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# Turkey: Country Report – Version 3

The situation in Turkey

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21 November 2017 (COI up to 11 September 2017)

## Turkey Country Report – Update November 2017 [3<sup>rd</sup> edition]

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3. [2016: Observations by the Council of Europe Committee, the Council of Europe Commissioner for Human Rights, the UN Special Rapporteur on the right to freedom of opinion and expression and the Council of Europe's Venice Commission](#)

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## Explanatory Note

This report is an update of ARC's previous two reports: '[Turkey Country Report](#)' of 15 December 2016 and '[Turkey Country Report – Update](#)' of 25 January 2017. All editions present country of origin information (COI) on Turkey on issues of relevance in refugee status determination for Turkish nationals related to the attempted *Coup d'état* and the introduction of the State of Emergency. The information included relates to the attempted coup and does not address non-state agent perpetrated violence (e.g. activities by IS, PKK or TAK) or the security situation and abuses in south-east Turkey nor societal discrimination that is unrelated to the post-coup, e.g. experienced by ethnic or religious minority communities in Turkey. This updated report includes the same content as the second edition published on 25 January 2017 apart from adding some sub-headings where new issues arose, and correcting some typos.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments.

The research period for this latest update covers **events** between 7<sup>th</sup> January 2017 to 11<sup>th</sup> September 2017 and all sources were accessed in September 2017. Annual reports published in 2017 (as of 11 September 2017) covering events in 2016 have therefore not been included in this update. This comprises, inter alia, those issued by: Amnesty International, Freedom House, Fund for Peace, Heidelberg Institute, Human Rights Association, Human Rights Watch, Institute for Economics and Peace, International Lesbian and Gay Association, U.S. Department of State.

A number of new sources identified since the previous edition of this report have been included, but only consulted for the timeframe of the update of the report i.e. 7<sup>th</sup> January 2017 to 11 September 2017. These are: Academics for Peace, Advocates of Silenced Turkey, Asylus Research Notes, EASO COI Portal, Judiciary of Turkey, Stockholm Center for Freedom. The website of the following source is no longer active and so was not consulted for this edition of the report: [The Human Rights Institution of Turkey](#).

The following additional sources have been included, post cut-off point given the insights they provide into the issues addressed in this report:

- OSCE, [OSCE PA human rights leader: Turkish appeals commission must be transparent to restore faith in rule of law](#), 14 September 2017
- Reporters without Borders, [Journalist still held in Spain under Turkish request to Interpol](#), 21 September 2017
- Stockholm Center for Freedom, [A Turkish Businessman Killed In Amsterdam Over His Alleged Links To Gülen Movement](#), 14 September 2017
- Stockholm Center for Freedom, [Jailed and wanted journalists in Turkey – Updated List \(As of September 23, 2017\)](#), 23 September 2017
- Stockholm Center for Freedom, [Turkey Issues Detention Warrants For 63 People Including Intel Agency Employees Over Alleged Links To Gülen Movement](#), 12 September 2017
- Turkey Purge, [Turkey widens post-coup purge since July 15, 2016](#), last updated 24 September 2017

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals.

**This report is not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

## Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

### Databases consulted:

[Asylos's Research Notes](#)  
[EASO COI Portal](#)  
[European Country of Origin Information Network \(ECOI\)](#)  
[Relief Web](#)  
[UNHCR Refworld](#)

### Sources consulted:

[76 Crimes](#) [Turkey page]  
[Academics for Peace](#) [English version]  
[Advocates of Silenced Turkey](#)  
[Assessment Capacities Project \(ACAPS\)](#) [Turkey country page]  
[Al Arabiya](#)  
[Al Jazeera](#)  
[Al Monitor – Turkey Pulse](#)  
[Amnesty International](#) [Turkey country page]  
[Armed Conflict Location & Event Date Project \(ACLED\)](#)  
[Article 19](#) [Turkey country page]  
[The Association for Human Rights and Solidarity for the Oppressed](#)  
[Association for the Prevention of Torture](#) [Turkey country page]  
[Atlas of Torture](#) [Turkey country page]  
[BBC News](#) [Turkey country page]  
[Bianet](#)  
[Brookings Institution](#) [Turkey project]  
[Carnegie Endowment for International Peace](#) [Turkey country page]  
[CHR Michelsen Institute](#)  
[Committee to Protect Journalists](#) [Turkey country page]  
[Council of Europe](#)  
[Death Penalty Worldwide \(Cornell Law School\)](#)  
[Delegation of the European Union to Turkey](#)  
[Deutsche Welle](#)  
[Edge Media Network](#)  
[Education International](#)  
[Eldis](#)  
[Equal Rights Trust](#) [Turkey country page]  
[EurasiaNet](#) [Turkey country page]  
[EuroMedRights](#) [Turkey country page]  
[European Centre for Minority Issues](#)  
[European Commission – European Neighbourhood Policy and Enlargement Negotiations \(Turkey\)](#)  
[Forum 18](#) [Turkey pages]  
[France 24](#)  
[Fund for Peace – Fragile States Index 2017](#)  
[Gay Star News](#) [Turkey country page]

[Global Gayz](#)  
[The Guardian](#) [Turkey country page]  
[Hands off Cain](#) [Turkey country page]  
[Heidelberg Institute for International Conflict Research](#)  
[Human Rights Association](#)  
[Human Rights Foundation of Turkey](#)  
[The Human Rights Institution of Turkey](#)  
[Human Rights Watch](#) [Turkey country page]  
[Hurriyet Daily News](#)  
[Institute for Economics & Peace – Global Peace Index 2017](#)  
[Institute for War and Peace Reporting](#)  
[Internal Displacement Monitoring Centre](#) [Turkey country page]  
[International Bar Association](#)  
[International Commission of Jurists](#)  
[International Committee of the Red Cross \(ICRC\)](#) [Turkey page]  
[International Crisis Group](#) [Turkey country page]  
[International Federation for Human Rights](#) [Europe & Central Asia page]  
[International Institute for Strategic Studies](#)  
[International Lesbian, Gay, Bisexual, Trans and Intersex Association \(ILGA\)](#) [Turkey country page]  
[International Rehabilitation Council for Torture Victims](#)  
[Inter Press Service](#)  
[IRIN news](#) [Turkey country page]  
[Jamestown Foundation](#)  
[Judiciary of Turkey](#)  
[KAOS GL](#)  
[LegislationOnline](#)  
[LGBTI News in Turkey](#)  
[Medecins Sans Frontieres/Doctors Without Borders](#)  
[Middle East Eye](#)  
[Minority Rights Group International](#)  
[Open Society Foundations](#)  
[Organization for Refuge, Asylum & Migration](#)  
[Osservatorio Balcani e Caucaso Transeuropa](#) [Turkey country page]  
[Overseas Development Institute \(ODI\)](#)  
[Oxfam](#)  
[Penal Reform International](#) [Turkey country page]  
[Physicians for Human Rights](#)  
[Pink News](#)  
[Platform for Independent Journalism](#)  
[Radio Free Europe/Radio Liberty](#)  
[Reporters Without Borders](#) [Turkey page]  
[Reuters](#)  
[Save the Children](#)  
[Stockholm Center for Freedom](#)  
[Turkey Purge](#)  
[UK Foreign and Commonwealth Office – 2016 Human Rights report](#)  
[United Nations Children’s Fund \(UNICEF\)](#) [Turkey country page]  
[United Nations Development Programme \(UNDP\)](#) [Turkey country page]  
[United Nations High Commissioner for Refugees \(UNHCR\)](#) [Turkey country page]  
[United Nations Human Settlements Programme \(UNHABITAT\)](#) [Turkey country page]  
[United Nations News Centre](#)  
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\)](#) [Turkey country page]

[United Nations Office on Drugs and Crime \(UNODC\)](#)  
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)  
[United Nations Population Fund \(UNPFPA\)](#)  
[United Nations Special Rapporteur on trafficking in persons, especially in women and children](#)  
[United Nations Women](#)  
[United Nations World Food Programme \(WFP\)](#)  
[United States Institute of Peace](#)  
[United States Department of State](#) [Turkey country page]  
[Uppsala Universitet – UCDP Conflict Encyclopedia](#)  
[Walk Free Foundation > The 2016 Global Slavery Index](#)  
[Washington Post](#)  
[Women Under Siege Project](#)  
[World Bank](#)  
[World Health Organisation](#)  
[World Organisation Against Torture](#) [Turkey country page]  
[World Prison Brief](#) [Turkey country page]



## List of Acronyms

<b>AKP</b>	Adalet ve Kalkınma Partisi [Justice and Development Party]
<b>ATL</b>	Anti-Terror Law
<b>BDP</b>	Baris ve Demokrasi Partisi [Peace and Democracy Party]
<b>CHP</b>	Cumhuriyet Halk Partisi [Republican People's Party]
<b>CPT</b>	(Council of Europe's) Committee for the Prevention of Torture
<b>CSO</b>	Civil Society Organisation
<b>DBP</b>	Demokratik Bölgeler Partisi [Democratic Regions Party]
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>FETO</b>	Fethullahist terrorist organization [Note that in March 2016 the Gulen movement was declared a terrorist organisation by the Turkish government <sup>1</sup> and has been referred to since then as the 'Fethullahist terrorist organization' (also known by the abbreviation FETO). <sup>2</sup> ]
<b>HCJP</b>	High Council of Judges and Prosecutors
<b>HDP</b>	Halkların Demokratik Partisi [Peoples' Democratic Party or Democratic Party of the Peoples]
<b>HPG</b>	Hêzên Parastina Gel [People's Defence Forces]
<b>HRA</b>	Human Rights Association
<b>HRF(T)</b>	Human Rights Foundation (of Turkey)
<b>HSYK</b>	High Council for Judges and Prosecutors
<b>IHD</b>	İnsan Hakları Derneği [Human Rights Association] (also HRA, see above)
<b>KHK</b>	Kanun Hükmünde Kararname [Decrees with Force of Law]
<b>MIT</b>	Millî İstihbarat Teşkilatı [National Intelligence Organization]
<b>MP(s)</b>	Member(s) of Parliament
<b>NHRI</b>	National Human Rights Institution
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>PKK</b>	Partiya Karkerên Kurdistanê [Kurdistan Workers' Party]
<b>TAF</b>	Turkish Armed Forces
<b>TAK</b>	Teyrêbazên Azadiya Kurdistan [Kurdistan Freedom Falcons, a splinter group of PKK]
<b>TNP</b>	Turkish National Police

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<sup>1</sup> BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

<sup>2</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstating Safeguards to Curb Abuse by Police](#), 24 October 2016, *Background*, page 11

**TSK** Türk Silahlı Kuvvetleri [Turkish Armed Forces]

## 1. Main Developments since the attempted Coup d'état (July 2016)

### a. Overview of major legislative and political developments:

#### i. Recent legislative developments incl. new amendments or decrees

##### 1. State of Emergency

This section should be read in conjunction with section [1.a.5. 16<sup>th</sup> April 2017: Constitutional Referendum](#).

An English translation of the current version of the 'State of Emergency law' as of 16<sup>th</sup> February 2017 can be found [here](#).

On 15<sup>th</sup> July 2016 as a result of an attempted coup, Amnesty International reported shortly afterwards that "208 people were killed and more than 1,400 injured across Istanbul and Ankara"<sup>3</sup> when "over the course of a violent night, TV stations were raided by soldiers, explosions heard in Istanbul and Ankara, protesters shot at, the parliament and presidential buildings fired upon, a military helicopter shot down and the Turkish military chief taken hostage".<sup>4</sup> By the end of October 2016 the Turkish Human Rights Association (IHD) reported that 241 people in total were killed of which 67 were police/soldiers and 174 were civilians, and a further 2,144 people were injured during the attempted coup.<sup>5</sup> The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe noted in its 12 December 2016 publication that 248 people died and 2200 were injured during the attempted coup.<sup>6</sup>

Deutsche Welle reported on 21<sup>st</sup> July 2016 that "Turkish lawmakers endorsed President Recep Tayyip Erdogan with sweeping new powers that allow him to expand a crackdown in the wake of [...] failed coup. The 550-member parliament (TBMM) approved Erdogan's request for a three-month state of emergency, with the majority of the chamber being occupied by members of his Justice and Development Party (AKP)".<sup>7</sup> The article further noted that "Under the Turkish Constitution, the emergency measures allow the government to suspend 'the exercise of fundamental rights and freedoms,' so long as it doesn't violate international law obligations. Lawmakers can sanction, under the terms of the constitution, a state of emergency for a period of up to six months. Kurtulmus [Deputy Prime Minister Numan Kurtulmus] added, however, it may only last up to 45 days".<sup>8</sup> Deputy Prime Minister Kurtulmus was quoted as further stating that "no steps would be taken to restrict basic rights and freedoms, adding that 'the decision on the state of emergency is aimed at cleansing the state of the gang' of conspirators, referring to the Turkish government's account of the failed coup, which it blames on supporters of US-based cleric Fethullah Gulen and his 'Hizmet' movement".<sup>9</sup>

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<sup>3</sup> Amnesty International, [Turkey: Human rights in grave danger following coup attempt and subsequent crackdown](#), 18 July 2016

<sup>4</sup> BBC, [Turkey's coup attempt: What you need to know](#), 17 July 2016

<sup>5</sup> Human Rights Association (IHD), [Balance Sheet of Violations of Rights Occurred during 15 July Coup Attempt and State of Emergency](#), 27 October 2016

<sup>6</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, para. 2

<sup>7</sup> Deutsche Welle, [Turkey suspends European Convention on Human Rights](#), 21 July 2016

<sup>8</sup> Deutsche Welle, [Turkey suspends European Convention on Human Rights](#), 21 July 2016

<sup>9</sup> Deutsche Welle, [Turkey suspends European Convention on Human Rights](#), 21 July 2016

BBC News noted that “The emergency allows the president and cabinet effectively to rule by decree, bypassing parliament when drafting new laws and able to restrict or suspend rights and freedoms. There are fears that under the state of emergency - and in a country where judicial independence has plummeted - opponents are being rounded up with little chance to clear their name”.<sup>10</sup>

Human Rights Watch noted that “The state of emergency gives the cabinet, headed up by the president, the powers to impose rule by decrees which are published and rushed through parliament for approval the same day. This is the bluntest indication of how this form of governance dispenses with real parliamentary scrutiny. Any possibility of review by the Constitutional Court is curbed. This means that decisions by the executive are not subject to any meaningful checks. It also contravenes the principle of the separation of powers. Beyond that, there is plenty more scope for imposing curfews, banning demonstrations, confiscating newspapers, searching people, and extending police detention periods”.<sup>11</sup>

It was further reported that the Turkish authorities “formally announced that they would derogate from the protections of the European Convention on Human Rights (ECHR), without specifying which ones [...and] that they would derogate from 13 articles of the International Covenant on Civil and Political Rights (ICCPR) including those relating to humane treatment of detainees and the right to a remedy”.<sup>12</sup>

A UN Human Rights Office of the High Commissioner (UNOHCHR) article reported that “On 21 July 2016 the Turkish Government notified the UN Secretary-General of its invocation of article 4 of the ICCPR, and that the derogation involved obligations under Articles 2/3 [Discrimination & Remedy/Equality], 9 [Liberty & security], 10 [Liberty], 12 [Movement], 13 [Expulsion], 14 [Rule of law], 17 [Privacy], 19 [Expression], 21 [Peaceful Assembly], 22 [Association], 25 [Democracy], 26 [Equality before the law] and 27 [Minorities] of the ICCPR”.<sup>13</sup>

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights observed that:

the series of emergency decrees adopted in Turkey since July created very far-reaching, almost unlimited discretionary powers for administrative authorities and the executive in many areas, by derogation from general principles of rule of law and human rights safeguards ordinarily applicable in a democratic society. The vast majority of the interferences with human rights guaranteed under the ECHR which occurred during this period were a direct consequence of the exercise of this discretionary power [...] The Commissioner must also stress that far-reaching, discretionary powers exercised by the administration always engender a certain degree of arbitrariness and erode the rule of law, yet protection of human rights is impossible without the rule of law.<sup>14</sup>

The Council of Europe Commissioner for Human Rights further noted “with regret the Turkish government’s intention to prolong the state of emergency for a further 90-day period, but hopes that this period can be curtailed” and recommended that “the Turkish authorities should immediately start repealing the emergency decrees, starting with the provisions which allow the

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<sup>10</sup> BBC News, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

<sup>11</sup> Human Rights Watch, [Dispatches: Turkey’s State of Emergency, New Governmental Powers Allow for Unchecked Executive Action](#), 22 July 2016

<sup>12</sup> Human Rights Watch, [A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, *Summary*, p. 1-2

<sup>13</sup> UNOHCHR, [UN experts urge Turkey to adhere to its human rights obligations even in time of declared emergency](#), 19 August 2016

<sup>14</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *General approach of the state of emergency*, paragraph 11, p. 3

highest degrees of arbitrariness in their application and stray the widest from ordinary guarantees”.<sup>15</sup>

On 3 October 2016 Radio Free Europe/Radio Liberty reported that the state of emergency was to be extended for another 90 days from 19 October 2016.<sup>16</sup>

The International Commission of Jurists reported that on 28 November 2016 “Deputy Prime Minister, Numan Kurtulmus, told reporters that the state of emergency, instituted in the days immediately following the 15 July attempt to overthrow the Government, will continue as long as necessary”.<sup>17</sup>

Reuters reported on 3 January 2017 that the Turkish Parliament had voted in favour of extending the state of emergency rule by a further three months, effective from 19 January 2017.<sup>18</sup>

Shortly before the expiration of the previous state of emergency on 19<sup>th</sup> April 2017, the Turkish government extended the country’s state of emergency for another three months lasting till July 2017.<sup>19</sup>

On 17<sup>th</sup> July 2017 Al Jazeera reported that the Turkish parliament approved a further three-month extension of the state of emergency – it’s fourth extension since the 2016 July’s attempted coup.<sup>20</sup>

## 2. Emergency decrees

The report by the co-rapporteurs Ms Godsken and Ms Mikko of the Council of Europe’s Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) found in May 2017 that:

In the framework of the state of emergency, 21 “Decrees with Force of Law” (“Kanun Hükmünde Kararname”, KHK, hereafter “decree laws”) were published. The Constitution requires that decree laws be approved by the parliament within 30 days following their publication. To date, only five decree laws (Nos. 667, 668, 669, 671 and 674) have been approved by the parliament. Two of them (Nos. 686 and 687) are on the agenda of the relevant committee and the remaining 14 are on the agenda of the general assembly of the parliament, which raises serious concerns about: 1) the compliance of the decree laws with the Constitution; and 2) the effective role of the parliament in discussing and approving the emergency decree laws.<sup>21</sup>

### a. Decree of 22 July 2016 (KHK 667)

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<sup>15</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *General approach of the state of emergency*, paragraph 12, p. 3

<sup>16</sup> Radio Free Europe/Radio Liberty, [Turkey Extends State Of Emergency By Three Months](#), 3 October 2016

<sup>17</sup> International Commission of Jurists, [ICJ E-Bulletin on counter-terrorism and human rights – no. 107](#), 5 December 2016

<sup>18</sup> Reuters, [Turkey again extends emergency rule by further three months](#), 3 January 2017

<sup>19</sup> Al Jazeera, [Turkey to extend state of emergency by three months](#), 18 April 2017

<sup>20</sup> Al Jazeera, [Turkey extends emergency rule for three more months](#), 17 July 2017

<sup>21</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.1. *Consequences of the state of emergency and the subsequent decree laws*, para. 24, p. 13

This section should be read in conjunction with sections [1.a.ii.4. Civil service and government ministries](#), [1.a.ii.5. Educational institutions, including Universities](#), [1.a.ii.6. Hospitals/health care structures](#), [3.h. Torture and other ill-treatment and abuse](#), [4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état](#), [5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan and their family members since the attempted Coup d'état](#), and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#).

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 667 can be found [here](#). In February 2017 the Turkish organisation 'insan haklari ortak platformu' published a "[Fact Sheet: State of Emergency Measures in Turkey](#)" providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

Human Rights Watch noted that "The decree was published and became law – no. 667, published in the Official Gazette – on July 23 [2016]. It is the first such decree by the Council of Ministers headed by President Recep Tayyip Erdoğan under Turkey's three-month state of emergency, which entered into force on July 21 [2016]"<sup>22</sup>.

The Turkish Human Rights Association [Insan Haklari Derneği – iHD], founded in 1986 by 98 human rights defenders, reported that the decree allowed the closure of several institutions [emphasis added]:

The Decree having force of Law **Article (2) Clause (1)** declares the closure of the private health institutions and establishments, private education institutions and establishments, private student dorms and guesthouses, foundations/associations and their commercial enterprises, foundation universities, syndicates, federations and confederations that are identified to be owned by, adhered or related to the Pro-Fettullah Terror Organization (FETO/PDY).

**Article (2) Clause (2)** of the same decree states that "institutions and establishments that are not mentioned in the annexed list, yet are identified to be owned by, adhered or related to the formations or groups or terror organizations determined to pose a threat to the national security; will be closed down by the minister's approval upon the proposal of the commission to be formed within the related ministry"<sup>23</sup>.

The same source noted the following with regards to articles 3, 4, 5, 6, and 9 of the decree [emphasis added]:

The **Articles (3) and (4)** pave the way for the Supreme Court members, judges, prosecutors, local administration personnel, and the higher education staff to be dismissed from profession without conduct of fair investigation. Furthermore, the prohibition of the concerned persons from civil service is not limited to the period of emergence state and is a lifetime prohibition. As such, these articles suspend all the guarantees regulated in the specific laws, and the Constitution. [...]

The **Article (5)** of the Decree clearly violates the freedom of travel, by stating that the passports of those have been subjected to administrative acts, criminal investigation and prosecution will be canceled [sic].

The Decree **Article (6) Clause (1) Section (a)** extends the maximum duration of detention to 30 days, and thus, violates the principle of absolute prohibition of torture, ill-treatment, and degrading treatment, which is guaranteed by the Constitution Article (15) Clause (2), as well as the ECHR Article

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<sup>22</sup> Human Rights Watch, [Turkey: Rights Protections Missing From Emergency Decree" Orders to Purge Civil Servants, Judges; Close Groups Down](#), 26 July 2016

<sup>23</sup> Human Rights Association, [The Decree Devised within the Scope of the Emergency State Law and Ignoring Human Rights and Fundamental Principles of Rule Of Law Should Be Urgently Revoked!](#), 28 July 2016

(15). It should be recalled that even under the absolute martial law, Article (15) of the related law limited the maximum duration of detention to 15 days; this could be protracted for another 15 days with a judge's decision. The maximum duration of detention cannot be extended by a decree; as a martial law is not declared in Turkey; and the Article (26) of the State of Emergency Law concerning the detention periods was revoked on 1992. When the fact that maximum period of detention has been reduced on 1997, from 30 days to 10 days for the regions under the state of emergency, it would be more clear why the current situation is worrying. [...]

The Decree **Article (6)**, regulating several investigational procedures, limiting the access to an attorney at law, and mentioning a new enforcement regime; foresees the application of these regulations until the completion of the trial process concerning persons against whom legal actions are taken. This strongly suggests that the emergency state would extend behind the duration initially stated. From all aspects this situation is worrying, and implies the violation of the right to fair trial.

Like the provisory Article 15 of the Constitution of September 12; the **Article 9** of the concerned decree, brings a complete impunity by stating that no legal, administrative, fiscal and penal responsibility will arise related to the functions fulfilled by the persons taking decisions and implementing actions within the scope of this decree. This is in contradiction with the regulation stated in the ECHR Article (15) Clause (2), and Article (7). It should be underlined that despite the Article 9 of the Decree, the responsibility of those who play a role in the violation of human rights can by no means be ruled out.<sup>24</sup>

Human Rights Watch further summarised the main points of the first decree as follows [emphasis added]:

**The decree identifies 35 private health clinics and hospitals; 1,043 private schools and student hostels; 1,229 foundations and associations; 15 private universities; and 19 trade unions, federations, and confederations for closure. The decree states they are closed on the grounds that they 'belong to, are connected or are in communication with the Fethullah Terrorist Organization (FETÖ/Parallel State Structure), which has been identified as a threat to national security.'**

**As many as 60,000 civil servants – including judges, prosecutors, police, teachers, and bureaucrats – have already been suspended from their jobs, and this decree terminates their careers in public service without a disciplinary investigation.**

**The decree stipulates that the government can seize property owned by foundations, hospitals, and clinics.** Even if institutions or groups are not named in the published lists, under article 2/3, they can still be closed down if they are 'identified as being a threat to national security or are established as being members of terrorist organizations or linked to them or in contact with them.' [...]

