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## Human Rights Council

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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **Written statement\* submitted by European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 May 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **REQUESTING THAT THE U.N. ASSIST IN THE RELEASE OF AMERICAN CITIZEN PASTOR ANDREW BRUNSON FROM WRONGFUL DETENTION AND IMPRISONMENT IN TURKEY**

### 1. INTRODUCTION

One of the principle aims of the United Nations (U.N.), as expressed in the preamble of the 1945 United Nations Charter, is ‘to reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person’<sup>1</sup>. It is for this reason that the United Nations Human Rights Council (UNHRC) holds member states accountable for those significant violations of human dignity that run contrary to this aim.

The European Centre for Law and Justice (ECLJ) would again like to draw this Council’s attention to Pastor Andrew Brunson, an American citizen, who has been unjustly detained and imprisoned in Turkey for over seven months.

As the ECLJ previously informed this Council, Pastor Brunson was originally detained by Turkish authorities in Izmir on 7 October 2016, despite having committed no crime and having peacefully lived out his religious beliefs in service to the people of Turkey for over two decades.

As a founding Member State of the U.N., Turkey is obligated to adhere to norms set forth in the U.N. Charter, such as those requiring members ‘[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and . . . fundamental freedoms . . . without distinction as to [inter alia] religion’<sup>2</sup>. Pastor Brunson’s detention appears to be related to his work as a Christian minister. By detaining and imprisoning Pastor Brunson because of his religious expression, peaceful association, and assembly of religious believers, Turkey is violating not its obligations under the U.N. Charter, but its own Constitution as well as Pastor Brunson’s fundamental rights: freedom of religion and belief, freedom of expression, freedoms of peaceful assembly and association. Therefore, these violations concern not only Turkey, but every Member State and every agency of the U.N.

### 2. BACKGROUND

For 23 years, Pastor Brunson has worked openly on behalf of the people of Izmir, Turkey. Pastor Brunson is a part of a small, Protestant Christian community and his primary work has been to serve as the pastor of the Izmir Resurrection Church. On 7 October 2016, Pastor Brunson arrived home to find a written summons to report with his passport to a local police station. Believing the summons was related to his routine application for a renewal of his residence visa, Pastor Brunson promptly

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<sup>1</sup>U.N. Charter, Preamble.

<sup>2</sup>U.N. Charter art. 1, para. 3. *See also* Articles 55 and 56 of the U.N. Charter.

reported to the Izmir police, only to be arrested and later told that he was considered a ‘national security risk’.

Pastor Brunson was soon after transferred to the Harmandali Detention Centre and held for 63 days. During this time, repeated requests by U.S. officials to visit Pastor Brunson were ignored and serious concerns about his treatment were raised. On 9 December, more than two months after his arrest, Pastor Brunson was taken to court and falsely charged with ‘membership in an armed terrorist organization’. Pastor Brunson was then transferred to a prison facility, despite no evidence having been presented to justify the accusations against him. Pastor Brunson was also initially refused access to legal counsel and was only allowed to begin meeting with an attorney after his transfer to prison on 9 December. Even then, these meetings are recorded and his court file is sealed, significantly hindering his ability to adequately prepare a defence. Recently, Pastor Brunson’s Turkish attorney, Aysun Akşehirlioğlu, released a statement pointing to the Turkish government’s utter lack of evidence provided against Pastor Brunson:

During this five month period, they have not been able to set forth any concrete evidence showing that my client had membership or any other relationship with the organization cited. As is the fact that my client has had no relationship or communication with this organization.

Moreover, in the documents repeatedly denying Pastor Brunson’s appeals for release, the language alleging any involvement of Pastor Brunson in a crime remains ambiguous at best. In fact, it is admitted that there is merely a ‘strong suspicion of the commission of a crime’, and an ‘inability to have sufficiently gathered evidence’, even though Pastor Brunson has been imprisoned for over seven months. At the time of the ECLJ’s previous oral intervention at the U.N. on behalf of Pastor Brunson, Turkey’s Prime Minister stated, ‘What we can do at this stage is accelerate the trial’<sup>3</sup>. To date, Turkey has done nothing to honour that statement.

These actions violate Articles 9 (right to liberty and security of person), 14 (equality before the courts and tribunals), and likely 15 (‘No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed’) of the International Covenant on Civil and Political Rights (ICCPR) to which Turkey is a signatory, as well as Articles 7 (equality before the law and equal protection of the law), 9 (no arbitrary arrest or detention), 10 (fair and public hearing), and 11 (presumed innocent until proved guilty) of the Universal Declaration of Human Rights (UDHR).

Articles 10 and 24 of the Constitution of the Republic of Turkey protect the rights of everyone to equality before the law ‘without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect’<sup>4</sup>, as do Articles 2 and 7 of the UDHR and Article 18 of the

<sup>3</sup>Oren Dorell, *Turkish PM Considers Speeding up Trial of Jailed American Pastor*, USA TODAY (9 Mar. 2017, updated 8:14 PM), <https://www.usatoday.com/story/news/world/2017/03/09/turkish-prime-minister-promises-speed-up-trial-jailed-american-pastor/98946590/>.

<sup>4</sup>CONSTITUTION OF THE REPUBLIC OF TURKEY July 23, 1995, art. 10, and ‘freedom of conscience, religious belief and conviction,’ *id.* at art. 24, as do Articles 2 and 7 of the UDHR and Article 18 of the ICCPR.

ICCPR. These rights include the freedom, ‘either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching’<sup>5</sup>.

Last year, following a failed military coup, Turkey began a crackdown that has disappointingly swept up innocent religious minorities – especially Christians – in an ever-widening dragnet. Christians and other religious minorities are now increasingly the targets of detention and deportation, and are unreasonably subjected to other governmental regulation simply because of their faith. Pastor Brunson has been caught up in this dragnet. His detention appears to be related to his work as a Christian minister, making his arrest and imprisonment a violation of both Turkey’s Constitution and international agreements to which Turkey is party.

### 3. REQUEST

One of the hallmarks of Turkey’s proud history is the respect for all faiths. Thus, Turkey should respectfully be reminded of its continuing obligations under its constitution as well as the ICCPR and UDHR to respect and value the freedom of religion. The ECLJ urges this Council to call upon Turkey to honour its obligations. The ECLJ further requests that the U.N. make every effort to ensure that Pastor Brunson is not only treated with great care, but that he is quickly released and allowed to return home to the United States without injury or delay.

### 4. CONCLUSION

The U.N. has long stood to protect the human rights of all people. In intervening on behalf of Pastor Brunson, the U.N. will once again demonstrate its commitment to ensuring that freedom of religion exists for all people, regardless of their faith.

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<sup>5</sup>ICCPR, *adopted* Dec. 16, 1966, G.A. Res. 2200A (XXI), art. 18, U.N. Doc. A/6316 (*entered into force* Mar. 23, 1976).