

# THE RISK OF REINSTATEMENT OF THE DEATH PENALTY



## FINDINGS FROM A PRELIMINARY STUDY

on the situation  
for human rights  
defenders in  
Turkey and the  
potential of a  
return to capital  
punishment

Ratification of Protocol  
13 of the Convention  
for the Protection of  
Human Rights and  
Fundamental  
Freedoms  
*February 2006*

Status : Abolitionist for  
all crimes since  
*14 July 2004*

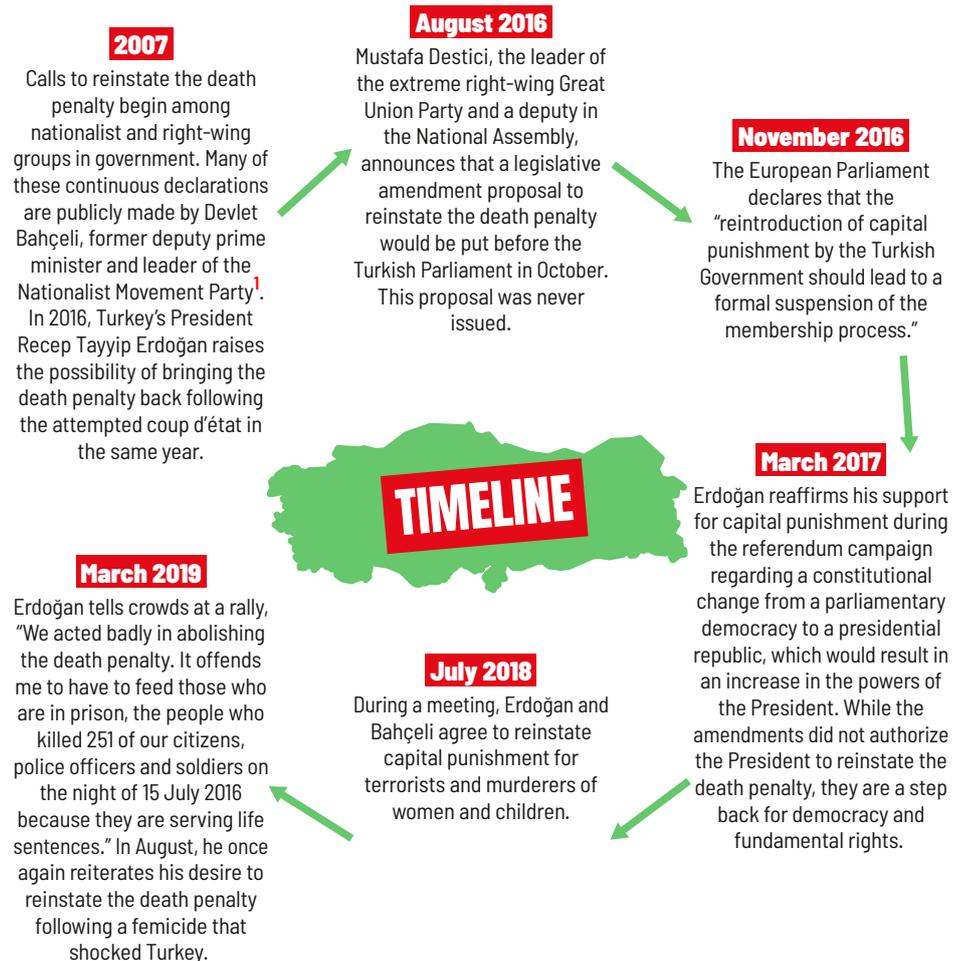
Year of last execution  
*1984*

Ratification of the  
International Covenant  
on Civil and Political  
Rights (ICCPR)  
*23 September 2003*

Ratification of Second  
Optional Protocol to  
the ICCPR  
*2 March 2006*

United Nations  
General Assembly  
Moratorium  
Resolution  
*YES : 2007, 2008, 2010,  
2012, 2014  
NO : 2016 et 2018  
YES : 2020*

**F**or many years now, Turkish authorities have made numerous, regular calls to bring back the death penalty, the reinstatement of which would constitute a violation of international law and a serious setback in human rights in the country. To this end, the World Coalition Against the Death Penalty, in partnership with the Paris Bar, commissioned a preliminary study in order to identify allied stakeholders, analyze the risks faced by human rights groups, and determine the capacity building needs of local actors.



<sup>1</sup> Milliyetçi Hareket Partisi, MHP

# KEY FINDINGS

## 1 Political obstacles

Top government leaders, such as President Erdoğan and former deputy prime minister Devlet Bahçeli, have demonstrated strong political will to reinstate the death penalty. The fulfillment of these plans, however, face **several legal, political, and diplomatic obstacles**. Although the current National Assembly in Turkey is mostly composed of members from conservative and right-wing parties that support the death penalty, it is not enough to easily pass a constitutional amendment. A national referendum would need to take place and obtain the support of the majority of the population in order to successfully amend law and reinstate the death penalty.

## 2 Diplomatic obstacles

On an international level, the reinstatement of the death penalty in Turkey would signify a true break from European values and end all its prospects of joining the European Union.

## 3 Legal obstacles

It would also mean that Turkey reneges on its commitment to various international human rights bodies, such as the European Court of Human Rights and the Second Optional Protocol to the ICCPR. This is likely to spark strong condemnation from the international community.

Although this is preventing the reinstatement of the death penalty in Turkey, the concentration of power within the hands of the executive and the absence of a strong political opposition constitute a considerable risk. Erdoğan's politics are unpredictable and are part of a general populist trend that is supported by the general public. Furthermore, such threats

are being **carried out against a backdrop of generalized violation of freedoms and human rights**, the erosion of judiciary independence, and increased targeting of civil society actors. Journalists and lawyers that are active on the issue of the abolition of the death penalty face numerous human rights violations, are at permanent risk of arrest and prosecution,

and experience degrading treatment in custody and in prison. The shrinking space for human rights defenders to operate in has meant that very few civil society organizations are focusing on and channeling limited resources into the fight against the potential reinstatement of the death penalty in Turkey.

"We acted badly in abolishing the death penalty. It offends me to have to feed those who are in prison [...]"

Erdoğan  
March 2019



## 4 Terrorism

If the death penalty were to be reintroduced in Turkey, it may be applied to a category of crimes that includes **terrorism-related offences**, the definition of which remains vague. In 2012, Parliament amended Article 220 of the Criminal Code,

which expanded the crime of terrorism to include certain types of speech that allegedly seek to advocate terrorism. This could risk having a large number of people being falsely accused and sentenced to death, including journalists, lawyers, and human rights defenders. There are also concerns about how anti-terrorism legislation, and consequently the administration of the death penalty, could be disproportionately applied to Turkey's Kurdish population and other ethnic minorities, who continue to face heightened discrimination.

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