**The decree increases the maximum period of police detention from four days for terrorism and organized crime to 30 days,** which violates the European convention, not least as it increases the risk of torture and ill-treatment on top of the reports already documented by Amnesty International of abuses in detention since the failed coup [...]

**The decree also stipulates that in cases relating to terrorism and organized crime, communications between a detainee in pretrial detention and their lawyer can be recorded, monitored, limited, or stopped at the request of a prosecutor** if the authorities deem that there is a risk to security, or if such communications may be a means of passing on messages or instructions to 'terrorist or other criminal organizations' [...]

Another troubling provision says that '**individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial or criminal responsibility for those duties performed**'.<sup>25</sup>

Human Rights Watch also noted that following the decree, a court decision on 31 July 2016 froze the assets of the "3,048 judges and prosecutors under investigation".<sup>26</sup>

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<sup>24</sup> Human Rights Association, [The Decree Devised within the Scope of the Emergency State Law and Ignoring Human Rights and Fundamental Principles of Rule Of Law Should Be Urgently Revoked!](#), 28 July 2016

<sup>25</sup> Human Rights Watch, [Turkey: Rights Protections Missing From Emergency Decree" Orders to Purge Civil Servants, Judges; Close Groups Down](#), 26 July 2016

<sup>26</sup> Human Rights Watch, [Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup](#), 5 August 2016

With regards to the numbers of institutions closed and the names of such institutions, the Human Rights Foundation of Turkey reported in its 'Daily Human Rights reports' that:

35 health care organisation, 934 schools, 109 dormitories, 104 foundations, 1125 associations, 15 universities, and 19 unions were closed and banned from activity.

The following universities were closed:

- 1- Altın Koza (İpek) Üniversitesi (Ankara)
- 2- Bursa Orhangazi Üniversitesi (Bursa)
- 3- Canik Başarı Üniversitesi (Samsun)
- 4- Selahattin Eyyubi Üniversitesi (Diyarbakır)
- 5- Fatih Üniversitesi (İstanbul)
- 6- Melikşah Üniversitesi (Kayseri)
- 7- Mevlana Üniversitesi (Konya)
- 8- Şifa Üniversitesi (İzmir)
- 9- Turgut Özal Üniversitesi (Ankara)
- 10- Zirve Üniversitesi (Gaziantep)
- 11- Kanuni Üniversitesi (Adana)
- 12- İzmir Üniversitesi (İzmir)
- 13- Murat Hüdavendigar Üniversitesi (İstanbul)
- 14- Gediz Üniversitesi (İzmir)
- 15- Süleyman Şah Üniversitesi (İstanbul)

The closed unions are as follows: Unions under Cihan-Sen: Ufuk Büro, Akif Eğitim, Ufuk Sağlık, Ufuk Yerel, Ufuk Haber, Ufuk Kültür, Ufuk Bayındır, Ufuk Ulaştırma, Ufuk Tarım Orman ve Ufuk Enerji. Unions under the confederation Aksiyon İş: Pak Gıda İş, Pak Maden İş, Pak Finans İş, Pak Eğitim İş, Pak Toprak İş, Pak Metal İş, Pak Enerji İş, Pak Taşıma İş and Pak Deniz İş.<sup>27</sup>

Human Rights Watch summarised the implications of this decree as follows:

The wording of the decree is vague and open-ended, permitting the firing of any public official conveniently alleged to be 'in contact' with members of 'terrorist organizations' but with no need for an investigation to offer any evidence in support of it, [...] The decree can be used to target any opponent – perceived or real – beyond those in the Gülen movement.

Any judge or civil servant, including prosecutors, can also be removed from their jobs on the grounds of being deemed a threat to national security, with no possibility of challenging the decision, reinstatement, or future employment as public officials. In each case the measure to strip people of their position rests on an administrative decision without an investigation.<sup>28</sup>

Similarly, the Council of Europe Commissioner for Human Rights raised on 26 July 2016 the following concerns with regards to decree KHK/667:

[...] in the light of this case-law [[Aksoy v. Turkey](#), judgment of 18 December 1996] that the present Decree authorises detentions without access to a judge for up to thirty days. This period is exceptionally long and will apply not only to those suspected of involvement in the coup attempt, but all persons suspected for involvement in terrorist offences and organised crime, during the validity of the state of emergency.

At the same time, while acknowledging that procedural guarantees applicable to police custody have improved since the abovementioned judgment, I am also concerned about the practical application of this measure, noting in particular the findings of the European Committee for the Prevention of Torture in 2013 that suspects in Turkey may not in all cases have access to a lawyer immediately from the very outset of deprivation of liberty so as to prevent torture and ill-treatment. This is all the more

<sup>27</sup> Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

<sup>28</sup> Human Rights Watch, [Turkey: Rights Protections Missing From Emergency Decree" Orders to Purge Civil Servants, Judges; Close Groups Down](#), 26 July 2016



worrying in the light of concerns regarding allegations of torture I expressed in my previous statement.

I consider that the aforementioned Decree contains several other aspects that raise very serious questions of compatibility with the ECHR and rule of law principles, even taking into account the derogation in place:

- Restrictions to the right of access to a lawyer, including the confidentiality of the client-lawyer relationship for persons in detention, which could affect the very substance of the right to a fair trial, and restrictions to visitation rights (Article 6);
- The scope of the Decree, which concerns not only the coup attempt, but the fight against terrorism in general; both for physical and legal persons, punishments foreseen in the Decree apply not only in cases of membership or belonging to a terrorist organisation, but also for contacts with such an organisation (Articles 1, 2, 3 and 4);
- Simplified procedures to dismiss judges, including judges of the Constitutional Court and Supreme Courts, without any specified evidentiary requirements (Article 3);
- The immediate closure of 1 125 associations, 104 foundations, 19 trade unions, 15 universities, 934 private schools, and 35 private medical establishments. I note that it is not the activities of these bodies that are suspended or placed under trustee control: they are disbanded and their assets revert automatically to state authorities. The Decree further provides a simplified administrative procedure for the disbanding of further organisations (Article 2);
- A simplified administrative procedure to terminate the employment of any public employee (including workers), with no administrative appeal and no evidentiary requirements (Article 4);
- Automatic cancellation of passports of persons being investigated or prosecuted, without court order (Article 5);
- Cancellation of rental leases between public bodies and persons considered to be a member of or in contact with a terrorist organisation, a measure that is likely to affect not only the suspects but also their families (Article 8).

Another worrying feature of the Decree is that it foresees complete legal, administrative, criminal and financial impunity for administrative authorities acting within its framework (Article 9) and the fact that administrative courts will not have the power to stay the execution of any of these measures (Article 10), even if they consider that such measures are unlawful. These two provisions effectively remove the two main safeguards against the arbitrary application of the Decree. In my view, given the extremely broad and simplified procedures, arbitrariness is in all likelihood unavoidable and damages caused to any physical or legal person may therefore be irrevocable. Such urgency and derogation from ordinary guarantees of due process might be necessary for certain groups, for example for military personnel in the light of the shocking events of 15 July, but perhaps not for others.<sup>29</sup>

The Council of Europe Commissioner for Human Rights raised his fear that “the combination of such a wide scope, extremely wide and indiscriminate administrative powers affecting core human rights, and the erosion of domestic judicial control may result in a situation where the very foundations of rule of law are put in jeopardy, and where the ECtHR [European Court of Human Rights] will have to face a huge number of new cases coming from Turkey. Violations of other core Council of Europe standards, and in particular of the European Social Charter, are also likely”.<sup>30</sup>

The Turkish Human Rights Association stated on 28 July 2016 that the first decree of 23 July 2016 “is clearly incompatible with the Turkish Constitution Article (15) Clause (2); European Convention on Human Rights (ECHR) Article (15); and even with the articles of the Turkish Constitution concerning the decrees during emergency states” and further noted that the decree “comprised of clauses

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<sup>29</sup> Council of Europe Commissioner for Human Rights, [Measures taken under the state of emergency in Turkey](#), 26 July 2016

<sup>30</sup> Council of Europe Commissioner for Human Rights, [Measures taken under the state of emergency in Turkey](#), 26 July 2016

almost none of which can be linked to the subject and duration of the state of emergency declared. These clauses can not be explained on the basis of principle of proportionality”.<sup>31</sup>

The UN Special Rapporteur on the right to freedom of opinion and expression noted that decrees KHK/667 and 668 “established impunity for those responsible for removals of employees, among other things, preventing accountability for abuses”.<sup>32</sup>

Human Rights Watch considered that both decrees, No. 667 and No. 668, “contained provisions that suspend key safeguards to protect detainees from torture and ill-treatment”.<sup>33</sup> In a joint NGO letter Human Rights Watch, Amnesty International and 24 other international and national NGOs warned that “In practice law enforcement officials and agents have undermined those safeguards to an extent exceeding even the permissive leeway granted them under the emergency decrees. A number of non-governmental organisations, including Amnesty International, have reported that they have gathered credible evidence that detainees in Turkey were subjected to beatings and torture, including rape”.<sup>34</sup>

### **b. Decree of 25 July 2016 (KHK/668)**

This section should be read in conjunction with sections [2.a. Access to justice](#), [3.a. Freedom of speech, expression and assembly](#), [3.h. Torture and other ill-treatment and abuse](#), and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#).

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 668 can be found [here](#). The Venice Commission of the Council of Europe, its advisory body on constitutional matters, published English translated extracts of emergency decree laws Nos KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, and 687 in February 2017 which can be accessed [here](#). In February 2017 the Turkish organisation ‘insan haklari ortak platformu’ published a “[Fact Sheet: State of Emergency Measures in Turkey](#)” providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

With regards to the 2<sup>nd</sup> decree, Benjamin Ward, Human Rights Watch’s Deputy Director of the Europe and Central Asia Division summarised the implications as follows:

A second decree on July 27 permits prosecutors to restrict a detainee’s access to a lawyer for the first five days of police detention. Evidence is already emerging that military officials and others arrested in connection with the coup have been subject to torture or ill-treatment in custody.<sup>35</sup>

The second decree also allowed for the closure of several media outlets, reported the Human Rights Foundation of Turkey in its ‘Daily Human Rights reports’:

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<sup>31</sup> Human Rights Association, [The Decree Devised within the Scope of the Emergency State Law and Ignoring Human Rights and Fundamental Principles of Rule Of Law Should Be Urgently Revoked!](#), 28 July 2016

<sup>32</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016

<sup>33</sup> Human Rights Watch, [Turkey: Emergency Decrees Facilitate Torture - Reinstating Safeguards to Curb Abuse by Police](#), 25 October 2016, *I. Background, Legal Framework*, p. 12

<sup>34</sup> Human Rights Watch et al, [Turkey: State of emergency provisions violate human rights and should be revoked: Joint NGO Letter](#), 20 October 2016

<sup>35</sup> Human Rights Watch, [The Government Response to Turkey’s Coup Is an Affront to Democracy](#), 3 August 2016

45 papers, 16 TV stations, 15 journals and magazines, 3 news agencies, 23 radio stations, and 29 publishing companies were closed. The Minister Transportation was also authorised to close any media company having relation to an organisation or a group threatening national security.

Following papers were closed with the decree: Millet, Bugün, Meydan, Özgür Düşünce, Taraf, Yarına Bakış, Yeni Hayat, Zaman, Today's Zaman, Adana haber, Adana medya, Akdeniz Türk, Şuhut'un Sesi, Kurtuluş, Lider, İscehisar Durum, Türkeli, Antalya, Yerel Bakış, Nazar, Batman, Batman Postası, Batman Doğuş, Bingöl Olay, İrade, İskenderun Olay, Ekonomi, Ege'de Son Söz, Demokrat Gebze, Kocaeli Manşet, Bizim Kocaeli, Haber Kütahya, Gediz, Zafer, Hisar, Turgutlu Havadis, Milas Feza, Türkiye'de Yeni Yıldız, Hakikat, Urfa Haber Ajansı, Ajan11, Yeni Emek, Banaz Postası, Merkür Haber.

Closed TV stations: Barış TV, Bugün TV, Can Erzincan TV, Dünya TV, Hira TV, Irmak TV, Kanal 124, Kanaltürk, Mc TV, Mehtap TV, Merkür TV, Samanyolu haber, Samanyolu TV, Srt Televizyonu, Tuna Shopping, Yumurcak TV.

Closed journals and magazines: Sızıntı, Nokta, Aksiyon, Akademik Araştırmalar Dergisi, Asya Pasifik, Bisiklet Çocuk, Diyalog Avrasya, Ekolife, Ekoloji, Fountain, Gonca, Gül Yapağı, Yağmur, Yeni Ümit, Zirve.

Closed news agencies: Cihan Haber Ajansı, Muhabir Haber Ajansı, Sem Haber Ajansı.

Closed radio stations: Aksaray Mavi Radyo, Aktüel Radyo, Berfin FM, Burç FM, Cihan Radyo, Dünya Radyo, Esra Radyo, Haber Radyo Ege, Herkül FM, Jest FM, Kanaltürk Radyo, Radyo 59, Radyo Aile Rehberi, Radyo Bamteli, Radyo Cihan, Radyo Fıkıh, Radyo Küre, Radyo Mehtap, Radyo Nur, Radyo Şimşek, Samanyolu Haber Radyosu, Umut FM, Yağmur FM.

Closed publishing companies: Altın Burç, Burak Basın Yayın, Define, Dolunay Eğitim, Giresun Basın Yayın, Gonca, Gülyurdu, GYV, Işık Akademi, Işık Özel Eğitim, Işık, İklim Basım Yayın Pazarlama, Kaydırak, Kaynak, Kervan Basın, Kuşak, Muştı, Nil, Rehber, Sürat Basım Yayın Reklâmçılık, Sütun, Şahdamar, Ufuk Basın Yayın Haber Ajans Pazarlama, Ufuk Yayınları, Waşanxaneya Nil, Yay Basın Dağıtım Paz. Reklâmçılık, Yeni Akademi, Yitik Hazine, Zambak Basım Yayın Eğitim Turizm.<sup>36</sup>

The same source further noted that the decree allowed “public servants who were recalled in connection with coup d'état attempt were revoked the right of returning to duty. Council of Ministers was authorised for new public servant appointments and the number of the new public servants to be appointed decided to be unlimited. The police was also authorised with the decrees to act without the decision of a public prosecutor or judge. The police was authorised to interrogate arrestees or convicts”.<sup>37</sup>

The Turkish Minute reported on 23 September that the Turkish opposition party the Republican People's Party (CHP), initiated a legal challenge to the Constitutional Court as to the validity of decree KHK/668.<sup>38</sup> However, on 12 October 2016 the Constitutional Court declined to review the constitutionality due to “lack of jurisdiction”.<sup>39</sup> According to the Council of Europe Commissioner for Human Rights, as of 7 October 2016, 20,000 new applications had been handed to the Constitutional Court since 15 July 2016 challenging the dismissal of civil servants without judicial remedy.<sup>40</sup>

### c. Decree of 31 July 2016 (KHK/669)

This section should be read in conjunction with sections [1.a.ii.5. Educational institutions, including Universities](#), [1.a.ii.6. Hospitals/health care structures](#), and [1.b.2. Armed forces/Military](#).

<sup>36</sup> Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

<sup>37</sup> Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

<sup>38</sup> Turkish Minute, [CHP takes gov't decree No.668 to Constitutional Court for cancellation](#), 23 September 2016

<sup>39</sup> The Constitutional Court of the Republic of Turkey, [PRESS RELEASE CONCERNING THE DECISIONS ON THE DECREE LAWS ISSUED UNDER THE STATE OF EMERGENCY](#), 4 November 2016

<sup>40</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, Remedies, paragraph 43, p. 8

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 669 can be found [here](#). In February 2017 the Turkish organisation ‘insan haklari ortak platformu’ published a “[Fact Sheet: State of Emergency Measures in Turkey](#)” providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

The Turkish national news agency AA summarised the provisions under the third emergency decree as follows:

Turkey’s Official Gazette announced on Monday that under a statutory decree, seen as part of Turkey’s current three-month state of emergency, the prime minister, chief of General Staff, the deputy prime ministers, justice minister, foreign minister, interior minister, defense minister and force commanders would join to the Supreme Military Council (YAS).

Under the statutory decree, Turkey’s land, naval, and air forces are now under control of the Defense Ministry.

The move allows the president and the prime minister to receive information directly from the force commanders when it is necessary and to give them direct orders, which will be fulfilled immediately without approval from any authority.

Turkish Coast Guard and Gendarmerie General Command have been brought under the control of the Interior Ministry. A new university called the National Defense University will be established under the Defense Ministry.

The university will offer new institutions to train staff officers and give postgraduate education, including war academies and vocational schools that train non-commissioned officers.

The decree also assigns Ankara’s Gulhane Military Medical Academy and military hospitals across Turkey under the Health Ministry. Health service priorities will be given to the relatives of martyrs and veterans.

Turkey’s war academies, military high schools, and high schools that train non-commissioned officers have been closed.

Students who continue their studies in war schools, faculty and colleges will be registered to appropriate faculties and colleges.<sup>41</sup>

Hurriyet Daily News noted on 2 August 2016 that as part of this decree “GATA [Gülhane Military Hospital], military hospitals and TSK health service units were transferred to the Health Ministry”.<sup>42</sup>

Al-Monitor reported on 3 August 2016 that “at least 4,000 students are expected to be affected by [this decree] to close all military high schools and military academies [...] The schools are being closed because the government believes that they have been infiltrated by the so-called Fethullah Gulen Terror Organization (FETO) and that about 95% of the student body identifies with FETO”.<sup>43</sup>

#### **d. Decrees of 17 August 2016 (KHK/670 and 671)**

This section should be read in conjunction with sections [1.b.2.a. Treatment of armed forces/soldiers](#), [3.f. Prison conditions](#), and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d’état](#).

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 670 and 671 can be found [here](#). The Venice Commission of the Council of Europe, its advisory body on constitutional matters, published English translated extracts of emergency decree laws Nos

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<sup>41</sup> AA, [Turkey’s military restructured after failed coup bid](#), 1 August 2016

<sup>42</sup> Hurriyet Daily News, [Anti-Gülen operation spreads to Turkey’s largest military hospital](#), 2 August 2016

<sup>43</sup> Al-Monitor, [Gulen movement’s youngest victims speak out in Turkey](#), 3 August 2016

KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, and 687 in February 2017 which can be accessed [here](#). In February 2017 the Turkish organisation 'insan haklari ortak platformu' published a "[Fact Sheet: State of Emergency Measures in Turkey](#)" providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

Hurriyet Daily News reported that Turkey issued two decrees under emergency rule on 17 August 2016 "dismissing more than 2,000 police officers and hundreds of members of the military and the Information and Communication Technologies Authority (BTK) over last month's attempted military coup".<sup>44</sup> According to the same source the decrees also "included a decision to close the Telecommunications Directorate (TİB) and another decision under which the president will appoint the head of the armed forces".<sup>45</sup>

The same source in another article noted that "Turkey is set to release 38,000 prisoners as part of two new state of emergency decrees published in the Official Gazette on Aug. 17, in an apparent move to reduce its prison population to make space for thousands of people who have been arrested as part of a probe into the July 15 failed coup attempt".<sup>46</sup> The same source further reported that "The decree foresees the release of inmates who have two years or less to serve on their prison terms and allows convicts who have served half of their prison term to become eligible for parole. Some prisoners are excluded from the measures: people convicted of murder, domestic violence, sexual abuse, terrorism and other crimes against the state. The measures will not apply to crimes committed after July 1 and will exclude any people later convicted of involvement in the failed takeover".<sup>47</sup>

According to the same article the decrees also "ordered the dismissal of 2,360 more police officers, 24 personnel from the Turkish Coast Guard Command, 112 personnel from the Turkish Armed Forces (TSK) and 196 staff at Turkey's Information and Communication Technologies Authority (BTK). A total of 2,692 civil servants were also fired".<sup>48</sup>

The British Chamber of Commerce in Turkey (BCCT) provided the following summary in relation to decrees 670 and 671 and their implications for companies operating in Turkey: "Notable aspects include the Presidency of Telecommunication and Communication being closed down, measures introduced for assets transfers from closed institutions to government bodies, as well as the suspension period being extended to 30 days for transactions suspected of being related to money laundering or terror financing".<sup>49</sup>

An article published by Mondaq commented on the following provisions with regards to Decree 670:

The Council of Ministers further issued the Decree Law on the measures taken under the State of Emergency no. 670 (Decree Law no. 670) on August 17, 2016, which provided relief to the uncertainty of the aftermath of those transfers. Indeed, Decree Law no. 670 stated that those who have a claim with respect to the obligations and liabilities shall apply to the relevant administration with the ledgers, registers and documents that substantiate the conviction within the sixty days' period starting from the date of entry of the Law. With respect to the closure procedures, which shall be carried out subsequent to the date of entry of the Law, the sixty days' period shall start running from the date of closure. Thus, the procedures and principles concerning the assets, receivables and debts of those institutions and organizations are established and receivables of the bona fide third persons

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<sup>44</sup> Hurriyet Daily News, [Turkey dismisses more than 2,000 police officers over coup bid](#), 17 August 2016

<sup>45</sup> Hurriyet Daily News, [Turkey dismisses more than 2,000 police officers over coup bid](#), 17 August 2016

<sup>46</sup> Hurriyet Daily News, [Turkey is set to release up to 38,000 prisoners](#), 17 August 2016

<sup>47</sup> Hurriyet Daily News, [Turkey is set to release up to 38,000 prisoners](#), 17 August 2016

<sup>48</sup> Hurriyet Daily News, [Turkey is set to release up to 38,000 prisoners](#), 17 August 2016

<sup>49</sup> British Chamber of Commerce in Turkey (BCCT), [Implications for companies of legislative changes made during Turkey's state of emergency](#), 7 September 2016

from the transferred institutions and organizations have been reserved in order to prevent any victimization in the legal relations and protect the financial order.<sup>50</sup>

With regards to Decree 671 a Daily Dot article reported that it “amends the Law of Digital Communications and authorizes Turkey’s government to take ‘any necessary measure’ on the grounds of ‘national security, public order, prevention of crime, protection of public health and public morals, or protection of the rights and freedoms.’ The same decree obliges any company that provides digital communications, including cable or cellular network providers, to enforce government’s orders within two hours”.<sup>51</sup>

With regards to Turkey shutting down its Telecommunication Authority, IP.TECH<sup>52</sup> noted on Decree 671 that:

TIB (Telecommunication Authority), which was established in 2005 in order to perform a wide spectrum of duties from interception of communications to supervision of content published on the internet, is closed pursuant to Article 22 of the Decree No. 671 which was published in the Official Gazette today due to association with the terrorist organization called FETO. The Decree amended the Law No. 5651 (shortly Law on Content Published on Internet) and transferred all legal authority of TIB to BTK (Information Technologies Authority) as of August 17, 2016.<sup>53</sup>

According to Yenisafak, Decree 671 also authorised the release of “convicts, imprisoned in closed, semi-open and open prisons”.<sup>54</sup>

#### **e. Decrees of 1 September 2016 (KHK/672, 673 and 674)**

This section should be read in conjunction with sections [1.a.ii.1. Central Government](#), [1.a.ii.3. Legal and judicial institutions](#), [1.a.ii.4. Civil service and government ministries](#), [3.f. Prison conditions](#), [4.b. Business owners/company executives](#) and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d’état](#).

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 672, No 673, and No 674 can be found [here](#). In February 2017 the Turkish organisation ‘insan haklari ortak platformu’ published a “[Fact Sheet: State of Emergency Measures in Turkey](#)” providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

Hurriyet Daily News reported that “Three new state of emergency decrees were published, paving way for the dismissals of more than 40,000 public employees, of whom more than half of were from the Education Ministry, over their suspected links to the Fetullahist Terrorist Organization (FETÖ)”.<sup>55</sup> In addition the same source noted that:

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<sup>50</sup> Mondaq, [Turkey: State Of Emergency In Turkey: An Analysis Of Outcome For Contractual Relationships](#), 25 October 2016

<sup>51</sup> Daily Dot, [Turkey uses emergency decree to shut down internet on 11 Kurdish cities to ‘prevent protests’](#), 27 October 2016

<sup>52</sup> According to its ‘About Us’ webpage, IP.TECH states that it is a “boutique law firm focusing on Intellectual Property & Technology matters”. See IP.TECH, About Us, Undated [Last accessed: 1 December 2016]

<sup>53</sup> IP.TECH, [Turkey Shuts Down Telecommunication Authority](#), 17 August 2016

<sup>54</sup> Yenisafak, [Nearly 34,000 convicts released in Turkey under the decree-law](#), 2 September 2016

<sup>55</sup> Hurriyet Daily News, [Thousands of public employees sacked with latest decree in Turkey](#), 2 September 2016

Another regulation involved in the decrees concerned the return of judges and prosecutors who had retired of their own will. The gazette said retired judges and prosecutors would be allowed to return to work if they applied to do so in the next two months.

