances as a way to establish more power in a country deeply hurt by abusive state power, during big parts of its political history. Turkish citizens deserve both life and freedom, like all citizens in other countries do. Actually all people (despite their country's tradition of protecting civil liberties up to now) must remain vigilant due to such an unprecedented situation. Addressing SARS-CoV-2 is more than a medical challenge; it also poses human rights challenges for all countries affected not just Turkey.

REFERENCES

1. <https://www.coe.int/en/web/portal/-/coronavirus-guidance-to-governments-on-respecting-human-rights-democracy-and-the-rule-of-law>
2. <https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx>
3. <https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response>
4. For example President Recep Tayyip Erdoğan spoke about the 1980 military coup killings and torture, <https://www.aa.com.tr/en/turkey/turkish-president-remembers-1980-military-coup-victims/1580335>
5. Turkey featured as one of the countries with abuse of counter- terrorism legislation, https://www.coe.int/en/web/commissioner/blog/-/asset_publisher/xZ32OPEoxOkq/content/misuse-of-anti-terror-legislation-threatens-freedom-of-expression/pop_up?_101_INSTANCE_xZ32OPEoxOkq_viewMode=print&_101_INSTANCE_xZ32OPEoxOkq_languageld=en_GB
6. Indicatively see <https://www.hrw.org/news/2019/04/10/turkey-mass-prosecution-lawyers>, <https://arrestedlawyers.org/2019/09/23/abuse-of-the-anti-terrorism-laws-by-turkey-is-steadily-increasing/>
7. Amnesty International has underlined the severe problem with journalists been prosecuted in Turkey, <https://www.amnesty.org/en/latest/news/2019/05/turkey-the-worlds-largest-prison-for-journalists/>; additionally Human Rights Watch has brought to surface the ways academics have been targeted in Turkey, losing their jobs and being prosecuted, <https://www.hrw.org/news/2018/05/14/turkey-government-targeting-academics>
8. The case of Osman Kavala has been discussed by foreign press as an example, <https://www.reuters.com/article/us-turkey-security-kavala/turkey-issues-new-arrest-warrant-for-jailed-businessman-kavala-idUSKBN20W2XP>
9. Just indicatively author Ahmet Altan, <https://www.theguardian.com/books/2019/nov/06/jailed-turkish-author-ahmet-altan-freed-after-three-years>
10. For example UK, <https://www.theguardian.com/world/2020/apr/07/discharged-uk-prisoners-with-covid-19-symptoms-given-travel-warrants>, Indonesia, <https://www.aa.com.tr/en/asia-pacific/indonesia-releases-22-000-prisoners-over-covid-19-fears/1791209>, US, <https://www.aa.com.tr/en/asia-pacific/indonesia-releases-22-000-prisoners-over-covid-19-fears/1791209>.
11. <https://www.posta.com.tr/binlerce-mahkuma-tahliye-yolu-aciliyor-2244940>
12. <https://www.hrw.org/news/2020/04/03/turkey-covid-19-puts-sick-prisoners-grave-risk>
13. By the way punitive use of pre-trial detention in such cases has been criticized by Amnesty international, <https://www.amnesty.org/en/get-involved/take-action/turkey-covid-19-prisoners-release/>
14. Turkey has signed both Protocol 6 and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of Death Penalty. See also <https://www.ejiltalk.org/the-spectre-of-trexit-proposal-to-reintroduce-the-death-penalty-in-turkey/>
15. <https://www.reuters.com/article/us-health-coronavirus-turkey/turkey-detains-19-people-over-provocative-coronavirus-posts-idUSKBN2140T9>
16. <https://www.aa.com.tr/en/latest-on-coronavirus-outbreak/turkey-launches-covid-19-isolation-tracking-project/1797961>