A controversial issue regarding the appointment of trustees to municipalities was also passed amid the state of emergency decrees. Trustees will be appointed to municipalities if mayors, deputy mayors or members of the municipal council are suspended on terror charges, according to the decree.

The names to be appointed will be determined by the interior minister if the suspension affects a metropolitan municipality and will be determined by the governor in other municipalities.<sup>56</sup>

The UN Special Rapporteur on the right to freedom of opinion and expression noted that decree KHK/672 has facilitated a number of restrictions to the right to freedom of media and expression as it cracks down on the “expression of those deemed terrorists”.<sup>57</sup>

Human Rights Watch reported on the following changes brought along by decree KHK/673:

the government dissolved all the current prison monitoring boards whose members are appointed by justice commissions operating in provincial courthouses. The decree instructs that the boards be reestablished from scratch. These prison monitoring boards have to date not been an effective instrument for examining prison conditions: they lack independence; the appointment of their members is not a transparent process; and they have no public reporting function. Nonetheless, the dissolution of the boards in the present circumstances sends a message that the government is seeking to prevent the monitoring of places of detention rather than to promote it in the face of serious allegations of abuse. It is also noteworthy that the decree announcing the dissolution of the prison oversight boards coincided with an ad hoc visit to Turkey of the Council of Europe’s Committee for the Prevention of Torture from August 30 to September 6.<sup>58</sup>

Amnesty International reported that “Dismissed public sector workers have also had their passports cancelled by decree. Decree no. 673 further provides for the passports of partners of persons dismissed under the decrees to be cancelled on national security grounds, but unlike their own passports, dismissed public servants’ partners’ passports have not been automatically cancelled”.<sup>59</sup>

An article published by Mondaq found the following in relation to Decree 674:

Indeed, the Decree Law on the measures taken under the State of Emergency no. 674 (Decree Law no. 674) on September 1, 2016, stipulates that the authorities of trustees who were appointed to the companies on the grounds of their membership, coherence or relation to terrorist organizations will be transferred to the Saving Deposits Insurance Fund (TMSF or "Fund" which is an independent administrative authority and assigned to financially fight terrorist organizations and provide uniformity in the acts of trustees) by a judge or court, and the task of trustees will end in accordance with the Code of Criminal Procedure Law No. 5271. Based on the Decree Law no. 674, the authorities of trustees were transferred to the TMSF and thus the trustees will be in charge until transfer transactions are finalized.<sup>60</sup>

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<sup>56</sup> Hurriyet Daily News, [Thousands of public employees sacked with latest decree in Turkey](#), 2 September 2016

<sup>57</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016

<sup>58</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *No monitoring of places of detention* p. 25

<sup>59</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 3. *Dismissed public officials – civil death?*, pages 14/15

<sup>60</sup> Mondaq, [Turkey: State Of Emergency In Turkey: An Analysis Of Outcome For Contractual Relationships](#), 25 October 2016

## f. Decrees of 29 October 2016 (KHK/675 and 676)

This section should be read in conjunction with sections [2.a. Access to justice](#), [3.h. Torture and other ill-treatment and abuse](#), [5.b. Treatment of journalists and other media professionals](#), and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#).

The Venice Commission of the Council of Europe, its advisory body on constitutional matters, published English translated extracts of emergency decree laws Nos KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, and 687 in February 2017 which can be accessed [here](#). In February 2017 the Turkish organisation 'insan haklari ortak platformu' published a "[Fact Sheet: State of Emergency Measures in Turkey](#)" providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

Human Rights Watch noted that decrees 675 and 676 "summarily fired more than 10,000 civil servants, among them health workers and teachers and more than 1,200 academics, gave the president the power to appoint university rectors more directly, and ordered the recording of conversations between lawyers and their clients in detention, with the information available to prosecutors".<sup>61</sup>

On 29 October 2016 Turkish Minute reported that the two decrees allow for the dismissal of "a total 10,158 staff members, including 2,216 from the Education Ministry, 2,774 from the Health Ministry and 1,267 from the Higher Education Board (YÖK)" for allegedly "being members of terrorist organizations or organizations, groups that were listed by the National Security Council as acting against the security of the state".<sup>62</sup> The same source further noted that the decrees also allow for "students who are receiving an education in the US, Canada or the UK [to be] dismissed from their schools in Turkey"<sup>63</sup> and for "68 exchange students studying in the US, the UK and Canada as 'Gülenists,' cut off their scholarships" and their degrees not recognized by Turkey.<sup>64</sup>

Education International reported that the decrees allowed the dismissal of a further "10,131 public workers, among them 2,219 education personnel" raising the "total number of dismissed education personnel that have lost their right to work in the Turkish education sector has reached 38,294. The number of dismissed academics is at 3,613".<sup>65</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe provided the following summary on 12 December 2016 with regards to these two decrees that were passed, leading, amongst other issues, to:

- The dismissal of 10 130 officials, including 1 267 academics (24 of them belonging to the "Academics for Peace");
- 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>66</sup>

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<sup>61</sup> Human Rights Watch, [Deepening Crackdown Over 2 Days - Cumhuriyet Journalists Held; Kurdish Media Closed; Mayors Jailed](#), 31 October 2016

<sup>62</sup> Turkish Minute, [10,158 more dismissed from state institutions in Turkey](#), 29 October 2016

<sup>63</sup> Turkish Minute, [10,158 more dismissed from state institutions in Turkey](#), 29 October 2016

<sup>64</sup> Turkish Minute, [Latest decrees include controversial measures violating int'l law, agreements](#), 30 October 2016

<sup>65</sup> Education International, [TURKEY: Request for action and financial solidarity](#), 23 November 2016

<sup>66</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of



The UN Special Rapporteur on the right to freedom of opinion and expression noted that decree KHK/676 has facilitated a number of restrictions to the right to freedom of media and expression as it suspends 370 associations.<sup>67</sup>

According to reporting by Turkish Minute, the decrees further allow:

- The Turkish government to cancel the passports of all those who are facing administrative or judicial investigations or prosecution as well as those of their spouses;
- The Turkish authorities to protect the identity of prison guards in official documents, in a move that is apparently aimed to save them from legal action over torture claims;
- For prosecutors not to have to read the entire indictment during court proceedings, a clear violation of the practices of the European Court of Human Rights (ECtHR);
- Judges to rule on detentions without having the defendant appear in the court;
- Changing Law No. 6458 on Foreigners, waiving the requirement of a court decision in the deportation of foreigners;
- Turkish authorities to demand of all carriers transporting passengers to and from Turkey to share passenger and crew list with authorities before, after, or during their trips;
- For two news agencies — Dicle Haber Ajansı and Jin Haber Ajansı; 10 newspapers — Azadiya Welat, Yüksekova Haber, Batman Çağdaş Gazetesi, Cizre Postası, İdil Haber, Güney Expres, Prestij Haber, Urfanatik Gazetesi, Kızıltepe'nin Sesi and Özgür Gündem; and three magazines — Tiroji, Evrensel Kültür, Özgürlük Düyası — to be closed down.<sup>68</sup>

#### **g. Decrees of 22 November 2016 (KHK/677 and 678)**

This section should be read in conjunction with sections [5.b. Treatment of journalists and other media professionals](#), [5.c. Treatment of civil society, human rights and political activists](#), and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#).

The Venice Commission of the Council of Europe, its advisory body on constitutional matters, published English translated extracts of emergency decree laws Nos KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, and 687 in February 2017 which can be accessed [here](#). In February 2017 the Turkish organisation 'insan haklari ortak platformu' published a "[Fact Sheet: State of Emergency Measures in Turkey](#)" providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe provided the following summary on 12 December 2016 with regards to these two decrees that were passed, leading, amongst other issues, 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;

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the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraph 33

<sup>67</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016

<sup>68</sup> Turkish Minute, [Latest decrees include controversial measures violating int'l law, agreements](#), 30 October 2016

- 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.<sup>69</sup>

The same source further noted that Decree No. 677 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;
- the reinstatement of 157 public officials to their positions [...]
- [the discharge] 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”.<sup>70</sup>

The Middle East Eye reported that the decree “announced the sacking of 1,988 soldiers, 7,586 police and 5,434 other public sector employees. [...] The decree also announced the closure of 550 associations, nine media outlets and 19 private health service providers”.<sup>71</sup>

An article published by Scholars at Risk on 22 November 2016 noted that decree No. 677 “provides that the dismissed academics and administrative personnel are subject to a lifetime ban from seeking employment as civil servants; their passports will be cancelled; and they will be stripped of the right to access public housing and those living in public housing will be required to evacuate within 15 days”.<sup>72</sup>

With regards to the 375 registered associations and NGOs permanently closed as a result of decree No. 677, Amnesty International specified that they included “dozens of national and local human rights organizations, women’s rights organizations, local cultural associations, associations providing support to people living in poverty, students and business associations and even sports clubs”.<sup>73</sup> The source further noted that:

Among the NGOs affected by the executive decree are many whose activities were previously suspended by the Ministry of Interior on 11 November, including Progressive Lawyers’ Association (ÇHD), Association of Lawyers for Freedom (ÖHD), whose members have represented victims of torture and other ill-treatment, Mesopotamia Lawyers Association (MHD) representing communities affected by curfews in south eastern Turkey, Van Women’s Association (VAKAD), which provides services to women fleeing domestic violence and Turkey’s leading children’s rights organization Agenda: Child Association (Gündem Çocuk). Sarmaşık Association, which provides food aid and education services to 32,000 people in Diyarbakır, in southeast Turkey, including people forcibly displaced by the state, has also been closed. The suspensions and now the closures have occurred without individualized reasoning or the possibility of appeal or judicial remedy.<sup>74</sup>

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<sup>69</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraph 19

<sup>70</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraphs 34 and 42

<sup>71</sup> Middle East Eye, [Turkey crackdown: Thousands more sacked amid Gulen purge](#), 22 November 2016

<sup>72</sup> Scholars at Risk, [Turkey: 1,184 University Personnel Dismissed in Emergency Decree](#), 22 November 2016

<sup>73</sup> Amnesty International, [Urgent Action: Turkey permanently closes hundreds of NGOs](#), 23 November 2016

<sup>74</sup> Amnesty International, [Urgent Action: Turkey permanently closes hundreds of NGOs](#), 23 November 2016

## h. Decrees of 6 January 2017 (KHK/679, 680 and 681)

This section should be read in conjunction with sections [1.b.i.2. Armed forces/military](#), [4.g. Perceived or actual members of associates of the Gulen movement and their family members living abroad](#), [5.b. Treatment of journalists and other media professionals](#), [5.c. Treatment of civil society, human rights and political activists](#), and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#).

The Venice Commission of the Council of Europe, its advisory body on constitutional matters, published English translated extracts of emergency decree laws Nos KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, and 687 in February 2017 which can be accessed [here](#). In February 2017 the Turkish organisation 'insan haklari ortak platformu' published a "[Fact Sheet: State of Emergency Measures in Turkey](#)" providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

The following detailed compilation of information was provided on these three additional decrees issued on 6<sup>th</sup> January 2017 by the Library of Congress (original emphasis):

**Decree-Law 679** provides for additional dismissals of thousands of civil servants, police officers, armed forces personnel, and university professors and staff; at the same time, over 200 individuals who had been dismissed under previous decree-laws were reinstated and eleven formerly closed newspapers were permitted to re-open. ([Olaganustu Hal Kapsaminda Bazi Tedbirler Alinmasi Hakkinda Kanun Hukmunde Kararname](#) [Decree-Law on the Taking of Some Measures in the Context of the State of Emergency], KHK No. 679, (Jan. 2, 2017), RESMI GAZETE, No. 29940 (Mukerrer [Duplicate]) (Jan. 6, 2017).)

Decree-Law 679 also orders the closure of 83 associations accused of "activities affecting the security of the state," including eight sports clubs mostly found in Turkey's southeastern provinces. ([Turkish Gov't Takes All Military Appointment Rights in Sweeping New Emergency Decree](#), HURRIYET DAILY NEWS (Jan. 7, 2017).) Lists of the specific dismissals and closings are appended to Decree-Law 679.

**Decree-Law 680**, in 87 articles, is divided into four sections, covering judicial regulations, provisions on media service providers, domestic security provisions, and miscellaneous and final provisions. ([Olaganustu Hal Kapsaminda Bazi Duzenlemeler Yapilmasi Hakkinda Kanun Hukmunde Kararname](#) [Decree-Law on Making Some Regulations During the State of Emergency], KHK No. 680 (Jan. 2, 2017), RESMI GAZETE, No. 29940 (Mukerrer) (Jan. 6, 2017).) Article 17 of the Decree-Law amends the Law on the Establishment of Radio and Television Enterprises and Their Media Services, for example, to provide that if a media service provider violates a ban on publication, the authorities can suspend its broadcasting for a day; if the same act is repeated three times in one year, the channel's license will be cancelled. (*Id.*; [Turkish Gov't Takes All Military Appointment Rights in Sweeping New Emergency Decree, supra](#); [Law on the Establishment of Radio and Television Enterprises and Their Media Services](#), Law No. 6112 (Feb. 15, 2011), art. 7, available at World Intellectual Property Organization website; Radyo ve Televizyonlari Kurulus ve Yayin Hizmetleri Hakkinda Kanun, Law No. 6112 (Feb. 15, 2011, as last amended Jan. 6, 2017), art. 7, MEVZUAT.)

Decree-Law 680 also amends the Law on Police Duties and Responsibilities to grant police the authority to access information on the identity of Internet subscribers for purposes of investigating crimes committed online. ([Turkish Gov't Takes All Military Appointment Rights in Sweeping New Emergency Decree, supra](#); [Polis Vazife ve Salahiyet Kanunu](#), Law No. 2559 (July 4, 1934, as last amended Jan. 6, 2017), MEVZUAT.) The Decree-Law prescribes some new compulsory service periods for gendarmerie and coast guard officers, in a provisional article appended to the Law on the Duties and Powers of the Gendarmerie. (KHK No. 680, art. 48; Jandarma Teskilat, [Gorev ve Yetkileri Kanunu](#), Law No. 2803 (Mar. 10, 1983, as last amended Jan. 6, 2017), MEVZUAT.)

In the view of a *Hurriyet Daily News* report, "[o]ne particularly chilling aspect of the new law is its introduction of a measure potentially revoking the citizenship of individuals abroad who do not respond to judicial summons issued by courts or prosecutors within 90 days." ([Turkish Gov't Takes All Military Appointment Rights in Sweeping New Emergency Decree, supra](#); KHK No. 680, art. 75; [Turkish Citizenship Law](#), Law No. 5901 (May 29, 2009), available at European Union Democracy Observatory

on Citizenship website; [Turk Vatandasligi Kanunu](#), Law No. 5901 (May 29, 2009, as last amended Jan. 6, 2017), MEVZUAT.)

According to *Hurriyet Daily News*, the government has assumed, with the issuance of **Decree-Law 681**, all powers of appointment in the military, with the Ministry of Defense, in place of the General Staff, to have the authority to form military cadres. (*Turkish Gov't Takes All Military Appointment Rights in Sweeping New Emergency Decree*, *supra*; [Olganustu Hal Kapsaminda Milli Savunma Ile Ilgili Bazi Duzenlemeler Yapilmasi Hakkinda Kanun Hukmunde Kararname](#) [Decree-Law on Making Some Regulations Related to National Defense in the Context of the State of Emergency], KHK No. 681 (Jan. 2, 2017), RESMÎ GAZETE, No. 29940 (Mukerrer) (Jan. 6, 2017).)

Formerly, the General Staff had initiated the appointment process of armed forces commanders; under **Decree-Law 681**, the Ministry of Defense will suggest, the prime minister will sign off on, and the president will approve a new commander, and the Ministry of Defense will also have the authority to suggest any extension of the force commander's term of office. (*Turkish Gov't Takes All Military Appointment Rights in Sweeping New Emergency Decree*, *supra*.) *Hurriyet Daily News* also reports that generals and admirals "previously determined by the General Staff before being discussed in annual Supreme Military Council (YAS) meetings will now be determined by the Defense Ministry." (*Id.*).<sup>75</sup>

Decree 679 ordered the dismissal of "2,687 police officers, 1,699 officials from the Justice Ministry, 838 from the Health Ministry, more than 630 academics, and 135 officials from the religious affairs directorate", reported Radio Free Europe/Radio Liberty.<sup>76</sup> The Turkish news agency Anadolu Agency provided the following additional breakdown of the figures: "According to the publication, 1,699 personnel have been dismissed in the Ministry of Justice, including eight members of the Council of State and one from the Supreme Electoral Council. A total of 2,687 police officers including 53 high-ranked commissioners and 919 chief officers have been removed from the Security General Directorate".<sup>77</sup> TurkeyPurge added 313 from the Turkish Armed Forces, 261 from the Directorate of Social Security Organisation, and 389 from the Ministry of Finance.<sup>78</sup>

According to Nalia Radio and Television (NRT) the new law will also give the Turkish state "the power to strip citizenship from citizens abroad if they do not respond to judicial summons within 90 days" and "Police have also been given permission to 'access identity information of internet subscribers for the purposes of investigating crimes committed online'".<sup>79</sup> According to NRT, the new legislation appears to be targeted at supporters of the Gulen movement and on dissent online.<sup>80</sup>

The Turkish news agency Anadolu Agency further stated that the new decree "stipulates that private security personnel would be subject to background checks, and individuals found to be affiliated with any groups threatening national security will not be able to work in private security companies. They will also not be allowed to take weapons assigned to them outside their place of duty".<sup>81</sup>

#### **i. Decrees of 23 January 2017 (KHK/682, 683, 684 and 685)**

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<sup>75</sup> The Law Library of Congress, [Turkey: Three New Decree-Laws Issued Under State of Emergency](#), 11 January 2017

<sup>76</sup> Radio Free Europe/Radio Liberty, [Turkey Dismisses More Than 6,000 Workers In Post-Coup Purge](#), 7 January 2017

<sup>77</sup> Anadolu Agency, [Turkey issues new statutory law](#), 7 January 2017

<sup>78</sup> TurkeyPurge, [\[FULL LIST\] Turkey's purge unabated with thousands of dismissals in new gov't decrees](#), 6 January 2017

<sup>79</sup> NRT, [Turkey introduces new law appearing to target Gulen supporters abroad](#), 8 January 2017

<sup>80</sup> NRT, [Turkey introduces new law appearing to target Gulen supporters abroad](#), 8 January 2017

<sup>81</sup> Anadolu Agency, [Turkey issues new statutory law](#), 7 January 2017

This section should be read in conjunction with [2.a.iii. Due process and procedural guarantees \(incl. arrest and detention procedures\)](#), [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#) and [3.e. Arbitrary arrest and detention](#).

The Venice Commission of the Council of Europe, its advisory body on constitutional matters, published English translated extracts of emergency decree laws Nos KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, and 687 in February 2017 which can be accessed [here](#). In February 2017 the Turkish organisation ‘insan haklari ortak platformu’ published a “[Fact Sheet: State of Emergency Measures in Turkey](#)” providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

The Turkish Peoples’ Democratic Party issued the following statement with regards to these four decrees:

The Turkish Prime Minister announced that the four decree laws (682, 683, 684 and 685) issued on 23 January were designed to respond to the criticisms of international institutions such as the Parliamentary Assembly of the Council Europe (PACE).

While the decree law No. 682 determines disciplinary provisions for general law enforcement officials, the decree law No. 683 involves regulations regarding the dismissed state employees and closed institutions. With this decree, 367 civil servants were dismissed and two more TV channels were closed down. The decree law No. 684 reduces the detention period to 7+7 days, which had been extended to 30 days under state of emergency rule since July 2016. The seven-day detention period can be extended for another 7 days if public prosecutors deem it “necessary.” This reduction of detention period is not applicable to those detained before 23 January 2017. The same decree law removes the ban on the lawyers’ access to their clients in the first five days of detention period. The decree law numbered 685 establishes a “Commission of Inquiry for State of Emergency Practices.” According to this decree law, this Commission is entitled to evaluate and decide on the complaints regarding emergency rule practices such as dismissed civil servants, ousted students, banned NGOs, foundations, associations, trade unions, federations, confederations, private hospital, schools and universities, media outlets, newspapers, news agencies, publishing houses, etc. The Prime Minister will appoint three of the seven members of this commission. One member will be appointed by the Minister of Justice, one by the Minister of Interior, and the remaining two members will be assigned by the High Council of Judges and Prosecutors.<sup>82</sup>

### Decree 682

This section should be read in conjunction with sections [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#) and [3.h. Torture and other ill-treatment and abuse](#).

The Judiciary of Turkey posted the following summary on its website of the ‘Regulation of the General Disciplinary Provisions as regards the Law Enforcement Officers’ as imposed by decree 682:

With the Decree-Law no. 682, the disciplinary provisions as regards the personnel serving in the Security General Directorate, the Gendarmerie General Command and the Coast Guard Command have been incorporated into an overarching disciplinary legislation.

Accordingly, two different types of sanctions have been introduced as disciplinary punishment concerning the dismissals; one of which is dismissal from profession with no possibility of being re-employed in the law enforcement institutions, and the other is dismissal from public service with no possibility of being re-employed in public service.

Amendments which have significant importance in the Court’s judgments of the Batı and Erdoğan/Kasa group of cases have been introduced to the legal system. In particular, the personnel

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<sup>82</sup> Peoples’ Democratic Party, [Latest decrees are too small and symbolic to change the deteriorating course of the country](#), 31 January 2017

who inflict torture shall be dismissed from public service. It has also been regulated that disciplinary supervisors or disciplinary boards cannot impose any disciplinary penalty without taking the statements of defendant. Besides, the possibility to dismiss from public service of the personnel who engage in activities against the national security has been prescribed.<sup>83</sup>

#### Decree 683

This section should be read in conjunction with section [6.c. Teachers, education ministry officials, university deans and academia in general.](#)

According to the fact sheet published by the Turkish organisation ‘insan haklari ortak platformu’:

Decree Law No.683 issued on 23 January 2017 brought new measures for academicians concerning their application for becoming Associate Professor. In case of an academician who has been suspended from profession or who is under investigation or interrogation [sic], procedures about their application for becoming associate professor will be suspended until the finalisation of judicial proceedings. In case the academician is dismissed or prosecuted, the application of those for being associate professor will be cancelled.<sup>84</sup>

#### Decree 684

This section should be read in conjunction with section [3.e. Arbitrary arrest and detention.](#)

An English translation of Article 10 and Article 11 of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 684 can be found [here](#).

According to the Judiciary of Turkey [emphasis from the original source]:

The custodial period set out as 30 days under the state of emergency has been shortened to 7 days in the Decree Law No. 684 dated 23/01/2017. Within the scope of this amendment, the custodial period for suspects cannot exceed *seven days* as of the moment of arrest, except for the mandatory period for bringing the suspect before the judge or court closest to the place of arrest. The custodial period can be extended for seven days, upon the written order of the public prosecutor, due to the difficulties in collecting evidence and the high number of suspects.<sup>85</sup>

Similarly, according to the fact sheet published by the Turkish organisation ‘insan haklari ortak platformu’:

There has been an amendment on the Decree No. 667 concerning the duration of custody. The duration of the custody was reduced from 30 days to 7 days. If there is a need, the public prosecutor will be able to extend the duration for another 7 days.

A temporary article was also added to the Decree as follows:

“Before the date of the publication of this Decree (23 January 2017), period of detention for persons taken into custody shall be maximum thirty days for crimes defined in the fourth, fifth, sixth and

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<sup>83</sup> Judiciary of Turkey, [Amendments introduced in the field of human rights by the decree-laws dated 23 january 2017](#), 31 January 2017

<sup>84</sup> insan haklari ortak platform, [Fact Sheet: State of Emergency Measures in Turkey](#), 23 February 2017, *Applications for associate professorship*, p. 12

<sup>85</sup> Judiciary of Turkey, [30-day custodial period under the state of emergency has been shortened to 7 days by the Decree Law No. 684 27.01.2017](#), Undated [Accessed: 14 September 2017]

seventh chapters of the second chapter of the Turkish Criminal Code & crimes falling within the scope of Anti-Terrorism Law.<sup>86</sup>

Turkish Minute reported “with the government decree numbered 684, the detention period which was increased to 30 days from four days at the beginning of the state of emergency, which was declared in the aftermath of a coup attempt on July 15, has been reduced to seven days. However, the maximum detention period for those who have been detained on terror charges will continue to be 30 days”.<sup>87</sup>

### Decree 685

This section should be read in conjunction with section [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#).

An English version of the decree 685 has been published by the Judiciary of Turkey and can be found [here](#).

According to the fact sheet published by the Turkish organisation ‘insan haklari ortak platformu’:

Following the proposal made by the Secretary General of the Council of Europe as well as the Venice Commission concerning the creation of an independent ad hoc body for the examination of individual cases of dismissals, subject to subsequent judicial review, the Government issued a Decree Law No: 685 concerning the establishment of a Inquiry Commission on 23 January 2017.<sup>88</sup>

The same source provided the following additional information with regards to the structure, duration, and working procedures of the Inquiry Commission:

#### The Structure of the Commission

According to the Article 1(2) of the decree law no.685, “The commission consists of 7 members, three of whom are public officials appointed by the Prime Minister, one member appointed by the Minister of Justice from among judges and prosecutors serving in administrative units of the Ministry and also related and connected units of the Ministry, one appointed by the Minister of Interior from among the heads of civilian administration, two appointed by the HCJP from among the rapporteur judges serving in the Court of Cassation and the Council of State.” [Diagram in original could not be copied into this report]

The Commission will consist of seven members and will decide by majority vote. Abstentions are prohibited.

#### Duration of the Commission

The mission of the Commission is two years and it is possible to extend it for one year every time. Members will be elected for two years. If its term of office is extended, the same members can be reassigned or new members can be elected.

#### Termination of the duty of the Commission Members:

According to the Article 4: “ In case of administrative investigation on grounds of membership, affiliation with, connection or link with a terrorist organization, any formation, structure, group which determined by the National Security Council to perform activities against national security, the membership of the members shall be terminated by the commission”.

#### Secretariat Services:

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<sup>86</sup> insan haklari ortak platform, [Fact Sheet: State of Emergency Measures in Turkey](#), 23 February 2017, *Measures concerning investigations to be carried out during the State of Emergency*, p. 5

<sup>87</sup> Turkish Minute, [\[UPDATE\] New gov't decrees purge 367 more from state institutions, shutter another 2 TV channels](#), 23 January 2017

<sup>88</sup> insan haklari ortak platform, [Fact Sheet: State of Emergency Measures in Turkey](#), 23 February 2017, *Complaint Mechanism Against Measures of the State of Emergency*, p. 29

According to the Article 12 “the secretariat [sic] services will be provided by the Prime Ministry’s office. For this purpose, sufficient number of personnel will be allocated to the commission”.

#### Working Procedures

According to Article 13 of the emergency decree law: “The principles and procedures as to the applications and working of the commission shall be determined by the Prime Ministry and declare upon a proposal of the commission”. According to Article 9, further, “the commission shall examine the applications over the files in line with the evidence submitted in the application”.

#### Decisions (Article 10)

The Commission will decide by majority vote. Abstentions are prohibited. According to the article 9 of the decree law the Commission shall either reject or accept the application as a result of its examination. The provisions of the acceptance decision are listed in Article 10 as the following:

“Article 10-(1) In case of the acceptance of the applications, filed by the dismissed public officials, the decision [sic] shall be informed to the State Personnel Presidency. The appointment proposals of these officials shall be made by the State Personnel Presidency to the staff and positions in line with their former status and titles in institutions other than those they were employed before, excepting those officials for whom this is not possible. (...)

(2) In case of acceptance of the application, filed by the closed institutions, the provisions of the concerned decree law shall be cancelled.”

#### Appeal against Commission’s Decisions (Article 11)

Members of the judiciary dismissed from the profession by HCJP and high courts on the basis of Decree Law No. 667 are granted the right to file a lawsuit at the Council of State within 60 days from the finalization of the decision, and from the date of publication of the Decree Law No. 685 in the case of decisions finalized previously. The provisions of this decree-law may also apply in respect of those who have already filed a lawsuit previously and even those for whom a decision has already been taken. On the other hand, those who would like to appeal against the decisions of the Commission will be able to file cancellation proceedings at Ankara administrative courts to be designated by the High Council of Judges and Prosecutors [Diagram in original could not be copied into this report].<sup>89</sup>

The Judiciary of Turkey posted on its website the following summary as to the establishment and functioning of the Inquiry Commission on the State of Emergency Measures:

Pursuant to the Decree-Law no. 685, the Inquiry Commission on the State of Emergency Measures (“the Commission”) has been established in order to carry out an assessment of, and render a decision on, applications related to certain measures directly conducted by virtue of the decree-laws on account of having contact with terrorist organizations. The Commission shall have the authority to conduct an examination as to the measures concerning the dismissal from office, the dismissal from studentship, the closure of institutions and organizations and the revocation of the ranks of retired personnel.

The Commission shall exercise its functions for a period of two years, and this may be extended for a period of one year per each extension. The Commission shall be composed of seven members, and those members shall be appointed to hold office for a term of two years. The Commission may, on the condition of compliance with confidentiality of investigations and protection of State secrets, obtain from all institutions and organizations any information or document related to its scope of duty.

Applications to the Commission may be lodged within sixty days as from the date on which the Commission starts to receive applications. Moreover, parties having legal interest shall be entitled to file annulment actions against the decisions of the Commission with the Ankara administrative courts which will be determined by the High Council of Judges and Prosecutors (HCJP).

Furthermore, the members of the judiciary who were dismissed from their profession upon the decisions of the HCJP and the high courts pursuant to the Decree-Law no. 667 and the Law no. 6749 have been entitled to bring an action directly before the Supreme Administrative Court. The provisions of this Decree-Law may also apply in respect of those who previously filed an action and even those in respect of whom a decision has already been issued.

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<sup>89</sup> insan haklari ortak platform, [Fact Sheet: State of Emergency Measures in Turkey](#), 23 February 2017, *Complaint Mechanism Against Measures of the State of Emergency*, pages 29-31



The fact that a judicial remedy has been introduced against the decisions of the Commission is to provide the persons dismissed from profession or closed institutions and organisations with the opportunity to raise their requests before the independent judiciary. Besides, those have also been granted with the right to object, appeal and lodge an individual application before the Constitutional Court.<sup>90</sup>

In May 2017 Turkish officials announced the members of the State of Emergency Procedures Investigation Commission as being:

- Head of the Commission: The Justice Ministry's deputy undersecretary, Salahaddin Menteş;
- Members of the Commission: Court of Cassation Deputy Secretary General Mehmet Karagöz, Supreme Court Judge Murat Aytaç, Deputy Chief Inspector Hasan Şıldak, Justice Ministry Probation Department head Esat Işık, Education Ministry Appointments Department head Mustafa İkbâl and State Supervisory Board (DDK) member Salih Tanrıkulu.<sup>91</sup>

The same source further noted that "The commission will receive applications about removals or dismissals from public service and education institutions, as well as the closure of associations, foundations, trade unions, federations, confederations, private health institutions, private education institutions, higher education institutions and foundations, private radio and television organizations, newspapers and magazines, news agencies, publishing houses and distribution channels. Those who have been removed from public service, from professions or organizations, as well as those who have been suspended, may also apply to the institution where they last worked".<sup>92</sup>

#### **j. Decree of 7 February 2017 (KHK/686)**

This section should be read in conjunction with sections [5.b. Treatment of journalist and other media professionals](#), [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#), [6.a. Police officers and intelligence officials](#), [6.c. Teachers, education ministry officials, university deans and academia in general](#), and [6.e. Staff at state ministries](#).

In February 2017 the Turkish organisation 'insan haklari ortak platformu' published a "[Fact Sheet: State of Emergency Measures in Turkey](#)" providing further details on the scope of decrees issued since the attempted coup from No. 667) up to No. 687.

On 7<sup>th</sup> February 2017 the Turkish government introduced a new decree law "dismissing 4,464 public servants"<sup>93</sup>, including 330 academics (half of which had "signed the peace declaration criticising curfews in predominantly Kurdish southeastern districts in 2015 and early 2016"<sup>94</sup>), 2,600 members of the Ministry of National Education<sup>95</sup>, and "417 police officers from the Security General Directorate and 893 others from the Gendarmerie General Command. Eighty of those who have been dismissed under new decree are from the Turkish Radio and Television Association (TRT), 48

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<sup>90</sup> Judiciary of Turkey, [Amendments introduced in the field of human rights by the decree-laws dated 23 January 2017](#), 31 January 2017

<sup>91</sup> Hurriyet Daily News, [Members of State of Emergency Commission named](#), 17 May 2017

<sup>92</sup> Hurriyet Daily News, [Members of State of Emergency Commission named](#), 17 May 2017

<sup>93</sup> Kom News, [Turkey dismisses thousands of civil servants with new decree law](#), 7 February 2017

<sup>94</sup> Kom News, [Turkey sacks 115 'academics for peace' with latest decree law](#), 8 February 2017

<sup>95</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.1. Consequences of the state of emergency and the subsequent decree laws, para. 27, p. 14

are from the Ministry of Foreign Affairs, 49 are from the Interior Ministry, 16 are from the Ministry of Culture and Tourism, while 330 are academics from several universities across Turkey”<sup>96</sup>.

#### **k. Decree of 9 February 2017 (KHK/687)**

This section should be read in conjunction with sections [3.a. Freedom of speech, expression and assembly](#) and [4.c. Business owners/company executives](#).

The Venice Commission of the Council of Europe, its advisory body on constitutional matters, published English translated extracts of emergency decree laws Nos KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, and 687 in February 2017 which can be accessed [here](#).

Decree Law No. 687 “stripped the Supreme Election Board (YSK/SBE) of the right to impose penalties or broadcasting bans on broadcasting companies not complying with fair media coverage regulations during election campaigns, or not complying with the regulations concerning the ban on publishing opinion polls ten days prior to the date of the referendum. The decree law also provided for a change in the law on basic provisions of elections, allowing limitless advertising on private television stations during elections and referendums.<sup>97</sup> The report by the co-rapporteurs Ms Godsken and Ms Mikko of the Council of Europe’s Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) published in May 2017 found that “This is a clear regression compared to the rules in force so far, which were already depicted as problematic in previous election observation reports”.<sup>98</sup>

According to Turkey Purge, “In line with the new government decree numbered 687, Turkey’s Saving Deposit Insurance Fund (TMSF) will be authorized for the sale of the companies seized by the state through the appointment of trustees. The Turkish government has effectively nationalized 809 companies by taking over their management or turning them over to the Treasury as of January 2017 as part of the crackdown on opposition and critical groups in the country, according to a parliamentary inquiry”.<sup>99</sup>

#### **l. Decree of 29 March 2017 (KHK/688)**

This section should be read in conjunction with sections [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d’etat](#), [6.c. Teachers, education ministry officials, university deans and academia in general](#), and [6.e. Staff at state ministries](#).

The U.S. Law Library of Congress provided the following overview of Decree Law 688:

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<sup>96</sup> Stockholm Center for Freedom, [4,464 More Public Servants Purged In New Gov’t Decree In Turkey](#), 7 February 2017

<sup>97</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.1. *Consequences of the state of emergency and the subsequent decree laws*, para. 28, p. 14

<sup>98</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.1. *Consequences of the state of emergency and the subsequent decree laws*, para. 28, p. 14

<sup>99</sup> Turkey Purge, [New decree enables Turkish gov’t to sell off 809 companies seized after July 15](#), 9 February 2017

It may be noted that Decree Law 688 (DL 688), published on March 29, 2017, also provided for the listing of certain personnel on some previous Decree Law lists on removals and dismissals to cease to be valid from the date of publication of the given Decree Law, and for such personnel to be paid pursuant to their financial and social rights from the date they were removed from office up to the date they assume a new position. However, these personnel cannot claim any compensation because of their having been removed from public service, DL 688 states. (Decree Law on the Taking of Some Measures Within the Scope of the State of Emergency, KHK 688, RESMI GAZETE, No. 30022 (Mar. 29, 2017) (in Turkish).) The list attached to DL 688 has 416 names. (*Id.*)<sup>100</sup>

Bianet reported that with decree 688 “416 people 37 of whom are academics previously dismissed by statutory decrees have been returned to their positions. A period of 10 days were granted to people who wish to exercise their right and return to their positions. With the new statutory decree, 90 people have been returned to their positions in the local administration subordinated to the Ministry of Interior, 83 people in the Ministry of Health, 76 people in the Presidency of Religious Affairs, 37 people in higher education institutions, 24 people in General Directorate of Security and 24 others in the Presidency of Social Security Institution as well as 15 people in the Ministry of Justice among other institutions”.<sup>101</sup>

### **m. Decrees of 29 April 2017 (KHK/689 and 690)**

#### Decree 689

This section should be read in conjunction with sections [4.e. Armed forces/soldiers](#), [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d’etat](#), and [6.c. Teachers, education ministry officials, university deans and academia in general](#).

The U.S. Law Library of Congress provided the following overview of Decree Law 689:

DL 689 is in seven articles and has five appended lists. It includes measures on: civil servants to be removed from office (art. 1 & List 1); civil servants to be removed from lists included with previous decrees that had mandated their dismissal (art. 2 & List 2, with names of 236 persons to be reinstated); institutions and organizations to be closed on grounds of being terrorist organizations or a threat to national security (art. 3(1) and List 3, with 47 closures: 14 associations, 1 newspaper, 1 magazine, 13 healthcare establishments, & 18 foundations); institutions and organizations to be reopened after having been closed under the provisions of previous decree-laws (art. 3(3) & List 4, with five associations); and dismissal from their special status of students studying abroad found to belong to or be in contact with groups active against the national security of the state or terrorist organizations (art. 4 & List 5, with 59 students). (DL 689.)

Under DL 689, 3,940 persons were dismissed from the civil service (including 201 from the Ministry of Religious Affairs; 1,127 from the Ministry of Justice and related institutions, some of whom were prison guards and clerks; and 216 from the Ministry of Health and related organizations); the military (478 from the Land Forces Command of the Ministry of National Defense, 447 from the Air Force Command, and 141 from the Naval Forces Command); and academia (484 persons). (*Id.*, List 1.)<sup>102</sup>

#### Decree 690

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<sup>100</sup> Library of Congress, Global Legal Monitor, [Turkey: New Emergency Decree Laws Issued](#), 11 May 2017

<sup>101</sup> Bianet, [Statutory Decree No. 688 Issued, 416 People Allowed to Return to Their Positions](#), 30 March 2017

<sup>102</sup> Library of Congress, Global Legal Monitor, [Turkey: New Emergency Decree Laws Issued](#), 11 May 2017

This section should be read in conjunction with sections [1.a.ii.3 Legal and judicial institutions](#), [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#), and [3.a. Freedom of speech, expression and assembly](#).

The U.S. Law Library of Congress provided the following overview of Decree Law 689:

Decree-Law 690 (DL 690) is “package” or omnibus legislation in 77 articles; it amends a number of laws, including the earlier emergency Decree-Law No. 685. (Decree Law on the Implementation of Certain Measures Under the State of Emergency, KHK No. 690, RESMI GAZETE, No. 30052 (Apr. 29, 2017).) The seven chapters of the law cover measures on the judiciary, national defense, domestic security, social security measures, the Commission on Examination of State of Emergency Procedures, media service providers, and miscellaneous matters. For example,

- a new article 31 is added to the law establishing various courts on the handling of investigations and prosecutions of crimes committed on duty and personal crimes committed by the chairman, department heads, or members of a regional administrative court (DL 690, art. 1; Law on the Establishment and Tasks of the Regional Administrative Courts, Administrative Courts, and Tax Courts, Law No. 2576 (Jan. 6, 1982, *as amended*), MEVZUAT (in Turkish));
- a new article 27/A added to the Population Services Law is on the registration of divorce decrees supplied by foreign judicial or administrative authorities in Turkey’s population register (DL 690, art. 4; Population Services Law, Law No. 5490 (Apr. 25, 2006, *as amended*), MEVZUAT (in Turkish));
- additional article 1, on the seizure of vehicles used in the crime of smuggling of migrants, is added to the 2013 Foreigners and International Protection Law (DL 690, art. 6; Law on Foreigners and International Protection, Law No. 6458 (Apr. 4, 2013), Ministry of Interior website (unofficial English translation; Turkish text (*as amended*), available at MEVZUAT);
- a sentence is added to the end of article 74(2) of the Village Law, which is on the appointment of village security guards, stating that security guards who have reached 55 years of age will be dismissed from their duties (DL 690, art. 27; Village Law, Law No. 442 (Mar. 18, 1924, *as amended*), MEVZUAT (in Turkish)), and the provisions in certain other laws, such as the Law No. 5335 on the Amendment of Certain Laws and the Social Insurance and General Insurance Law No. 5510, are also amended in connection with security guards;
- an additional article 1 has been annexed to the Decree-Law on the Commission on Examination of State of Emergency Procedures, listing 13 types of institutions that may file a case to have Commission decisions cancelled (DL 690, art. 55, Decree Law on the Commission on Examination of State of Emergency Procedures, KHK 685, RESMI GAZETE, No. 29957 (Jan. 23, 2017, *as amended*) (in Turkish); and
- bans are imposed on chat, friendship, and dating programs transmitted via radio and broadcast services, including such programs that market or advertise food supplements and similar products, and on the promotion, sale, and marketing of offers by telecommunications services (through, e.g., locally dialed numbers or specialized content services numbers) of rewards or prizes via competitions, lotteries, drawings, and other similar means, which mislead the public or cause unwarranted gain. (*Turkish Authorities Expel More Than 3,900 from Civil Service in Latest Purge, supra*; DL 690, art. 60, adding a new ¶ 4 to art. 8 of the Law on Radio and Television Establishment and Broadcast Services, Law No. 6112 (Feb. 15, 2011, *as amended*), MEVZUAT (in Turkish).) Deputy Prime Minister Numan Kurtulmus stated in March that the dating programs “do not fit in with Turkish traditions and customs” and that “[th]ere are some strange programmes that would scrap the institution of family, take away its nobility and sanctity.” (*Turkish Authorities Expel More Than 3,900 from Civil Service in Latest Purge, supra*).<sup>103</sup>

Al Arabiya reported at the end of April 2017 that Turkey has “banned hugely popular television dating shows” under the latest decree published in the official gazette.<sup>104</sup> The same source further noted that the text of the decree stated that “In radio and television broadcasting services, such programmes in which people are introduced to find a friend.... cannot be permitted”.<sup>105</sup>

<sup>103</sup> Library of Congress, Global Legal Monitor, [Turkey: New Emergency Decree Laws Issued](#), 11 May 2017

<sup>104</sup> Al Arabiya, [Turkey imposes ban on TV dating shows under emergency decree](#), 30 April 2017

<sup>105</sup> Al Arabiya, [Turkey imposes ban on TV dating shows under emergency decree](#), 30 April 2017

#### n. Decree of 22 June 2017 (KHK/691)

This section should be read in conjunction with sections [1.b.i.1. Police](#), [1.b.i.2. Armed forces/Military](#), [4.e. Armed forces/soldiers](#), and [6.a. Police officers and intelligence officials](#).

Hurriyet Daily News reported that “Individuals found to be members of terrorist organizations or in relation to terror organizations may be sent to perform military service immediately”, according to new decree law 691.<sup>106</sup> The new decree further states “If police officers leave their positions before completing their tenth year in the police force they are obliged to fulfil their military duties. But if this duty was exempted for some reason, they would not fulfil their military obligation” according to the same article.<sup>107</sup> Lastly, the decree further amended the following in relation to the criminal code:

According to the decree, in cases opened about crimes against the state, coup or terrorism, if the address of a defendant is not available, the court will only have to declare the summary of the case in a national newspaper with a circulation of over 50,000. No further notification will be made to inform the defendants.

In addition, soldiers who have spent more than three days outside the country’s border without an official permit will be considered “fugitive” and punished accordingly. Previously, the Constitutional Court had decided to cancel jail sentences of soldiers who are abroad without permission [...]

Also according to the decree, if a court lacks grounds for legal action after a cautionary judgement has been made about the property of real and legal entities in cases of crimes committed against the state and terrorism, the caution will be lifted in two years rather than one year.<sup>108</sup>

The U.S. Law Library of Congress added that Decree Law 691 also:

changes the protocol for detecting obstacles to helicopters by prescribing that information about any buildings, facilities, and any similar structures to be constructed or removed in Turkey that may affect flight safety is to be confirmed by the institutions and organizations that make, install, remove, construct, or permit the removal of these buildings and facilities and sent to the Map General Command. Those institutions and organizations are also responsible for ensuring that the information is updated regularly and sent to the Map General Command, which will publish this information electronically. The Ministry of National Defense will issue regulations that specify the principles and procedures for the implementation of this measure.<sup>109</sup>

#### o. Decree of 14 July 2017 (KHK/692)

This section should be read in conjunction with sections [4.e. Armed forces/soldiers](#), [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d’etat](#), [6.a. Police officers and intelligence officials](#), [6.c. Teachers, education ministry officials, university deans and academia in general](#), [6.d. Clerics, preachers and religious teachers](#), and [6.e. Staff at state ministries](#).

The U.S. Law Library of Congress provided the following overview of Decree Law 692:

- The July 14, 2017, Decree Law No. 692, in eight articles and seven appended lists, provides for the dismissal from their jobs of more than 7,000 people and the reinstatement of 312 public workers to

<sup>106</sup> Hurriyet Daily News, [New decree law in Turkey imposes military service on terror convicts](#), 23 June 2017

<sup>107</sup> Hurriyet Daily News, [New decree law in Turkey imposes military service on terror convicts](#), 23 June 2017

<sup>108</sup> Hurriyet Daily News, [New decree law in Turkey imposes military service on terror convicts](#), 23 June 2017

<sup>109</sup> Library of Congress, Global Legal Monitor, [Turkey: More Emergency Decree Issued](#), 8 September 2017

their posts. (Olaganüstü Hal Kapsamında Bazı Tedbirler Alınması Hakkında Kanun Hükmünde Kararname [Decree on Some Measures to Be Taken During the State of Emergency], KHK No. 692, RESMÎ GAZETE, No. 30124 (Mükerrer) [Duplicate] (July 14, 2017); *Turkey Dismisses over 7,000 Police, Soldiers, Ministry Officials with New Emergency Decree*, HÜRRİYET DAILY NEWS (July 15, 2017).) As in the case of dismissals under previous decrees, those let go were persons deemed to have a link with terrorist organizations or with groups determined to have been acting against Turkey's national security. (*Turkey Dismisses over 7,000 Police, Soldiers, Ministry Officials with New Emergency Decree, supra.*)

- The largest number of those dismissed, 2,303 individuals, were policemen. The lists also include 1,486 dismissals from the Interior Ministry, 789 from the Ministry of Health, 551 from the Religious Affairs Directorate (Diyanet), 546 from the Naval and Air Forces, 418 from the Ministry of Justice, 356 from the Higher Education Board, 102 from the Ministry of Education, and 45 from the Foreign Ministry. (*Id.*) Among the dismissed was former Istanbul Governor Hüseyin Avni Mutlu. (*Id.*) Decree No. 692 also stripped the ranks and grades of 342 retired Turkish Armed Forces personnel and the sports medals of former footballers Hakan Sükür and Arif Erdem. (*Id.*)
- The July Decree Law only granted one previously shut-down institution the right to re-open and only re-instated one discharged student. (*New Emergency Decree in Turkey Orders for More Dismissals, BÄ°RGÜN DAÄ°LY* (last updated July 15, 2017).)<sup>110</sup>

#### **p. Decrees of 25 August 2017 (KHK/693 and 694)**

##### Decree 693

This section should be read in conjunction with sections [4.e. Armed forces/soldiers](#), [5.b. Treatment of journalist and other media professionals](#), and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'etat](#).

The U.S. Law Library of Congress provided the following summary in relation to Decree Law 693:

Decree Law 693 continues the pattern in earlier decrees of providing for the dismissal of public servants and the closure of institutions and organizations deemed to be a threat to national security or affiliated with terrorist organizations; the reinstatement of those persons or institutions/organizations cleared of such charges; and the stripping of privileges of certain retired armed forces personnel. (Olaganüstü Hal Kapsamında Bazı Tedbirler Alınması Hakkında Kanun Hükmünde Kararname [Decree on Some Measures to Be Taken During the State of Emergency], KHK No. 693, RESMÎ GAZETE, No. 30165 (Aug. 25, 2017) (click on KHK 693 hyperlink to view text).) The names of the individuals and organizations/institutions are set forth in six attached lists. (*Id.*)<sup>111</sup>

According to a news alert issued by the Council of Europe "Based on statutory decree number 693, three media outlets - Dicle Medya Haber Ajansı, Gazete Sujin and Rojeva Medya - have been closed. Movables and all sorts of assets, documents and rights that belong to the closed institutes and institutions will be transferred for free and without compensation to the Treasury".<sup>112</sup>

##### Decree 694

This section should be read in conjunction with sections [1.a.5. 16<sup>th</sup> April 2017: Constitutional Referendum](#), [1.b.i.3. Intelligence Services](#), [4.g. Perceived or actual members or associates of the Gulen movement and their family members living abroad](#), [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'etat](#).

<sup>110</sup> Library of Congress, Global Legal Monitor, [Turkey: More Emergency Decree Issued](#), 8 September 2017

<sup>111</sup> Library of Congress, Global Legal Monitor, [Turkey: More Emergency Decree Issued](#), 8 September 2017

<sup>112</sup> Council of Europe, [Three Media Outlets Closed by Statutory Decree Number 693](#), 25 August 2017

The U.S. Law Library of Congress provided the following summary in relation to Decree Law 694:

The extensive Decree Law 694, in 205 articles, amends over 100 laws and decrees, “substantially [altering] 12 critical laws,” including those on the state intelligence service, judges and prosecutors, the Turkish Armed Forces, foreigners, the organization of the military and military schools. (Metin Gurcan, *Erdogan Hastens Executive Presidency with New Decree*, AL-MONITOR (Aug. 30, 2017).) Other important amended laws affect civil servants, the duties and organization of the Ministry of National Defense and of the gendarmerie, health organizations, and the administrative structure of the state. (Oya Armutçu, *New Turkish State of Emergency Decrees Ties Intelligence Agency to President*, HÜRRİYET DAILY NEWS (Aug. 25, 2017); Olaganüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararname [Decree Law on Some Arrangements to Be Made During the State of Emergency], KHK No. 694, arts. 60-78, RESMÎ GAZETE [OFFICIAL GAZETTE], No. 30165 (Aug. 25, 2017) (click on KHK No. 694 hyperlink to view text).)

The Decree significantly adjusts the state intelligence and security bureaucracies and provides for the recruitment of “thousands of police and judiciary personnel.” (Gurcan, *supra*.) Moreover, it is described as hastening the process of the transformation of the state to an executive presidency. (*Id.*) Particularly noteworthy are the major changes to the organizational structure of Turkey’s National Intelligence Agency (MİT) made under Decree Law 694 through the amendment of the Law on State Intelligence Services and National Intelligence Organization. For example, the Decree Law brings the Agency under the authority of the President of Turkey. (Armutçu, *supra*; KHK No. 694, arts. 60-78; Devlet İstihbarat Hizmetleri ve Milli İstihbarat Teskilati Kanunu [Law on State Intelligence Services and National Intelligence Organization] (Nov. 1, 1983, *as last amended* effective Sept. 1, 2016), Law No. 2937, MİT website.) Thus, the Prime Minister will no longer oversee the MİT undersecretary; instead, the President, currently Recep Tayyip Erdogan, will directly appoint not only the undersecretary but MİT’s deputy undersecretaries and other top management officials. (Armutçu, *supra*.) Other changes in regard to MIT include the following:

- The President will now have to first approve any investigation undertaken and any testimony given by the MİT undersecretary. (*Id.*)
- MIT is re-authorized to gather intelligence on the Turkish Armed Forces, its personnel, and personnel of the Defense Ministry; that function had been removed on November 28, 2011, after having been instituted in 1997 when an assassination attempt targeting then Chief of General Staff Hüseyin Kalkan that occurred in the Turkish Republic of Northern Cyprus “revealed deficiencies about intelligence gathering within the military, ... .” (*Id.*) An MİT circular will be issued, after being confirmed by the President, to prescribe the procedures and principles on intelligence gathering activities, along with the duties of other institutions. (*Id.*) To avoid damage to the mutual trust between MİT and the Armed Forces, a protocol may be signed by them in relation to the changes. (*Id.*)
- The National Intelligence Coordination Board (Milli İstihbarat Koordinasyon Kurulu, MİKK), which has been under the MİT, will also come under presidential authority, with the president now authorized to preside over it. (*Id.*) The MİKK’s duties are defined under the new Decree Law as “providing a coordination regarding the fulfillment of the duties and obligations of the ministries and other public institutions and establishing and implementing basic principles of the directives of intelligence work,” and “[t]he secretariat duties of the board will be implemented by the [MİT] undersecretary.” (*Id.*)
- Anyone who discloses the position, duties, or activities of MİT personnel or the identities of MİT staff and their families will face prison terms of between three and seven years. (*Id.*)
- MİT personnel who “have been unable to adjust ... to the conditions and qualifications” of the MİT will be reported to the state personnel directorate for a ten-day reassignment process, with dismissal from the MİT to occur within a maximum of 17 days. (*Id.*)<sup>113</sup>

Al Monitor reported that the 27<sup>th</sup> decree implemented since the attempted coup was bringing with it “expansive changes” including “significant adjustments in intelligence and security bureaucracies” allowing “thousands of police and judiciary personnel to be recruited and indicates other

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<sup>113</sup> Library of Congress, Global Legal Monitor, [Turkey: More Emergency Decree Issued](#), 8 September 2017

hefty changes — such as abolishing the Prime Ministry — could be on the way”.<sup>114</sup> The same source further noted that:

There are several other critical changes introduced by Decree 694. The National Intelligence Organization (MIT), which until now was an undersecretariat attached to the Prime Ministry, is now attached to the presidency, giving that office absolute power over MIT’s entire gamut of administration and operations. The MIT chief can only be investigated and questioned with the permission of the president. The future of intelligence chief Hakan Fidan, who is frequently rumored to be on the verge of resigning, is now solely up to President Recep Tayyip Erdogan. Also from now on, the president will chair the National Intelligence Coordination Board, which used to be chaired by the intelligence chief [...]

The MIT now has the unprecedented power to investigate any military person and unit at any time and can dismiss any of its staff with two weeks’ notice [...]

Regarding military promotions, colonels and generals will be able to be promoted without fulfilling the previously required service duration at their current ranks [...]

With this comprehensive decree, the military judiciary system is being totally eliminated. Military judge and prosecutor classes have been abolished and the entire TSK legal process is to be handed over to civilian courts and prosecutors.<sup>115</sup>

The decree also states that “Some 200 pilots who have resigned from the air force and joined private air companies will now be receiving compulsory ‘return to military service’ orders. Those who do not comply within 15 days will risk losing their flying licenses”.<sup>116</sup>

In addition, decree 694 allows for the “possibility of extraditing or exchanging foreigners sentenced in Turkey with other countries upon the request of the foreign minister and approval of the president, who will have the final word. This will enable Turkey to use foreigners detained in Turkey for diplomatic bargaining”.<sup>117</sup>

Another aspect of the decree is that it “rearranges the General Security Directorate (national police) by allotting it 32,014 new posts”.<sup>118</sup>

According to Al Monitor “Decree 694 is not a simple state of emergency legal diktat. Rather, it is the first major move toward an executive presidency — one that bypasses the parliament by introducing amendments to 12 existing laws without going through parliamentary approval”.<sup>119</sup>

### **3. 2016: Observations by the Council of Europe Committee, the Council of Europe Commissioner for Human Rights, the UN Special Rapporteur on the right to freedom of opinion and expression and the Council of Europe’s Venice Commission**

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe provided the following summary on 12 December 2016 with regards to the emergency decrees issued which regulated:

[...] the dismissals of civil servants, members of the judiciary, members of the public service, the Turkish Armed Forces, the Coast Guard Command organisation and the Turkish National Police,

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<sup>114</sup> Al Monitor, [Erdoğan hastens executive presidency with new decree](#), 30 August 2017

<sup>115</sup> Al Monitor, [Erdoğan hastens executive presidency with new decree](#), 30 August 2017

<sup>116</sup> Al Monitor, [Erdoğan hastens executive presidency with new decree](#), 30 August 2017

<sup>117</sup> Al Monitor, [Erdoğan hastens executive presidency with new decree](#), 30 August 2017

<sup>118</sup> Al Monitor, [Erdoğan hastens executive presidency with new decree](#), 30 August 2017

<sup>119</sup> Al Monitor, [Erdoğan hastens executive presidency with new decree](#), 30 August 2017



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.

[...] 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)”. 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;

[...] the closure of private radio and television, newspapers and periodicals;

[...] 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>;

[...] the dismissal of an additional 50 589 civil servants on 1 September 2016<sup>24</sup> and the dismissal and reelection of presidents and members of the Monitoring Boards of Penitentiary Institutions and Detention Houses;

[...] 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;

[...] 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); provisions related to the Telecommunications Communication Presidency and amendments to the Electronic Communications Law no. 5809 of 2008;

[...] amendments to the Law on Military Judges, including the closing of war Colleges, military high schools and training schools for noncommissioned officers; which were replaced by a “National Defence University”.<sup>120</sup>

The same source further noted that “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>121</sup>

The source concluded that:

As of 9 December 2016, and according to figures reported in media, there were:

- Over 125 000 persons dismissed [85,000 of which were as a result of the publication of individuals’ names in the decrees]
- 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.
- 3 673 judges and prosecutors dismissed<sup>85</sup> and 2 700 suspended
- 177 media outlets shut down and 11 reopened
- Over 140 journalists arrested.
- about 1 800 associations/foundations shut down
- about 2 100 schools, dormitories, and universities shut down.<sup>122</sup>

<sup>120</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraphs 10.1 – 10.9

<sup>121</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraph 20

<sup>122</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights provided the following observations with regards to the decrees issued in the aftermath of the attempted coup:

The Commissioner observes that, although the emergency decrees have affected almost all sectors of public life, from the public to the private sector, the measures they foresee and the criteria and procedural framework they set out for their application are remarkably uniform:

- The measures concerned include mainly suspensions or dismissals from service for public employees and members of the judiciary, and complete dissolution and irrevocable seizure of assets for non-governmental or other private legal entities.
- In terms of scope, they apply to anyone “assessed to be” a member of or belonging to a terrorist organisation, but also for acting in union (“iltisak”) or contacts (“irtibat”) with such an organisation. The criteria for assessing membership or contacts, or the degree beyond which such membership or contacts justify the application of the measures, have not yet been specified, either in the decrees or otherwise.
- Where they do not outright provide lists of persons and legal entities being subjected to the measures, the decrees provide for simplified administrative procedures for the application of sanctions. These waive the ordinary administrative safeguards and involve decisions by restricted administrative commissions in each institution on the basis of which the relevant Minister takes a final decision.
- Similarly, the High Council of Judges and Prosecutors (HSYK), the High Courts and the Constitutional Court are empowered to dismiss judges and prosecutors on the basis of an “assessment” (rather than a reasoned judgment) of their membership or contacts, without having to observe any of the constitutional or legislative safeguards designed to protect the members of the judiciary.
- The decrees do not specify any evidentiary criteria or requirements on which these “assessments” must be based, thereby allowing for an extremely wide margin of appreciation to the executive and administration. Neither do they require the measures with respect to each natural or legal person to be reasoned or individualised.
- Full legal, administrative, criminal and financial immunity is afforded to administrative authorities acting within the framework of the decree.
- Administrative courts are prevented from issuing stays of execution regarding these measures.

The Commissioner was informed that in the practical application of these measures, the persons in question were not provided with evidence against them and were unable to defend themselves in an adversarial manner in many cases. Many had also not been aware of any investigation against them until their dismissal was notified to them by the administration or published in a decree. It has been reported that the operation of the administrative commissions has also been very opaque, and the Commissioner received allegations that certain decisions were based on simple hearsay or a global impression about the person, based for example, on their social environment [...]

In the opinion of the Commissioner, the application of such sweeping discretionary powers cannot be justified in the same way concerning the various groups they affect, as the rights protected under the ECHR and other international standards vary greatly from one sector to another.<sup>123</sup>

With regards to the issuance of further decrees the Council of Europe Commissioner for Human Rights noted his concerns as follows:

the Commissioner finds it very problematic that the Turkish government already introduced amendments to many laws through emergency decrees, thus entirely bypassing ordinary legislative procedure. These include such crucial laws as the Anti-Terrorism Law, Code of Criminal Procedure or the Provincial Administration Law which are likely to have a direct impact on the protection of human

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the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraphs 52 and 53

<sup>123</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *General considerations about administrative measures*, paragraphs 23, 24 and 26, p. 5

rights in Turkey, an impact which would carry on after the lifting of the state of emergency. In the Commissioner's opinion, it would be appropriate to repeal these amendments at the end of the state of emergency and re-submit them, if necessary, to the Parliament for enactment, after a proper parliamentary procedure. In this connection, the Commissioner highly appreciates the assurances given by the Minister of Justice that any permanent amendment would be first discussed and enacted by the Parliament.<sup>124</sup>

Following his visit to Turkey the UN Special Rapporteur on the right to freedom of opinion and expression noted in his 'Preliminary conclusions and observations' that these decrees "separately and sometimes in conjunction with one another, along with other provisions I have not named here – have been used in ways that undermine rights to opinion and expression, as discussed elsewhere in this statement. They are principally problematic in the vagueness and breadth of their language, leaving excessive discretion in government officials".<sup>125</sup>

The Venice Commission, Council of Europe's constitutional law experts, found that:

[...] The provisions of the Turkish Constitution on the declaration of a state of emergency appear to be in line with common European standards in this area. However, the Government interpreted its extraordinary powers too extensively and took measures that went beyond what is permitted by the Turkish Constitution and by international law.

[...] The main concerns of the Venice Commission related to the current constitutional situation in Turkey may be summarised as follows:

- Following the declaration of a state of emergency, for over two months, the Government was de facto permitted to legislate alone, without any control by Parliament or the Constitutional Court;
- The Government took permanent measures, which went beyond a temporary state of emergency. Civil servants were dismissed, not merely suspended, organisations and bodies were dissolved and their property confiscated instead of being put under temporary State control. In addition, the Government made a number of structural changes to the legislation, which should normally be done through the ordinary legislative process outside of the emergency period;
- The Government implemented its emergency powers through ad hominem legislation. In particular, tens of thousands of public servants were dismissed on the basis of the lists appended to the emergency decree laws. Such collective dismissals were not individualised, i.e. they did not refer to verifiable evidence related to each individual and described in the decisions;
- Basic rights of administrative due process of the public servants dismissed by the decree laws or on their basis have not been respected;
- Collective dismissals were ordered because of the alleged connections of public servants to the Gülenist network or other organisations considered "terrorist", but this concept was loosely defined and did not require a meaningful connection with such organisations (i.e. such connection which may objectively cast serious doubt in the loyalty of the public servant);
- Some of the measures associated with the dismissals unduly penalised family members of the dismissed public servants;
- In the area of criminal procedures, extension of the time-limit for pre-trial detention without judicial control up to 30 days is highly problematic; arrests of suspects should be ordered only on the basis of "reasonable suspicion" against them; limitations on the right of access to a lawyer may be imposed only in exceptional situations in individual cases, where

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<sup>124</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Other considerations*, paragraph 46, p. 9

<sup>125</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016

the existence of security risks is convincingly demonstrated, for a very limited lapse of time and, ultimately, should be subject to judicial supervision;

- The Government has removed crucial safeguards that protect detainees from abuses, which increases the likelihood of ill-treatment;
- It is unclear whether the Constitutional Court will be able to review the constitutionality of the emergency decree laws in abstracto and in concreto. The Venice Commission considers that the Constitutional Court should have this power;
- Collective dismissals “by lists” attached to the decree laws (and similar measures) appear to have arbitrarily deprived thousands of people of judicial review of their dismissals.

[...] The Venice Commission is particularly concerned by the apparent absence of access to justice for those public servants who have been dismissed directly by the decree laws, and those legal entities which have been liquidated by the decree laws. If, for practical reasons, the re-introduction of full access to court for public servants is impossible in the current conditions, the Turkish authorities should consider alternative legal mechanisms, which might permit individual treatment of all cases and ultimately give those dismissed their “day in court”. The Venice Commission supports the proposal made by the Secretary General of the Council of Europe concerning the creation of an independent ad hoc body for the examination of individual cases of dismissals, subject to subsequent judicial review.

[...] In conclusion, the Venice Commission recalls that the main purpose of the state of emergency is to restore the democratic legal order. The emergency regime should not be unduly protracted; if the Government rules through emergency powers for too long, it will inevitably lose democratic legitimacy. Moreover, during the course of the emergency, nonderogable rights cannot be restricted, and any other restrictions on rights must be demonstrated to be strictly necessary in light of the exigencies of the stated emergency. The Venice Commission hopes that, despite the dramatic events of 15 July 2016, the Turkish State will soon return to its normal functioning [...].<sup>126</sup>

For a more detailed legal analysis on the state of emergency and the emergency decree laws issued by the Turkish government in the aftermath of the attempted coup consult:

- Council of Europe – Venice Commission, [Turkey: Opinion on emergency decree laws Nos. 667-676 adopted following the failed coup of 15 July 2016](#), 12 December 2016

#### **4. January – September 2017: Observations by the Council of Europe’s Parliamentary Assembly, the Council of Europe’s Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, and the UN Special Rapporteur on the right to freedom of opinion and expression**

On 25<sup>th</sup> April 2017 the Parliamentary Assembly of the Council of Europe decided to “reopen the monitoring procedure in respect of Turkey until ‘serious concerns’ about respect for human rights, democracy and the rule of law ‘are addressed in a satisfactory manner’”.<sup>127</sup> The adopted resolution called on the Turkish authorities to urgently take measures such as “lifting the state of emergency ‘as soon as possible’, halting the promulgation of emergency decree laws which bypass parliamentary procedures ‘unless strictly needed’ and releasing all the parliamentarians and journalists detained pending trial. It also calls on them to establish the Inquiry Commission on State of Emergency Measures, ensure fair trials with respect for due procedural guarantees and take

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<sup>126</sup> Council of Europe – Venice Commission, [Turkey: Opinion on emergency decree laws Nos. 667-676 adopted following the failed coup of 15 July 2016](#), 12 December 2016, paragraphs 226-229

<sup>127</sup> Council of Europe Parliamentary Assembly, [PACE reopens monitoring procedure in respect of Turkey](#), 25 April 2017

urgent measures to restore freedom of expression and the media”.<sup>128</sup> The same source noted that “On the basis of a report by Ingebjørg Godskesen (Norway, EC) and Marianne Mikko (Estonia, SOC), the text adopted underlines that nine months after the attempted coup, ‘the situation has deteriorated and measures have gone far beyond what is necessary and proportionate’”.<sup>129</sup> The report by the co-rapporteurs Ms Godskesen and Ms Mikko of the Council of Europe’s Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) found that:

While acknowledging the trauma caused by the failed coup attempt of 15 July 2016 and multiple ongoing terrorist threats, the Monitoring Committee is concerned about the implementation of the state of emergency, the large-scale and disproportionate effect of the decree laws – including the massive dismissal of civil servants, judges, prosecutors and academics and the closing down of media and NGOs – as well as limited access to judicial remedies.<sup>130</sup>

The Monitoring Committee further highlighted that:

Unfortunately, eight months after the attempted coup, the situation has deteriorated and measures have gone far beyond what is necessary and proportionate. The authorities have been ruling through decree laws going far beyond what emergency situations require and overstepping the parliament’s legislative competence. The Assembly is also concerned that most of the decree laws have so far not been approved (as required by the Constitution), or their implementation monitored by the parliament, which the Assembly considers to be a serious democratic deficiency.<sup>131</sup>

The report concluded with regards to measures applied in the framework of the state of emergency that “these measures amount to a ‘civilian death’ for those concerned. This situation will have a dramatic and detrimental long-term effect on Turkish society, which will need to find the means and mechanisms to overcome this trauma”.<sup>132</sup> It further noted in this context that “As a result, measures which were supposed to target the coup plotters and civil servants allegedly involved in it have automatically impacted on their family members, with no respect for the presumption of innocence. This amounts to collective punishment and to a blatant interference with the privacy, family life and freedom of movement of the family circle of those public servants [...]”.<sup>133</sup>

The Monitoring Committee also highlighted that the state of emergency is likely to have had a “disproportionate impact on women” given the high percentage of women working in the education and health sectors and that “the failed coup had nurtured a male chauvinist mentality, which was now operating unimpeded. This, according to women’s associations, had resulted in an increase in

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<sup>128</sup> Council of Europe Parliamentary Assembly, [PACE reopens monitoring procedure in respect of Turkey](#), 25 April 2017

<sup>129</sup> Council of Europe Parliamentary Assembly, [PACE reopens monitoring procedure in respect of Turkey](#), 25 April 2017. Note that the report referred to in the main text can be accessed here: Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017

<sup>130</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, *Summary*, p. 1

<sup>131</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, *A. Draft resolution*, para. 7, p. 3

<sup>132</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, *A. Draft resolution*, para. 16, p. 4

<sup>133</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.2.6. *Impact of the massive purges on individuals (“civilian death”)*, para. 70, p. 21

violence against women, in particular in public places such as buses, where there had been an increase of attacks on women, and even rapes, in recent months”.<sup>134</sup>

With regards to the Council of Europe’s Assembly vote to resume formal monitoring of Turkey’s human rights record for the first time in more than a decade, Advocacy Director of Human Rights Watch, Philippe Dam, noted that the Assembly’s move “provides recognition by one of Europe’s key rights bodies of the rapid deterioration in the rule of law and the suffering of those unjustly behind bars”.<sup>135</sup>

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey noted that between 20 July 2016, and April 2017, 21 emergency decrees with the force of law were issued.<sup>136</sup> The same source further noted:

The state of emergency decrees adopted in the aftermath of the attempted coup are far-reaching and give the authorities wide discretionary powers to derogate from human rights obligations, without providing adequate channels for judicial review and appeal. The emergency decrees apply to anyone “assessed to be” a member of a terrorist organization and to anyone acting in union or contact with such organizations. The decrees lack criteria for assessing membership or contact and leave overly broad discretion to the authorities responsible for their execution, waiving ordinary administrative safeguards. The lack of criteria for assessing membership also applies to the procedures by which the High Council of Judges and Prosecutors, the High Courts and the Constitutional Court are empowered to dismiss judges and prosecutors. The decrees do not specify the criteria on which such assessments are to be based, nor do they require individualized reasoning. The persons concerned are not provided with evidence against them; many are unaware that they are being investigated. The decrees also facilitate impunity and lack of accountability by affording full legal, administrative, criminal and financial immunity to the administrative authorities acting within the framework of the decrees.<sup>137</sup>

## 5. 16<sup>th</sup> April 2017: Constitutional Referendum

This section should be read in conjunction with sections [1.a.i.1. State of Emergency](#), [1.a.1.2.p. Decrees of 25 August 2017 \(KHK/693 and 694\)](#), [1.a.ii.3. Legal and judicial institutions](#), [3.j. Death penalty](#).

For further information on the treatment of persons campaigning for a “No” vote in the Referendum and “No” voters, see section [5.a Treatment of political opponents, i. Treatment of “No” campaigners](#).

An English version of the current version of the Constitution of the Republic of Turkey including the latest amendments as of 8<sup>th</sup> May 2017 can be found [here](#).

On 16<sup>th</sup> April 2017 a ‘Constitutional Referendum’ was held in which 51.4 percent voted in favour and 48.6 percent against a package of constitutional amendments that “will transform Turkey from a parliamentary into a presidential system” reported Brookings Institution.<sup>138</sup> According to the same

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<sup>134</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.2.1. *Extent of the measures taken, lack of proportionality*, para. 37, p. 16

<sup>135</sup> Human Rights Watch, [Turkey’s Rights Crackdown Comes Under Deeper Scrutiny](#), 25 April 2017

<sup>136</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 10

<sup>137</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraphs 73 and 74

<sup>138</sup> Brookings Institution, [Referendum results risk further polarization in Turkey](#), 17 April 2017

source the referendum results and their distribution across the country “project a deeply divided Turkey”:

Metropolitan centers such as Ankara, Antalya, Istanbul, and Izmir—three of which are governed by AKP mayors—as well as all the provinces along the Aegean and Mediterranean coasts, voted “no,” together with many of the Kurdish populated southeastern regions of Turkey. The “yes” votes came largely from along the Black Sea coast, including Erdoğan’s home province as well as conservative parts of central and eastern Anatolia. However, Erdoğan’s alliance with Devlet Bahçeli, the head of the Nationalist Movement Party (MHP), seems to have fallen short of bringing about a satisfactory result for either party, despite all the bravado that marked their language. The overall share of “yes” votes suggests a decrease of roughly 10 points compared to the percentage of votes that AKP and MHP were able to get in the November 2015 national election.<sup>139</sup>

The Brookings Institution further published a useful article explaining the proposed amendments to the constitution and noted that the current proposal contains “18 measures that will further revise or repeal 76 articles” and will “institutionalize a populist, one-man system that jeopardizes legislative and judicial independence and consolidates them in the office of the president. Indeed, the dramatic changes proposed would set in motion the most drastic shake-up of the country’s politics and system of governance in its 94-year-long history”.<sup>140</sup> These measures are according to the same source “difficult to neatly categorize” but the article has grouped them into “clusters, indicating how they will impact the functioning of the executive, legislative, and judicial branches, as well as democratic governance”:

*Executive branch: The president becoming stronger*

The duties of the prime minister would be subsumed under the office of the president, and the prime ministry would be abolished, transforming the parliamentary system into a presidential one. Unlike under the current system, the president would not have to be neutral—above politics and representing the whole nation (*article 7, amending article 101*). The president would also be able to issue decrees on political, social, and economic issues that would carry the force of law (*article 8, amending article 104*). These three measures would accord substantial powers to the president, as the president would assume the powers of both the head of government and head of state, and the legislature could therefore become a rubber stamp on the executive.

However, there are a couple of loopholes that could derail this process. First of all, there would be limits on the scope of presidential decrees: they could not contradict the fundamental and civil rights and responsibilities enshrined in the constitution (*articles 12, 13 and section IV*). Furthermore, the president could not overturn existing laws or decree a law in an issue-area where law by the parliament is required. If a decree contradicts the law, the law takes precedence, and the parliament could pass laws that override presidential decrees.

It may seem as if the legislature could then function as a restraining mechanism on the president; yet, it all depends on its composition. A parliamentary session requires 1/3 of its members to be present to make decisions, and needs an absolute majority (50 percent + 1) of the members present to vote in favor of a decision (*article 96*). This means that, if the president’s party controls a critical number of seats, the legislature could indeed become a rubber stamp. If the president’s party does not have an absolute majority, however, the parliament could technically be in a position to overturn the president’s decree. The general assumption is that, for the foreseeable future, the AKP *would* be able to secure an absolute majority—meaning that the legislature would likely not move to contradict the executive anyway.

Moreover, under the proposed system, the president could dissolve the parliament, but with an interesting twist: Since presidential and general elections would be held every five years and *simultaneously* (*article 4, amending Article 77*), the dissolution of the parliament would then technically mean the dissolution of the presidency. The parliament could either be dissolved by itself (with a 3/5 majority) or by the president (*article 11, amending article 116*). If the parliament moved forward on such a decision in the president’s second term, the incumbent could win a third mandate.

<sup>139</sup> Brookings Institution, [Referendum results risk further polarization in Turkey](#), 17 April 2017

<sup>140</sup> Brookings Institution, [The Turkish constitutional referendum, explained](#), 13 April 2017

If the package passes, the new system will enter into force in 2019, when the parliament's current term has ended. Erdoğan would then be able to stay at the helm until 2029, assuming he continues to win the popular vote, and if the parliament called for snap elections towards the end of his second term, his presidency could be extended until 2034. In that event, the current president would have been in power for more than three decades, a first in Turkish republican history.

If the president himself called for new elections in his second term, by contrast, he would not be able to serve a third term in office.

Another proposed amendment would allow the president to appoint one or multiple vice presidents—an office that does not exist under the 1982 constitution (*article 10, amending article 106*). The president would also have the power to establish and/or abolish ministries, appoint ministers and other senior officials—all of whom would operate without being subject to any legislative or judicial review, and would be accountable only to the president.

#### *Legislative branch: The parliament losing power*

The parliament's traditional function as a check-and-balance mechanism on the executive would be reduced. It would no longer be tasked with overseeing the council of ministers (*article 5, amending article 87*). Members' of parliament right to submit oral and written questions as a part of their auditing process would also be amended—with the MPs only allowed to put forward "written submission" (*article 6, amending article 98*) to the vice-presidents and the ministers, and not to the president. These would elevate the president above legislative scrutiny—a major and dramatic break from past practice.

Another change is that the parliament would need an absolute majority of its entire membership (50 percent + 1) to re-pass a bill that the president sent back to the parliament for reconsideration, whereas the current constitution allows the parliament to bypass the president's objections by a simple majority of a quorum (*article 16/C, amending article 89*). This would diminish the body's decisionmaking capacity, making it more difficult to move in a direction that is not sanctioned by the president.

The process of impeachment would also be conducted differently. The parliament could petition for an investigation into an alleged crime with an absolute majority; it would then need 3/5 backing to move forward with such a petition, instead of a simple majority. A 15-member commission would then be appointed to produce a report, which would need a 2/3 majority to be sent to the supreme court for a final review (*article 9, amending article 105*). As such, it would become much more cumbersome to take actions against the president.

#### *Judicial branch: More political appointees*

Under the current system, the president appoints four of the 22 members of the High Council of Judges and Prosecutors, a body responsible for appointing new judges and prosecutors as well as overseeing promotions. The revised system (*article 14, amending article 159*) would reduce the overall number to 13, and still require the president to appoint four members, while the parliament would appoint the remaining seven. These 11 members would be joined by the minister of justice and the minister's deputy; since the amendment package also allows the president to handpick his ministers, six members of the Council would be basically presidential appointees.

The 17 members of the Constitutional Court would be reduced to 15 (*article 16/D, amending Article 146/1*). Otherwise, the composition of the court would remain the same, with 12 of its members being appointed by the president and three of them by parliament. The parliament would select its appointees to these two bodies in two rounds, with the higher bar for the former requiring 3/5 majority and the latter an absolute majority of the total number of MPs.

If the new system were to pass, therefore, the president would select 18 of the 28 top-ranking members of the judiciary. If the president's party at least has a 3/5 majority in parliament, the judiciary may then be entirely aligned with the executive—or, effectively, the president himself. Undoubtedly, this would put a huge question mark on the independence of the judiciary, as it would not be subject to a parliamentary review process and report only to the president.<sup>141</sup>

In March 2017 the Venice Commission of the Council of Europe, its advisory body on constitutional matters, published its 'Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017', which can be accessed [here](#) for further detailed reference on the proposed changes to the

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<sup>141</sup> Brookings Institution, [The Turkish constitutional referendum, explained](#), 13 April 2017



Turkish Constitution. The Venice Commission concluded that “the substance of the proposed constitutional amendments represents a dangerous step backwards in the constitutional democratic tradition of Turkey. The Venice Commission wishes to stress the dangers of degeneration of the proposed system towards an authoritarian and personal regime. In addition, the timing is most unfortunate and is itself cause of concern: the current state of emergency does not provide for the due democratic setting for a constitutional referendum”.<sup>142</sup>

According to the organisation Article 19 the constitutional referendum grants President Erdogan “significant[...] increased presidential powers and enable[es] the Turkish authorities to further dismantle the current system of democratic checks and balances”.<sup>143</sup>

The International Institute for Strategic Studies additionally stated that “The amendments will enable the president to retain direct party affiliation while serving as both head of state and head of the executive. Among other powers, the president will be able to set the state budget, and freely appoint ministers and vice presidents with no veto granted to the Grand National Assembly of Turkey (TGNA). Diluted checks and balances will additionally ensure that the Turkish parliament cannot hold a vote of confidence against the president, while the president retains the ability to dissolve parliament at will”.<sup>144</sup>

Article 19 further noted that following the referendum results “President Erdogan again raised the prospect of re-introducing the death penalty, which could result in Turkey leaving the Council of Europe and could potentially be applied to those facing serious criminal charges on the basis of their expression”.<sup>145</sup> It further stated that “While most of the constitutional amendments brought about through this referendum will come into effect in 2019, the changes will immediately give President Erdogan increased authority over the High Council of Judges and Prosecutors, further cementing the domination of the executive over the judiciary”.<sup>146</sup>

Also see [3.j. Death penalty.](#)

## ii. Recent political developments in particular regarding changes affecting government structures:

### 1. Central Government

#### Pre-attempted coup situation

LegislationOnline provided the following overview:

The President is the Head of State and pursuant to Article 101 of the Constitution the Turkish Grand National Assembly (parliament) elects him or her for a term of seven years. The President is elected by an absolute majority of deputies by way of secret ballot (Art. 102 TC). The President may not be reelected.

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<sup>142</sup> Council of Europe, Venice Commission, [Turkey - Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017, adopted by the Venice Commission at its 110th Plenary Session \(Venice, 10-11 March 2017\), 13 March 2017](#), V. Conclusions, para. 133, p. 30

<sup>143</sup> Article 19, [Turkey: Concerns for freedom of expression deepen after referendum](#), 18 April 2017

<sup>144</sup> International Institute for Strategic Studies, [Turkey approves constitutional amendment](#), 17 April 2017

<sup>145</sup> Article 19, [Turkey: Concerns for freedom of expression deepen after referendum](#), 18 April 2017

<sup>146</sup> Article 19, [Turkey: Concerns for freedom of expression deepen after referendum](#), 18 April 2017

Legislative power is exercised by a 550-member parliament (“Grand National Assembly”) elected every five years on the basis of universal suffrage (Art.75, as amended and Art.77 TC). In order to participate in the distribution of seats a political party must obtain at least 10 per cent of votes cast at a national level, as well as a certain percentage of votes in the contested district, which percentage is calculated by means of a complex formula. The purpose of the afore described double threshold is to reduce the number of smaller parties in parliament, thus in turn reducing the likelihood of coalition governments.

Executive power is shared by and between the President and the Council of Ministers led by the Prime Minister. The President is vested with extensive powers of appointment and supervision. The Prime Minister and the Council of Ministers are responsible to the Parliament. In accordance with Art.109 of the Constitution, the Prime Minister is appointed by the President of Turkey from amongst the members of parliament. The ministers are nominated by the Prime Minister and appointed by parliament.

A special body called the State Supervisory Council comes within the composition of the executive. It is established by Art.108 of the Constitution and is attached to the Office of the Presidency of the Republic. Upon the request of the President, it is empowered to conduct all inquiries, investigations and inspections of all public bodies and organizations, all enterprises in which those public bodies and organizations share more than half of the capital, public professional organizations, employers’ associations and labour unions at all levels, and public benefit associations and foundations. However, the Armed Forces and the judiciary are not within the ambit of State Supervisory Council’s mandate.

Part three of the Constitution outlines the legislative process. Article 7 and 87 of the Constitution confer power on the parliament to enact, amend and repeal laws. The right of legislative initiative belongs to the parliament and the Council of Ministers (Art 88 TC). Whereas, the principles and procedure relating to the debating and drafting of bills and proposals of law in the Turkish Grand National Assembly, are regulated by Rules of Procedure (Art. 88 TC). According to Art.89 of the Constitution the President of the Republic is under the obligation to promulgate the laws adopted by parliament within fifteen days. The same article of the Constitution goes on to state that in the case that the President deems the law unfit for promulgation he or she may return it to parliament for further consideration together with a justification for the return (also within the fifteen day period). If the parliament adopts the returned bill in an unchanged form, the President is obliged to promulgate it. On the other hand, if the parliament amends the returned law, it may again be sent back by the President for further consideration. This procedure does not apply to the passing of bills concerning the budget, nor amendments to the Constitution. By virtue of Art.91, parliament may also empower the Council of Ministers to adopt decrees having the force of law. However, the fundamental rights, individual rights and duties encompassed by the First and Second Chapter of the Second Part of the Constitution and the political rights and duties listed in the Fourth Chapter cannot be regulated, amended or abolished by these types of decrees except during periods of martial law and states of emergency. States of emergency are declared by the Council of Ministers, under the chairmanship of the President and in consultation with the National Security Council and may not exceed the period of six months (Art. 120 TC). Decrees with the force of law enter into force on the day of their publication in the Official Gazette (Art. 91 TC).<sup>147</sup>

The Council of Europe’s Group of States against Corruption (GRECO) evaluation report on Turkey published in March 2016 provides a useful overview of Turkey’s parliamentary system:

- ❖ Council of Europe, Group of States against Corruption (GRECO), [\*FOURTH EVALUATION ROUND, Corruption prevention in respect of members of parliament, judges and prosecutors\*](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016

Turkey’s first direct presidential election was won by Recep Tayyip Erdogan, Turkey’s then prime minister, on 10 August 2014.<sup>148</sup> He managed to secure 51.79 percent of the votes.<sup>149</sup> According to Al

<sup>147</sup> LegislationOnline, [Turkey](#), Undated [Last accessed: 11 January 2017]

<sup>148</sup> Al Jazeera, [Erdogan wins Turkey's presidential election](#), 11 August 2014

<sup>149</sup> OSCE/ODIHR, [Republic of Turkey, Presidential Election 10 August 2014, OSCE/ODIHR Limited Election Observation Mission, Final Report](#), 18 November 2014, *Annex I: Final election results*, p. 26

Jazeera, “The presidency in Turkey has relatively more powers compared to similar parliamentary governments. The office has the power to promulgate laws or return them to the parliament for reconsideration, to call public referendums, to call new parliamentary elections, to appoint the prime minister, ministers and key bureaucrats”.<sup>150</sup>

On 12 April 2016 the Turkish National Assembly adopted a Constitutional Amendment “which provides that the principle of parliamentary inviolability is not applicable to files against Members of Parliament, which were pending at the moment when the amendment was adopted”, meaning that “immunity was lifted for all requests for the lifting of immunity that had been transmitted to the National Assembly by the date of the publication of the Amendment. By contrast, any cases that arrived after that date continue to be treated under the procedure set out in Articles 83 and 85 of the Constitution and the Rules of Procedure of the National Assembly”.<sup>151</sup> The European Commission’s ‘Turkey 2016 Report’ noted that “This piece of legislation, introduced by the ruling AKP, affected MPs from all parties but was widely seen as directed more particularly against the HDP as more than 350 cases were brought against 50 of its MPs. Individual members of Parliament unsuccessfully challenged the amendment in the Constitutional Court. Its implementation was put on hold after the attempted coup, except for cases involving the HDP. On 4 November, several Members of Parliament from the HDP, including the party’s two Co-Chairs, were detained and/or arrested on charges alleging support for terrorist activities”.<sup>152</sup>

The Venice Commission, Council of Europe’s constitutional law experts, found that:

the inviolability of these Members of Parliament should be restored. The Venice Commission is of the opinion that, in the current situation in Turkey, parliamentary inviolability is an essential guarantee for the functioning of parliament. The Turkish Grand National Assembly, acting as the constituent power, confirmed this by maintaining inviolability for future cases. The current situation in the Turkish Judiciary makes this the worst possible moment to abolish inviolability. [...]

Moreover, most of the files concerned by this abrogation relate to freedom of expression of Members of Parliament. [...]

The constitutional amendment of 12 April 2016 was an ad hoc, “one shot” ad homines measure directed against 139 individual deputies for cases that were already pending before the Assembly. Acting as the constituent power, the Grand National Assembly maintained the regime of immunity as established in Articles 83 and 85 of the Constitution for the future but derogated from this regime for specific cases concerning identifiable individuals while using general language. This is a misuse of the constitutional amendment procedure. [...]

The argument that dealing one by one with the cases against these deputies would have taken too long and would have unduly burdened the agenda of the Grand National Assembly is not convincing. Instead of simplifying the procedure of lifting immunity, the complex system was maintained but it was derogated for 139 deputies. The heavy workload of the Grand National Assembly does not justify singling out the cases relating to these deputies from all other cases brought before it before and after the adoption of the Amendment. This violates the principle of equality. In the opinion of the Commission, the system of parliamentary immunity in Turkey should not be weakened, but reinforced, in particular in order to ensure the freedom of speech of Members of Parliament.<sup>153</sup>

Further information on the treatment of politically active and elected Kurds can be found in section [7.a.ii. Treatment of political opponents](#) and [7.a.iii. Treatment of civil servants and government officials](#).

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<sup>150</sup> Al Jazeera, [Erdoğan wins Turkey's presidential election](#), 11 August 2014

<sup>151</sup> Council of Europe – Venice Commission, [Turkey: Opinion on the suspension of the second paragraph of Article 83 of the Constitution \(Parliamentary Inviolability\)](#), 14 October 2016, paragraphs 7 and 34

<sup>152</sup> European Commission, [COMMISSION STAFF WORKING DOCUMENT Turkey 2016 Report](#), 9 November 2016, 2.1. Democracy, page 11

<sup>153</sup> Council of Europe – Venice Commission, [Turkey: Opinion on the suspension of the second paragraph of Article 83 of the Constitution \(Parliamentary Inviolability\)](#), 14 October 2016, paragraphs 78-81

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights raised the following concern with regards to amendments to the Municipality Law introduced in the aftermath of the attempted coup:

The Commissioner has concerns about the fact that one of the emergency decrees introduced amendments to the Municipality Law, allowing the Turkish government to replace mayors or deputy mayors who have been dismissed or arrested for membership or aiding and abetting of a terrorist organisation, rather than allowing municipal councils to replace them or renewing the local elections at the earliest opportunity. This poses fundamental problems vis-à-vis principles of local democracy and is likely to create resentment in the local populations concerned, as it can be perceived as a collective sanction.<sup>154</sup>

Further information on changes to the Municipality Law can be found above in section [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#).

The European Commission's 'Turkey 2016 Report' noted with regards to law-making and oversight of the executive that in the aftermath of the attempted coup that "parliament's role [...] was limited" and that "The influence of the Committees on Human Rights Inquiry and on EU Harmonisation remained limited even on draft laws with a significant impact on fundamental freedoms. There was no progress on reforming parliamentary rules and procedures. Media accreditation and the rules for inviting stakeholders to committee meetings continue to be applied selectively. Parliamentary oversight of the executive remained weak. There was insufficient follow-up by the executive whenever Parliament uses instruments such as parliamentary questions and committees of inquiry. The work and reports of committees of inquiry received good media coverage; however, Parliament failed to set up committees of inquiry on some critical developments, including the rapid deterioration of the security situation. In the absence of a specialised committee with sufficient technical expertise to deal with reports from the Court of Accounts there was no improvement in parliamentary oversight of public spending".<sup>155</sup>

The Independent reported on 30 December 2016 that "A parliamentary commission has approved constitutional reforms that would substantially increase the powers of President Recep Tayyip Erdogan" giving him "executive power over Turkish law, allowing him to form a government independently of parliament and appoint his own aides, ministers and deputies, while abolishing the post of Prime Minister [...] The draft bill also permits the President to maintain ties with a political party, which is banned under the current constitution to maintain the principle of impartiality, while limiting leaders to two terms in office".<sup>156</sup> The U.S. Law Library of Congress provided the following overview on the approved amendments to the Constitution:

- Proposed changes affecting the presidency and the election system include:
- abolition of the prime ministry (id.);
  - ability of an elected president to maintain ties with his/her own party (id.);

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<sup>154</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Other considerations*, paragraph 45, p. 9

<sup>155</sup> European Commission, [COMMISSION STAFF WORKING DOCUMENT Turkey 2016 Report](#), 9 November 2016, 2.1. Democracy, pages 10-11

<sup>156</sup> The Independent, [Turkey slides towards authoritarian rule as commission approves plan to increase powers for President Erdogan](#), 30 December 2016

- election of the president by popular vote, from among persons “who have attained 40 years of age, have completed higher education and have the right to be elected deputies and are born Turkish nationals,” for up to two five-year terms (Comparison of 1982 Constitution to Changes Offered in New Package, DAILY SABAH (Dec. 31, 2016), with reference to proposed art. 7 of the amendment package), with the next general and presidential elections to be held on Nov. 3, 2019 (id. with reference to art. 17 of the package);
- authority of the president to make decisions by decree on the establishment and closing of ministries and organizations and to appoint senior public officials (Turkey Likely to Continue Discussing New Constitution in 2017, supra);
- authority of the president to declare a state of emergency (id.);
- holding of parliamentary and presidential elections every five years, on the same day (Comparison of 1982 Constitution to Changes Offered in New Package, supra);
- authority of Parliament to establish an investigative commission and launch impeachment proceedings against the president, with the signatures of 301 MPs needed to propose an investigation, 360 MPs (i.e., three-fifths) needed for the establishment of a commission, and a secret ballot of 401 MPs in favor needed for the proposed impeachment to be referred to the Supreme Court (Turkey Likely to Continue Discussing New Constitution in 2017, supra; Constitution Amendment Passed by Commission, BBC (Dec. 30, 2016) (in Turkish); and
- an increase in the number of MPs from 550 to 600, given the growing population (Turkey Likely to Continue Discussing New Constitution in 2017, supra); and
- a reduction in the minimum age for candidacy, in line with European practice, from 25 years of age to 18 (id.).

Other amendments would:

- decrease the size of the National Security Council (Milli Güvenlik Kurulu, MGK) (id.);
- remove the gendarmerie forces from the control of the MGK (id.);
- abolish the military high courts, in an effort to remove differing practices between the military and civil courts, thereby reducing the number of members on the Constitution Court to 15 because of the removal of the two members from the military courts (id.);
- authorize Parliament and the president to select members of the High Council of Judges and Prosecutors (Hakimler ve Savcılar Yüksek Kurulu, HSYK) in order, according to one news source, “to remove members of the Gülenist Terror Group (FETÖ) from within the judiciary” (id.);
- change the structure of the HSYK, reducing it from a 22-member to a 13-member body, seven elected by parliamentary vote and the remaining six selected by the president, and reducing the number of its chambers from three to two (id.);
- place the Turkish Armed Forces (Türk Silahlı Kuvvetleri, TSK) under civilian oversight through the State Supervisory Council (Devlet Denetleme Kurulu), which is led by the presidency (id.); and
- authorize the president, who is also the commander-in-chief,<sup>157</sup> to appoint the TSK’s chief of general staff (id.).<sup>157</sup>

The Independent further noted that “Parliamentary debate on the bill is due to begin in January, with a referendum to follow in spring if it garners the support of at least 330 deputies in the 550-seat assembly. If more than two thirds of members approve, the changes will be directly passed into law, but the prospect is considered unlikely as Mr Erdogan’s party holds only 317 seats”.<sup>158</sup>

Al Monitor, reporting on the parliamentary commission set up to investigate the political aspects of the attempted coup, stated that the commission, which was set up in October 2016 with lawmakers from all four parties in parliament “abruptly wrapped up its work at the behest of President Recep Tayyip Erdogan” in early December 2016 “without providing any real answers”.<sup>159</sup>

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<sup>157</sup> The Law Library of Congress, [Turkey: Parliamentary Commission Approves Amendments to Constitution that Would Enhance President’s Powers](#), 9 January 2017

<sup>158</sup> The Independent, [Turkey slides towards authoritarian rule as commission approves plan to increase powers for President Erdogan](#), 30 December 2016

<sup>159</sup> Al Monitor, [Turkey closes coup commission as key questions linger](#), 28 December 2016

## 2. Political parties

### Pre-attempted coup situation

The Council of Europe's Group of States against Corruption (GRECO) evaluation report on Turkey, published in March 2016, provided the following overview on Turkey's parliamentary system:

The Republic of Turkey is a parliamentary democracy with a written Constitution. The Grand National Assembly of Turkey (GNAT), Parliament, is a unicameral body given the legislative prerogatives by the Turkish Constitution. It is composed of 550 deputies. The members of parliament- deputies - are directly elected by popular vote every four years by equal suffrage and secret ballot (Constitution, Articles 75 and 77). Seats are allocated to political parties based on the principle of the d'Hondt system.<sup>160</sup>

Turkey held two parliamentary elections in 2015, one in June, which proved inconclusive, and one in November 2015.<sup>161</sup>

In June 2015 the "AKP of president Recep Tayyip Erdoğan failed to win an outright majority for the first time since taking power in 2002. And coalition talks with opposition parties didn't work out" reported The Guardian at the end of October 2015.<sup>162</sup>

The second parliamentary election took place on 1 November 2015 for which 16 parties and 21 independent candidates registered.<sup>163</sup> The OSCE/ODIHR Election Observation report noted that the Supreme Board of Elections (SBE) announced the final results on 12 November 2015, which were contested by the People's Democratic Party (HDP), claiming that the "electoral process was not free and fair".<sup>164</sup> According to the same source, the SBE "rejected all but two appeals".<sup>165</sup> The ruling AKP took 49.50 percent of the votes, followed by the CHP [Cumhuriyet Halk Partisi – Republican People's Party] with 25.32 percent.<sup>166</sup> The division of seats are as follows:

- Justice and Development Party (AKP): 317/550
- Republican People's Party (CHP): 133/550
- People's Democratic Party (HDP): 59/550
- Nationalist Movement Party (MHP): 40/550
- Independent candidate: 1/550.<sup>167</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

<sup>160</sup> Council of Europe, Group of States against Corruption (GRECO), [FOURTH EVALUATION ROUND, Corruption prevention in respect of members of parliament, judges and prosecutors](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016, III. CORRUPTION PREVENTION IN RESPECT OF MEMBERS OF PARLIAMENT, Overview of the parliamentary system, paragraph 17, p. 9

<sup>161</sup> The Guardian, [Turkey election 2015: a guide to the parties, polls and electoral system](#), 28 October 2015

<sup>162</sup> The Guardian, [Turkey election 2015: a guide to the parties, polls and electoral system](#), 28 October 2015

<sup>163</sup> OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, I. Executive Summary, p. 1

<sup>164</sup> OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, I. Executive Summary, p. 1

<sup>165</sup> OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, I. Executive Summary, p. 1

<sup>166</sup> OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, Annex I: Final election results, p. 24

<sup>167</sup> The Grand National Assembly of Turkey, [Allocation of seats according to political parties](#), Undated [Last accessed: 23 November 2016]

Amongst the sources consulted within the time frame for this research, no specific information was found on proposed changes to the structure and set up of political parties following the attempted coup. However, information included in section [5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan and their family members since the attempted Coup d'état](#) highlight the pre- and post- attempted coup situation for perceived and actual opponents of the current government, and section [7. a. Kurds, ii. Treatment of political opponents](#) specifically highlights the situation for Kurdish politicians.

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In May 2017 Turkey's ruling party, the Justice and Development Party (AKP), reappointed President Recep Tayyip Erdogan, the only candidate, as it as its leader and to replace Prime Minister Binali Yildirim as chairman.<sup>168</sup> According to the same article “Erdogan, who founded the Islamist-rooted AKP in 2001 and led it to an election victory a year later, had to give up its leadership three years ago when he was elected president, a position traditionally above party politics. But that changed with the April 16 referendum in which Turks narrowly backed constitutional changes creating an executive presidency with sweeping new powers. Allowing the head of state to be a party member or leader was among the reforms”.<sup>169</sup>

### **3. Legal and judicial institutions**

This section should be read in conjunction with section [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#), [1.a.i.2.m. Decrees of 29 April 2017 \(KHK/689 and 690\)](#), and [1.a.5. 16<sup>th</sup> April 2017: Constitutional Referendum](#).

For information on how the institutions operate in practice, see section [2. Rule of law / Administration of Justice](#)

#### Pre-attempted coup situation

LegislationOnline provided the following overview:

Judicial power is exercised by the courts. The judicial system comprises of a Constitutional Court which is responsible for judicial review of legislation and the Rules of Procedure of the parliament (Art. 148 TC), a Council of State serving as the high administrative and appeals court (Art. 155 TC), and the Accounts and Military Court of Appeal (Art. 156 TC). Supervision over the judiciary is performed by th [sic] High Council of Judges and Prosecutors, appointed by the President of the State.<sup>170</sup>

The Council of Europe’s Group of States against Corruption (GRECO) evaluation report on Turkey, published in March 2016, provided the following overview on Turkey’s judicial system:

The judicial system in Turkey is regulated in the Constitution (Part 3, Chapter 3) and several laws (in particular, the Law on Judges and Prosecutors (LJP), the Law on the High Council of Judges and Prosecutors (LHCJP) and the Law on Establishment, Duties and Capacities of the First Instance Courts, Regional Courts of Appeal in Civil Jurisdiction).

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<sup>168</sup> Radio Free Europe/Radio Liberty, [Erdogan Reappointed Leader Of Turkey's Ruling AKP Party](#), 21 May 2017

<sup>169</sup> Radio Free Europe/Radio Liberty, [Erdogan Reappointed Leader Of Turkey's Ruling AKP Party](#), 21 May 2017

<sup>170</sup> LegislationOnline, [Turkey](#), Undated [Last accessed: 11 January 2017]

The judiciary consists of professional career judges and prosecutors. Judges and prosecutors belong to a single professional corpus, governed by the High Council for Judges and Prosecutors (HCJP) and are, to a large extent, governed by the same rules, including those relating to recruitment, career, integrity and disciplinary accountability.<sup>171</sup>

More detailed background information can be found in the remainder of the report, including a useful diagram on page 26:

- ❖ Council of Europe, Group of States against Corruption (GRECO), [FOURTH EVALUATION ROUND, Corruption prevention in respect of members of parliament, judges and prosecutors](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016

The International Commission of Jurists reported in June 2016 that “Since 2014, there have been a series of alarming developments affecting the institutions of the Turkish judicial system, including retrogressive amendments to the legislative framework, increased executive control in practice of the governing institutions of the judiciary and prosecution service; the arrest, dismissal and arbitrary transfer of judges and prosecutors; and recurring instances of violence and threats against lawyers. There are strong indications that, taken together, these measures may amount to a concerted attack on the independence of the judiciary, prosecution and legal profession, whose integrity and effectiveness is essential to the operation of the Turkish justice system and to the maintenance of the rule of law”.<sup>172</sup>

The U.S. Department of State reported in its annual report covering 2015 that “the Supreme Board of Judges and Prosecutors (HSYK) [...] selects judges and prosecutors and is responsible for court oversight”.<sup>173</sup> The same source further noted in relation to so-called ‘penal judges of peace’ courts that “While ‘specially authorized courts’ were abolished in 2014, the government subsequently created new ‘penal judges of peace’ courts with the authority to decide on issuance of arrest and search warrants, seizure of property, and detentions during the investigative phase of a single case; appeal from peace court rulings is limited to other judges within the peace courts. Critics charged the new system grants extraordinary powers to judges, that many of the appointed judges were progovernment, and that the new courts simply replaced the abolished special courts”.<sup>174</sup> Amnesty International in its annual report covering 2015 found that “Criminal Courts of Peace – with jurisdiction over the conduct of criminal investigations, such as pre-charge detention and pre-trial detention decisions, seizure of property and appeals against these decisions – came under increasing government control”.<sup>175</sup>

The Council of Europe issued a report in June 2016 on the ‘functioning of democratic institutions in Turkey’ and found “worrying developments with respect to the rule of law and the independence of the judiciary”, bolstering the perception that “the justice system is State controlled, as shown by the adoption of amendments to the Turkish Criminal Code and Code of Criminal Procedure and, in particular, the restructuring of the Supreme Council of Judges and Prosecutors”.<sup>176</sup>

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<sup>171</sup> Council of Europe, Group of States against Corruption (GRECO), [FOURTH EVALUATION ROUND, Corruption prevention in respect of members of parliament, judges and prosecutors](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016, *IV. CORRUPTION PREVENTION IN RESPECT OF JUDGES Overview of the judicial system, paragraphs 95 and 96, p. 25*

<sup>172</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Introduction p.3*

<sup>173</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 1. e. Denial of Fair Public Trial*

<sup>174</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 1. e. Denial of Fair Public Trial*

<sup>175</sup> Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background, p. 369*

<sup>176</sup> The Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, *5. Functioning of the judiciary, paragraph 60, p. 22*



### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following the attempted coup, the International Bar Association reported on 27 July 2016 that it “understands that under a new law, there will be fewer judges, and that new appointments will be carried out by the High Council of Judges and Prosecutors, which operates under the mandate of the Justice Ministry. Also, the new law provides that 25 per cent of members of the Council of State – Turkey’s highest administrative court – are to be presidential appointments and that all existing members of the Supreme Court and Council of State are to be dismissed and new ones appointed in pursuance with the new legislative framework”.<sup>177</sup>

Human Rights Watch reported that “In a September 1 decree [KHK 672, 673 and 674] the government dissolved all the current prison monitoring boards whose members are appointed by justice commissions operating in provincial courthouses. The decree instructs that the boards be reestablished from scratch”.<sup>178</sup>

The European Commission’s ‘Turkey 2016 Report’ noted with regards to process to the constitutional reform that “In the aftermath of the attempted coup, a commission set up by AKP and opposition parties CHP and MHP, with the exception of HDP, came to a consensus on a number of constitutional changes, particularly on restructuring judicial bodies. These changes are yet to be adopted”.<sup>179</sup> The same source further noted that:

there has been backsliding in the past year in particular in the judiciary. Throughout the reporting period judges and prosecutors continued to be under strong political pressure. Many were dismissed and in some cases arrested, on allegations of conspiring with the Gülen movement. This situation worsened further after the July coup attempt, with the dismissal of one fifth of the judges and prosecutors, which represents a significant challenge to the overall functioning of the judiciary. The recent legal changes to the structure and composition of high courts are a source of serious concern and undermine the independence of the judiciary and the principle of the separation of powers. The track record on anti-corruption remained insufficient, most notably in high-level cases. Corruption remains prevalent in many areas and continues to be a serious problem. On fundamental rights, implementation of the action plan on preventing violations of the European Convention on Human Rights (ECHR) remained limited.<sup>180</sup>

The International Commission of Jurists added that “Restructuring of the Court of Cassation and the Council of State, under legislation adopted in July, has required the reappointment of all judges of these courts. New judges have been appointed rapidly, through procedures that lack transparency, and in the context of strong executive influence over the appointment process in the HSYK”.<sup>181</sup> The same source further found that “These measures have eroded the separation of powers in Turkey and have seriously undermined the independence of the judiciary at every level, compromising the courts’ ability to provide fair trials or an effective remedy for violations of human rights. The impact

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<sup>177</sup> International Bar Association, [IBA calls for end to dismantling of judiciary, and reinstatement of judges in Turkey](#), 27 July 2016

<sup>178</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *No monitoring of places of detention*, p. 25

<sup>179</sup> European Commission, [COMMISSION STAFF WORKING DOCUMENT Turkey 2016 Report](#), 9 November 2016, 2.1. Democracy, page 10

<sup>180</sup> European Commission, [COMMISSION STAFF WORKING DOCUMENT Turkey 2016 Report](#), 9 November 2016, 4.23. Chapter 23: Judiciary and fundamental rights, pages 62-63

<sup>181</sup> International Commission of Jurists, [Turkey: emergency measures have gravely damaged the rule of law](#), 6 December 2016

of this situation on the protection of human rights goes beyond what can be justified under the state of emergency.<sup>182</sup>

With regards to talks of establishing so-called special 'coup courts' to deal with those being investigated and arrested following the attempted coup, Deutsche Welle provided the following summary in October 2016:

In early September, it became known that the Supreme Board of Judges and Prosecutors (HSYK) wanted to establish so-called "coup courts" in Ankara, Izmir and Istanbul for trials related to the events of July 15. The press reported that the HSYK had prepared an enabling regulation to this effect. However, Justice Minister Bekir Bozdag stated that it was not necessary to create special courts to try the rebels, saying: "It is clear which courts will litigate against those who perpetrated the attempted coup." Bozdag also said that the plan was to build huge courtrooms for the trials, with tens of thousands of defendants. The construction of a courtroom for 900 people on the grounds of Ankara's Sincan prison is currently ongoing: Work will soon be completed. [...]

At the parliamentary party meeting on October 4, Prime Minister Binali Yildirim said that the trials held in the "coup courts" would be conducted swiftly. He also emphasized that efforts were being made to make the courts' work easier, given that many public prosecutors and judges had been suspended. [...]

The lawyers DW has spoken to say it is not easy to bring a trial to a swift conclusion when more than 30,000 people have been imprisoned and tens of thousands taken into police custody. The government has frequently talked about "setting up special courts," but the jurists say that, according to universal legal standards, this is unacceptable.[...]

According to the lawyer Ergin Cinmen, not even the public prosecutors due to interrogate the suspected perpetrators of the coup know how the courts are meant to handle these trials.<sup>183</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Reuters reported in May 2017 that "Turkish lawmakers elected seven members to a reshaped judicial authority [...] part of a constitutional overhaul backed by a referendum last month that considerably expands the powers of President Tayyip Erdogan [...] The two largest opposition parties, who say the April 16 referendum was marred by possible fraud, boycotted the overnight vote in parliament appointing seven members to a redesigned, 13-strong Council of Judges and Prosecutors (HSK) - all candidates of the ruling AK Party and its nationalist MHP ally. The council oversees the appointment, promotion, transfer, disciplining and dismissal of judges and prosecutors".<sup>184</sup> Previously, the judiciary "appointed most of the HSK members but following the referendum parliament now picks seven and Erdogan a further four. The other two members of the board are the justice minister and ministry undersecretary".<sup>185</sup>

#### **4. The prison service**

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

The Hurriyet Daily News reported in February 2017 that the following new regulations were introduced in order to create space in closed prisons for arrested perceived Gulen supporters and activists:

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<sup>182</sup> International Commission of Jurists, [Turkey: emergency measures have gravely damaged the rule of law](#), 6 December 2016

<sup>183</sup> Deutsche Welle, [Countdown for 'coup courts' has started in Turkey](#), 9 October 2016

<sup>184</sup> Reuters, [Turkish MPs elect judicial board under new Erdogan constitution](#), 17 May 2017

<sup>185</sup> Reuters, [Turkish MPs elect judicial board under new Erdogan constitution](#), 17 May 2017

- Inmates with total prison terms below 10 years will remain in closed prisons for one month and will later be transferred to open prisons;
- Inmates with sentences over 10 years will serve one tenth of their terms in a closed prison and later be sent to an open one;
- Inmates who are given solitary confinements five times would have to wait for a year (compared to previously three years) before being transferred to an open prison after the punishments were lifted;
- Inmates who are sent back to closed prisons from open ones due to disciplinary penalties will be able to move back to open prisons if authorities observe that they do not hold a risk of escaping. Previously these inmates were able to move back to open ones six months after their punishments were lifted. For those who were sent back multiple times, the waiting time was one year.<sup>186</sup>

## 5. Civil service and government ministries

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#) and [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#).

### Pre-attempted coup situation

In its April 2016 National Integrity Assessment on Turkey, Transparency International Turkey explained with regards to the structure and organisation of the public sector that:

The Law No. 657 on Civil Servants regulates the service, appointment, and promotion requirements of civil servants, in addition to their rights and responsibilities. Simultaneously, there are specific laws and regulations concerning finance, audit, ethics, asset declarations, access to information, and public procurement issues in the public sector.

The Parliamentary Commission for Petitions, Parliamentary Commission for Human Rights, Board of Review of Access to Information, Turkish Grand National Assembly (TBMM), Prime Ministry Communication Center, the Council of Ethics for Public Service, and Ombudsman are the basic institutions to lodge complaints and access to information on the public sector. In addition, several public institutions have their own complaint or information request mechanisms on their website.

The Public Procurement Authority is in charge of policy-making, supervision, providing training and operational support to contracting authorities, publishing tender notices and informing the economic operators.<sup>187</sup>

The same source further considered that:

Turkey's public sector has adequate resources to carry out its duties effectively. However, laws do not cover all aspects of the independence of civil servants, resulting in widespread external interference and favoritism (i.e. clientelism, nepotism).

The establishment of the Prime Minister's Office's Communication Center (BİMER) in 2006, the Council of Ethics for Public Service in 2004, and the Ombudsman in 2012 have contributed to the progress in transparency and accountability. The enactment of related legal provisions has reinforced this progress to a certain extent with stricter controls.

Nevertheless, in practice, institutional deficiencies are still significant. Despite a comprehensive legal framework ensuring the integrity of public sector employees, bribery and receiving gifts are still matters of concern. Furthermore, the public sector's efforts in raising awareness and cooperation with civil society and business on anti-corruption activities are almost non-existent. Due to numerous amendments to the Public Procurement Law, procurement processes are also highly vulnerable to corruption.

<sup>186</sup> Hurriyet Daily News, [Some inmates to get better conditions after overpopulation in Turkish jails due to Gülen case arrests](#), 23 February 2017

<sup>187</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 5. Public Sector, Structure and organisation, p.102

Many legal provisions, Law No. 4483 on the Prosecution of Civil Servants in particular, are obstacles to the accountability of civil servants. Requirements of approval and decision processes on the prosecution of public officials is a source of concern; in the case of human rights violations, in practice, the regulations grant the public official immunity from investigation.<sup>188</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

The following list of government ministers was provided by the CIA's 'Chiefs of State and Cabinet Members of Foreign Governments' list, [last updated on 8 November 2016]:

Pres.	Recep Tayyip ERDOGAN
Prime Min.	Binali YILDIRIM
Dep. Prime Min.	Nurettin CANIKLI
Dep. Prime Min.	Veysi KAYNAK
Dep. Prime Min.	Numan KURTULMUS
Dep. Prime Min.	Mehmet SIMSEK
Dep. Prime Min.	Yildirim Tugrul TURKES
Min. of Culture & Tourism	Nabi AVCI
Min. of Customs & Trade	Bulent TUFENKCI
Min. of Development	Lutfi ELVAN
Min. of Economy	Nihat ZEYBEKCI
Min. of Energy & Natural Resources	Berat ALBAYRAK
Min. of Environment & Urbanization	Mehmet OZHASEKI
Min. of EU Affairs	Omer CELIK
Min. of Family & Social Policies	Fatma Betul SAYAN KAYA
Min. of Finance	Naci AGBAL
Min. of Food, Agriculture, & Livestock	Faruk CELIK
Min. of Foreign Affairs	Mevlut CAVUSOGLU
Min. of Forestry & Water Affairs	Veysel EROGLU
Min. of Health	Recep AKDAG
Min. of Interior	Suleyman SOYLU
Min. of Justice	Bekir BOZDAG
Min. of Labor & Social Security	Mehmet MUEZZINOGLU
Min. of National Defense	Fikri ISIK
Min. of National Education	Ismet YILMAZ
Min. of Science, Industry, & Technology	Faruk OZLU
Min. of Transport, Maritime Affairs, & Communications	Ahmet ARSLAN
Min. of Youth & Sports	Akif Cagatay KILIC
Governor, Central Bank	Murat CETINKAYA
Ambassador to the US	Serdar KILIC
Permanent Representative to the UN, New York	Feridun Hadi SINIRLIOGLU <sup>189</sup>

Information included in section [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#) describes the purge of civil servants that has taken place following the attempted coup.

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

<sup>188</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 5. Public Sector, Overview, p.100

<sup>189</sup> CIA, [Chiefs of State and Cabinet Members of Foreign Governments: Turkey](#), Last updated 8 November 2016

On 19<sup>th</sup> July 2017 Anadolu Agency reported that “Turkey reshuffled its Cabinet with five new ministers” and six ministers being given new portfolios.<sup>190</sup> The new Cabinet is as follows:

Prime Minister Binali Yildirim  
Deputy prime ministers Bekir Bozdog (former justice minister)  
Mehmet Simsek  
Fikri Isik (former defense minister)  
Recep Akdag (former health minister)  
Hakan Cavusoglu

Other ministers

Justice Minister Abdulhamit Gul  
Family and Social Policies Minister Fatma Betul Sayan Kaya  
European Union Minister Omer Celik  
Science, Industry and Technology Minister Faruk Ozlu  
Labor and Social Security Minister Julide Sarieroglu  
Environment and Urban Planning Minister Mehmet Ozhaseki  
Economy Minister Nihat Zeybekci  
Foreign Minister Mevlut Cavusoglu  
Energy and Natural Resources Minister Berat Albayrak  
Youth and Sports Minister Osman Askin Bak  
Food, Agriculture and Livestock Minister Ahmet Esref Fakibaba  
Customs and Trade Minister Bulent Tufenkci  
Interior Minister Suleyman Soylu  
Development Minister Lutfi Elvan  
Culture and Tourism Minister Numan Kurtulmus (former deputy PM)  
Finance Minister Naci Agbal  
National Education Minister Ismet Yilmaz  
National Defense Minister Nurettin Canikli (Former Deputy PM)  
Forestry and Water Affairs Minister Veysel Eroglu  
Health Minister Ahmet Demircan  
Transport, Maritime and Communication Minister Ahmet Arslan<sup>191</sup>

In August 2017 Al Monitor reported on the removal of Mehmet Gormez, a Turkish cleric from his post as head of the Directorate of Religious Affairs (Diyanet), a government department that runs more than 85,000 mosques.<sup>192</sup>

Information included in section [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#) describes the purge of civil servants that has taken place following the attempted coup.

## 6. Educational institutions, including Universities

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#), [3.c. Access to education](#), [6.c. Teachers, education ministry officials, university deans and academia in general](#), and [7.a.iii. Treatment of civil servants and government officials](#).

### Pre-attempted coup situation

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<sup>190</sup> Anadolu Agency, [Anadolu Agency: Turkish premier announces major Cabinet reshuffle](#), 19 July 2017

<sup>191</sup> Anadolu Agency, [Anadolu Agency: Turkish premier announces major Cabinet reshuffle](#), 19 July 2017

<sup>192</sup> Al Monitor, [Why Erdogan fired Turkey's top cleric](#), 4 August 2017

Human Rights Watch noted in a November 2015 report that “Turkey has established a right to education in its own law. Article 42 of the Constitution of the Turkish Republic states that ‘[n]o one shall be deprived of the right of learning and education,’ and ‘Primary education is compulsory for all citizens of both sexes and is free of charge in state schools.’ In 2012, Turkey’s Grand National Assembly passed an education reform bill that extended the length of compulsory education from 8 years to 12 years”.<sup>193</sup>

A June 2016 report by the International Federation for Human Rights provided an overview on the legal framework pertaining to the right to education:

Although “primary education” was initially defined as 5 years of elementary school, in 1997, Law n°4306 on the modifications of the National Education Principle Law n°1739 changed it to include elementary as well as middle school, thereby extending the span of compulsory “primary education” to 8 uninterrupted years. In 2012, Law N°6287 extended compulsory education to 12 years under the “4+4+4” scheme.<sup>194</sup>

The US Department of State annual report on human rights in 2015 covers the legal and de facto situation regarding access to education:

The system, generally referred to as “4+4+4,” divides education into three four-year periods. After the first four years of mandatory elementary education, students can choose to attend general middle school or religious-vocational middle schools, called Imam Hatip schools. The law also allows parents to homeschool their children starting in the fifth grade.

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally used in their daily lives, on the condition that the schools are subject to the provisions in the Private Educational Institutions Act and inspected by the Ministry of National Education. Although Kurdish is officially allowed in private education and in public discourse, the government did not extend permission for Kurdish-language instruction to public education.<sup>195</sup>

In an October 2015 report, Minority Rights stated with regards to the legal framework pertaining to education that:

The Basic Law of National Education refers to the education system as ‘Turkish national education’, thus excluding people in the country who hold to identities other than ‘Turkish’. The aim of the ‘Turkish national education system’ is described in article 2 of the law as follows:

‘The general goals of Turkish National Education are: (Amended: 16/6/1983 - 2842/Art. 1) To raise all individuals as citizens who are committed to the principles and reforms of Atatürk and to the nationalism of Atatürk as expressed in the Constitution, who adopt, protect and promote the national, moral, human, spiritual and cultural values of the Turkish Nation, who love and always seek to exalt their family, country and nation, who know their duties and responsibilities towards the Republic of Turkey which is a democratic, secular and social state governed by the rule of law, founded on human rights and on the tenets laid down in the preamble to the Constitution, and who have internalized these in their behaviours.’<sup>196</sup>

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<sup>193</sup> Human Rights Watch (HRW), [‘When I Picture My Future, I See Nothing’: Barriers to Education for Syrian Refugee Children in Turkey](#), November 2015, pp. 54-56

<sup>194</sup> International Federation for Human Rights (FIDH), [Submission To The Committee On The Elimination Of Discrimination Against Women, 64th Session – 4/22 July 2016, by the Human Rights Association \(IHD\) And FIDH](#), June 2016, p. 5

<sup>195</sup> US Department of State (USDOS), [Country Report on Human Rights Practices 2015 - Turkey](#), 13 April 2016, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

<sup>196</sup> Minority Rights, [Discrimination based on Colour, Ethnic Origin, Language, Religion and Belief in Turkey’s Education System](#), 27 October 2015, p. 20

The US Department of State International Religious Freedom annual report covering 2015 noted that “The law requires 12 years of compulsory education, including elementary, intermediate, and secondary school. Religion classes are compulsory, with two hours per week for students in grades four through eight and one hour per week for students in grades nine through 12. Students who are part of a recognized religious minority may apply for an exemption. Members of recognized non-Muslim religious groups are legally allowed an exemption from religious instruction. No exemptions are allowed for atheists, agnostics, Alevi or non-Sunni Muslims, Bahais, or Yezidis. Islamic religious courses may also be taken as electives for two hours per week in middle school during regular school hours”.<sup>197</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

In an article dating 26 July 2016, Human Rights Watch reported that “The July 23, 2016 decree orders the closure of thousands of private educational institutions, hospitals, and clinics, and associations allegedly linked to a movement inspired by Fethullah Gülen, a cleric the government blames for a violent coup attempt on July 15-16. [...] The decree identifies 35 private health clinics and hospitals; 1,043 private schools and student hostels; 1,229 foundations and associations; 15 private universities; and 19 trade unions, federations, and confederations for closure”.<sup>198</sup>

Amnesty International reported in a 29 July 2016 article that following the failed coup attempt “Over 1,000 private schools and educational institutions have been closed and 138,000 school children will have to be transferred to state schools”.<sup>199</sup>

Bianet reported on 3 August 2016 that “There are 109 public, 76 foundation, and eight foundation vocational school making 193 universities in total. The YÖK [Council for Higher Education] has closed 15 universities” at which 64,533 out of 6,689,185 students studied.<sup>200</sup>

On 5 October 2016 Hurriyet Daily News reported that “Turkish President Recep Tayyip Erdoğan has appointed a history professor, Erhan Afyoncu, as the rector of the National Defense University, a newly founded institution gathering together former military academies which were closed with a decree law”.<sup>201</sup> The source further noted that

The university will be tied to a rector and will feature institutions that will educate staff officers and provide graduate-level education, operate Land Force, Navy Force and Air Force schools, non-commissioned officer colleges and non-commissioned officer vocational schools for higher education. The Defense Ministry will be tasked with executing all administrative aspects of the institutions as it will appoint heads for the institutes, hire the necessary academic personnel and regulate admission conditions.

Erdoğan also announced a decision to close down current military schools, including military high schools, so that all students from various high schools are able to enter military education institutions under the roof of the National Defense University.<sup>202</sup>

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<sup>197</sup> US Department of State (USDOS), [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Section II. Status of Government Respect for Religious Freedom*

<sup>198</sup> Human Rights Watch, [Turkey: Rights Protections Missing From Emergency Decree](#), 26 July 2016

<sup>199</sup> Amnesty International, [Turkey: Intensified crackdown on media increases atmosphere of fear](#), 29 July 2016

<sup>200</sup> Bianet, [Closed Universities in Numbers](#), 3 August 2016

<sup>201</sup> Hurriyet Daily News, [President Erdoğan appoints rector to newly-founded National Defense University](#), 5 October 2016

<sup>202</sup> Hurriyet Daily News, [President Erdoğan appoints rector to newly-founded National Defense University](#), 5 October 2016

## Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Education International, the “world’s largest, most representative global, sectoral organisation of unions with more than thirty-two million trade union members in about four hundred organisations in one hundred and seventy countries and territories”<sup>203</sup>, reported in August 2017 that “Turkey’s authorities plan to undertake a fundamental change to its school curriculum in a clear move away from secularism. The government has announced that evolution theory will be removed from the lesson plans [...] Simultaneously, concepts from the Islamic worldview such as jihad (Yilmaz specified that this was a concept that could be understood as the love towards one’s nation) will be taught to primary and secondary school pupils”.<sup>204</sup>

## **7. Hospitals / health care structures**

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#), [3.d. Access to health](#), and [6.q.iii. Health workers](#).

### Pre-attempted coup situation

A 2015 report from the World Health Organisation provides an overview of Turkey’s progress in healthcare stating that “The health system was in poor shape when the new Minister of Health, Professor Recep Akdağ, took office on 18 November 2002. Health indicators, such as life expectancy and infant mortality, were among the lowest in the WHO European Region and out-of-pocket expenditure was high. Not surprisingly, the population rated their satisfaction with the health system very low. Ten years later, the health system had been transformed and all aspects of health system performance had improved sharply from health indicators to financial protection to population satisfaction”.<sup>205</sup>

The same report further notes that:

Life expectancy at birth had increased from 72.5 (in 2002) to 76.8 years (in 2012), an increase of 5.9%; maternal mortality had dropped from 64.0 to 15.4 per 100 000 live births between 2002 and 2012, a decline of more than 75%. Infant and under 5 mortality rates had also fallen sharply, allowing Turkey to meet the Millennium Development Goal to reduce child mortality before the 2015 target date. Domestic measles and malaria had been virtually eliminated, and the incidence of tuberculosis had been reduced from 27.3 to 18.7 per 100 000 population. Smoking rates (daily smokers) had also declined by more than 25%. Equally impressive is the tremendous increase in general satisfaction with health services, which may be a reflection of the increased health care utilization during this period. Total per capita visits to a physician (at all levels of care and across all sectors) rose by 164.5%. This increase in utilization was enabled in part by a major investment made in human resources, which rose by an estimated 84.5%.<sup>206</sup>

A World Bank report dating May 2016 stated that “Universal health insurance (UHI) is compulsory in Turkey; everyone has to be insured either as an insurance holder or a dependent. Benefits include

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<sup>203</sup> Education International, [About Education International](#), Last edited: 16 June 2017 [Last accessed: 21 September 2017]

<sup>204</sup> Education International, [Turkey: Threat of curriculum manipulation to replace science with Islamic worldview](#), Last edited: 8 August 2017 [Last accessed: 21 September 2017]

<sup>205</sup> World Health Organisation (WHO), [Strategic planning for health: a case study from Turkey](#), 2015, p. 2

<sup>206</sup> World Health Organisation (WHO), [Strategic planning for health: a case study from Turkey](#), 2015, p. 2



medical as well as dental treatments, including preventive health care, emergency care, inpatient and outpatient consultations and treatment, laboratory work, rehabilitation, and other services”.<sup>207</sup>

A September 2016 US Social Security Administration report documented the facilities provided under the healthcare system in Turkey stating that:

Health care facilities provide medical services to patients under an agreement with the Social Security Institution. Benefits include medical treatment, including preventive care; maternity care, laboratory service, surgery, and hospitalization; vision, hearing, and dental care; assisted reproductive services; transplants; medicine; transportation; and a daily allowance and expenses for a companion when seeking care abroad. Cost sharing: No copayment for general care or hospitalization. The insured pays 5 liras for outpatient specialist care in public hospitals; 12 liras in private hospitals. Certain prescription drugs are fully reimbursed for certified chronic conditions and emergency room visits. The insured pays 20% (10% if a pensioner) of the cost of all other prescription drugs. The reimbursement payment for prescription drugs is usually based on the least expensive available brand, but the insured may opt to pay the difference for a more expensive brand.<sup>208</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Hurriyet Daily News reported that as part of the third emergency decree’s provision “GATA [Gülhane Military Hospital], military hospitals and TSK [Turkish Armed Forces] health service units” have been transferred to the “health Ministry”.<sup>209</sup>

Hurriyet Daily News further reported on 28 August 2016 that “A total of 32 military hospitals and one rehabilitation and care center directorate in 26 provinces across Turkey were officially brought under the control of the Health Ministry on Aug. 26, as a part of the restructuring process within the military following the failed coup attempt of July 15, state-run Anadolu Agency has reported”.<sup>210</sup>

Hurriyet Daily News reported on 2 October 2016 that “Military doctors will receive education at civilian medical schools as part of new regulations introduced after the July 15 failed coup attempt”, which means that “200 to 250 military soldiers and nurses will receive education in civilian medical faculties as military students. Military doctors and nurses will still be assigned to fronts, ships and army bases”.<sup>211</sup>

On 5 October 2016 Al-Monitor reported on changes made by the government to the military medical system after the attempted coup

The Turkish government is following through on its radical decision to totally dismantle the military medical network of about 900 doctors and more than 4,000 military nurses and paramedical personnel. Under the state-of-emergency decree issued July 31, two weeks after an attempted coup, the 125-year-old Gulhane Military Medical Academy (GATA) in Ankara and 33 other military hospitals in different parts of Turkey were transferred to the jurisdiction of the civilian Ministry of Health. The medical needs of the Turkish Armed Forces (TSK) will be handled by the civilian medical system.

[...]

According to Minister of Health Recep Akdag, such reports are malicious fabrications. The military medical system was abolished, he said, for three reasons. First was the necessity of cleansing the

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<sup>207</sup> World Bank, [Assessing benefit portability for international migrant workers: a review of the Germany-Turkey bilateral social security agreement](#), 01 May 2016, p. 21

<sup>208</sup> US Social Security Administration, [Social Security Programs Throughout the World: Europe](#), 2016, September 2016, p. 4

<sup>209</sup> Hurriyet Daily News, [Anti-Gülen operation spreads to Turkey’s largest military hospital](#), 2 August 2016

<sup>210</sup> Hurriyet Daily News, [32 military hospitals officially brought under control of Health Ministry](#), 28 August 2016

<sup>211</sup> Hurriyet Daily News, [Military doctors to get education at civilian medical schools in Turkey](#), 2 October 2016

system of Gulenists, whom Ankara blames for the attempted coup. Second is an unproductive system, and third is low occupancy rates in military hospitals despite enormous investments made in them.<sup>212</sup>

Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

No COI was found amongst sources consulted reporting on any changes in relation to hospitals / health care structures

**b. Overview of changes to the security forces:**

**i. General information on the reported changes affecting the:**

**1. Police**

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.n. Decree of 22 June 2017 \(KHK/691\)](#) and [6.a. Police officers and intelligence officials](#).

Pre-attempted coup situation

The U.S. Department of State reported in its annual report covering 2015 that “The TNP [Turkish National Police], under the control of the Ministry of Interior, was responsible for security in large urban areas”.<sup>213</sup>

Interpol provided the following general information on the structure of the Turkish National Police:

Turkey’s Ministry of Interior, responsible for ensuring law and order throughout the Turkish territory, accomplishes its mission through four main law enforcement bodies:

Directorate General of Turkish National Police, responsible for the urban areas, airports, and traffic safety. The Turkish Police also plays a big part in intelligence and counter-terrorist operations; General Gendarmerie Command, responsible for security in rural areas; Coast Guard Command, which supervises Turkey’s 8,333 km coastline; Undersecretariat of Customs, responsible for customs regulations.

The Directorate General of the Turkish National Police (Emniyet Genel Müdürlüğü) is made up of two bodies: the Central and the Local Directorates.<sup>214</sup>

In its ‘National Integrity System Assessment Turkey Report’, published in April 2016, by Transparency International Turkey, the following structural information was provided: “The TNP [Turkish National Police] operates under the Ministry of Internal Affairs in the form of the General Directorate of Security. The general responsibilities of the TNP are defined in two separate laws; Law No. 3201 on the TNP and Law No. 2559 on the Duties and Powers of the Police. The TNP is composed of three pillars: the central organization (headquarters), the provincial police departments and district directorates, and lastly the organization abroad. There are five deputy general directors attached to the General Directorate and 35 departments working under Deputy General Directorates. Departments’ duties vary based on their specialization in different fields. There are also offices directly attached to the General Directorate such as the Intelligence Department, Police Academy

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<sup>212</sup> Al-Monitor, [Turkish military faces new front as Health Ministry usurps medical system](#), 5 October 2016

<sup>213</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 1. D., Role of the Police and Security Apparatus*

<sup>214</sup> Interpol, Turkey, Undated [Last accessed: 2 December 2016]

and the Inspection Board. Structural changes in the TNP can only be made by permission of the Minister of Internal Affairs”.<sup>215</sup>

According to U.S. Library of Congress website on Turkey, “In March 2015, Turkey’s Parliament passed two major “package” laws, many of whose provisions tighten government control over national and public security in the country by amending a number of relevant laws. In particular, Law No. 6638 enhances police powers to conduct searches, use weapons, wiretap, detain individuals without a warrant, and remove demonstrators from scenes of protest. The Law also increases penalties for certain actions taken by demonstrators, provides for closer monitoring of car rental information by car rental companies, imposes more severe punishments for drug-related crimes, and authorizes governors to assume some of the same powers as prosecutors. In addition, Law No. 6638 provides for significant reform of Turkey’s gendarmerie, including the notable step of transferring its control from the Turkish Armed Forces to the Ministry of the Interior”.<sup>216</sup>

The latest report on Turkey by the European Commission, published 9 November 2016, reported that

Prior to the July attempted coup Turkey had 271 564 police and 166 002 gendarmerie officers (including conscripts). In the aftermath of the attempted coup, more than 18 000 police and gendarmerie officers have been suspended and more than 11 500 have been dismissed, while over 9 000 remain detained. Initial and in-service training is provided by the police academy.

However, the academy’s capacity to provide specialised training is limited.

There is a move towards further specialisation in law enforcement agencies. For example, new departments for the fight against drugs, migrant smuggling and human trafficking have been set up. Specialisation and effectiveness need to be further developed through training and staff retention in the relevant units. In terms of equipment, law enforcement bodies generally have appropriate modern vehicles, radio communication systems, software, hardware, and premises.

Most databases are in place, though they are not always interconnected.

Cooperation on the ground between law enforcement bodies needs to be built up further, in particular between the police and the gendarmerie.<sup>217</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

On 9 September 2016 Reuters reported that “Turkey will recruit 20,000 new police officers in the coming period and will deploy half of them to special forces units” in a bid to “strengthen the police force” following the attempted coup.<sup>218</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Middle East Eye reported in August 2017 that “semi-official ‘night eagles’” have been deployed to patrol Istanbul’s street, with powers to stop and search and sanctioned by Istanbul’s police chief to shoot and possibly kill.<sup>219</sup> However, according to the same source, they are not trained to police standards with some suggesting that their deployment is part of a “quick fix” to manpower

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<sup>215</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 6 *Law Enforcement Agency: Turkish National Police, Structure and Organization*, p. 120

<sup>216</sup> U.S. Library of Congress, [Turkey: Recent Developments in National and Public Security Law](#), last updated 30 November 2015, *Summary*

<sup>217</sup> European Commission, [COMMISSION STAFF WORKING DOCUMENT Turkey 2016 Report](#), 9 November 2016

<sup>218</sup> Reuters, [Turkey to recruit 20,000 new police in the coming period: minister](#), 9 September 2016

<sup>219</sup> Middle East Eye, [Istanbul night watch: Guns replace kindly 'uncles' of past](#), 15 August 2017

shortages “due to the sacking of 8,000 police officers since the attempted coup, whilst others see them as another step on the road to overarching state dominance”.<sup>220</sup>

## 2. Armed forces/Military

This section should be read in conjunction with sections [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#), [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#), [1.a.i.2.h. Decrees of 6 January 2017 \[KHK/679, 680 and 681\]](#), [1.a.i.2.n. Decree of 22 June 2017 \(KHK/691\)](#), and [4.e. Armed forces/soldiers](#).

### Pre-attempted coup situation

The CHR Michelsen Institute provided the following background information on the Turkish military internal structure:

The Turkish military is the second largest force, after the army of United States, in NATO. There are approximately a total of 400,000 personnel in the land forces, 63,000 in the navy, and 53,000 in the air force (Cizre 2007: 4). [...]

As mentioned, TAF [Turkish Armed Forces] is under the command of the Turkish General Staff (TGS), led by a chief of staff. The practice so far has been to appoint a member of the military as the chief, although there is no hierarchy among the different departments of the army. The chief is not merely a coordinator of the army, but is also entitled to represent each of the navy, air forces, and the army (Jenkins 2005: 22). The Gendarmerie is in charge of the security of the non-urban areas, which covers the villages, or other small-scale residential areas or non-residential areas. It is under the control of the Ministry of Internal Affairs, but its personnel, training and equipment are provided by TAF (Jenkins 2005: 22).

The TGS is subordinate to the Prime Minister, instead of the Ministry of Defense as is normal practice in Western democracies. The Ministry of Defense is responsible for conscription and military spending. In protocol the chief of staff outranks the minister of defense. TAF has adapted an organizational scheme similar to the American system of J-chiefs, involving seven departments, each with its respective responsibility:

- J-1 for personnel;
- J-2 for the arrangement and evaluation of internal and foreign intelligence from both the Turkish National Intelligence Organization (MIT), police and gendarmerie;
- J-3 for operations planning and training;
- J-4 for logistics;
- J-5 for strategic policies, threat assessment, budgets and military agreements;
- J-6 for communications;
- J-7 for studies of military history and strategy (Jenkins 2005:22)

The army, the navy, and the air forces have their own military academies, which cadets can enter around the age of 19. Military high-schools, which were closed following the failed coup attempt of July 15, and academies provide a modern education with the most contemporary equipment. The majority of students in the academies come from the five military high schools, which provide education for students aged 14 to 19. The academies of the army, navy and air force now admit female students. There are several female pilots; however, high-profile positions are still filled by men (Jenkins 2005: 23). Selection processes to both the academies and the high-schools are competitive, involving physical endurance along with required academic achievements. Candidates are screened as if they had committed a crime or engaged in political activities. Interrogations include the candidate's family. Special groups of concern in such interrogations are the leftist, Kurdish and religiously-oriented students (Jenkins 2005: 23).

The personnel of the TGS are drawn from lower middle-class families; whereas the upper-class prefers to engage in other occupations, the lower-classes do not have access to essential background education (Jenkins 2005: 23). [...]

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<sup>220</sup> Middle East Eye, [Istanbul night watch: Guns replace kindly 'uncles' of past](#), 15 August 2017

The career structure in TAF is strictly meritocratic, thereby favouritism and nepotism is not allowed. Officers of TAF are often moved every two-three years from one place to another, usually between developed and less developed places. The high degree of relocation aims to preclude “cliques loyal to a specific commander or a strong identification with a specific unit or region” (Jenkins 2005: 24).

There are two types of officers: staff and non-staff. The former posting is highly limited and competitive. Among the average 450–500 officers who graduate from the army academy each year, only 75 will become staff officers. These are then registered in the army staff academy, and after graduation gain senior positions with higher salaries (Jenkins 2005: 25). From these 75 graduates only 24 colonels can rise to the rank of general.

Promotions are considered each year in August at the annual meeting of the Supreme Military Council (SMC), which consists of the prime minister, defense minister, and all 15 four-star generals and admirals (Jenkins 2005: 25). On paper, the SMC is chaired by the prime minister, with the chief of the General Staff acting as secretary. Until very recently, the military has had the final say on appointments and promotions. However, since 2011, discretion has been transferred to civilians. The main criteria for promotion from colonel to general are personal competence and disciplinary record. The competition becomes even stricter for promotion from a one-star general to a four-star general; therefore discussions on promotion often take more than a day. Until recently, the SMC could filter out pious or religiously oriented officers with the charge of involvement in non-disciplinary acts. This practice has now changed as religious orientation is no longer defined as a non-disciplinary act. The officers who were so charged previously can apply to receive their titles back. [...]

The salaries of military officers are adequate; they are slightly higher than salaries of governmental officials but not competitive with the private sector. Officers also have access to several benefits, including subsidized housing, free medical care, and leisure activities that often take place within the premises of the armed forces. Like government officials, military officers are entitled to a lump sum when they retire, which is sufficient to purchase a decent apartment. Officers and their families enjoy free health benefits during their retirement (Jenkins 2005: 27). Generals might have the chance to be employed in the private sector when they retire from the military. Otherwise, other members of the personnel including the colonels might experience “social isolation” and difficulties in finding alternative jobs when they retire in their late 40s or early 50s (Jenkins 2005: 27).<sup>221</sup>

Freedom House noted in its annual report covering 2015 that “The military has historically been a dominant force in politics. Under the AKP, however, various reforms, and especially a series of deeply flawed, politically motivated prosecutions, have increased civilian control over the military. Hundreds of military officers were convicted in 2012 and 2013 for alleged involvement in coup plots. Over 200 were acquitted in March 2015 after a retrial in which the court ruled that some evidence against them had been falsified”.<sup>222</sup>

The CIA World Factbook provided the following general information on the Turkish military:

[...] the ruling Justice and Development Party (AKP) has actively pursued the goal of asserting civilian control over the military since first taking power in 2002; the Turkish Armed Forces (TSK) role in internal security has been significantly reduced; the TSK leadership continues to be an influential institution within Turkey, but plays a much smaller role in politics; the Turkish military remains focused on the threats emanating from the Syrian civil war, Russia's actions in Ukraine, and the PKK insurgency; primary domestic threats are listed as fundamentalism (with the definition in some dispute with the civilian government), separatism (Kurdish discontent), and the extreme left wing; [...] an overhaul of the Turkish Land Forces Command (TLFC) taking place under the “Force 2014” program is to produce 20-30% smaller, more highly trained forces characterized by greater mobility and firepower and capable of joint and combined operations; the TLFC has taken on increasing international peacekeeping responsibilities including in Afghanistan; the Turkish Navy is a regional naval power that wants to develop the capability to project power beyond Turkey's coastal waters;

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<sup>221</sup> CHR Michelsen Institute, [Civilian and Military Relations in Turkey: A Historical Survey](#), December 2016, Annex: *The Military's internal structure and its self-perception*, pages 23-25

<sup>222</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, B. *Political Pluralism and Participation*: 9 / 16 (-1)

the Navy is heavily involved in NATO, multinational, and UN operations; its roles include control of territorial waters and security for sea lines of communications; the Turkish Air Force adopted an "Aerospace and Missile Defense Concept" in 2002 and has initiated project work on an integrated missile defense system; Air Force priorities include attaining a modern deployable, survivable, and sustainable force structure, and establishing a sustainable command and control system; Turkey is a NATO ally and hosts NATO's Land Forces Command in Izmir, as well as the AN/TPY-2 radar as part of NATO Missile Defense (2014).<sup>223</sup>

The same source noted the following branches of the military: "Turkish Armed Forces (TSK), Turkish Land Forces (Turk Kara Kuvvetleri), Turkish Naval Forces (Turk Deniz Kuvvetleri; includes naval air and naval infantry), Turkish Air Forces (Turk Hava Kuvvetleri) (2013)".<sup>224</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following the attempted coup, Turkish President Recep Tayyip Erdogan told Reuters on 22 July 2016 that "there were significant intelligence failures ahead of last week's attempted military coup and that the armed forces would quickly be restructured and have 'fresh blood'".<sup>225</sup>

The German Federal Office for Migration and Refugees reported that "On 30 July 2016 President Erdogan announced a reform of the Turkish armed forces. More soldiers were dismissed, based on an emergency decree about 1,400 were given dishonourable discharges. The decree also ordered the closure of many military academies and secondary schools".<sup>226</sup> Reporting further on the decree, Radio Free Europe/Radio Liberty noted that "Turkish President Recep Tayyip Erdogan proposed to bring the General Staff of the military and Turkey's spy agency under the authority of his office. The constitutional changes, which seek to bring the military under government control, would have to be approved by a two-thirds majority and therefore Erdogan would need the support of opposition parties. Erdogan also said that military schools will be shut down and a national defense university will be established".<sup>227</sup>

Reporting on the proposed changes to the military, The Guardian reported on 31 July 2016 that "Turkey will shut its military academies and put the armed forces under the command of the defence minister, Fikri Işık" and that President Erdogan reportedly stated that "'Military schools will be shut down ... We will establish a national defence university'. He also said he wanted the national intelligence agency and the chief of general staff, the most senior military officer, to report directly to the presidency, moves that would require a constitutional change and therefore the backing of opposition parties. Both the general staff and the intelligence agency now report to the prime minister's office. Putting them under the president's overall direction is in line with Erdoğan's push for a new constitution centred on a strong executive presidency".<sup>228</sup>

The Turkish national news agency AA noted on 1 August 2016 that the "Akinci Air Base in Ankara and military bases in Ankara and Istanbul" will be closed.<sup>229</sup>

Also reporting on 1 August 2016 Reuters noted that Turkey had "stacked the top military council with government ministers [...] moves designed by President Tayyip Erdogan to put him in full

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<sup>223</sup> CIA, [The World Factbook: Turkey](#), last updated 12 January 2017, *Military - note*

<sup>224</sup> CIA, [The World Factbook: Turkey](#), last updated 12 January 2016, *Military branches*

<sup>225</sup> Reuters, [Erdogan says Turkey's military to be restructured after abortive coup](#), 22 July 2016

<sup>226</sup> BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 1.08.2016](#), 1 August 2016

<sup>227</sup> Radio Free Europe/Radio Liberty, [Turkey Dismisses Almost 1,400 Personnel From Armed Forces](#), 31 July 2016

<sup>228</sup> The Guardian, [Turkey to shut military academies as it targets armed forces for 'cleansing'](#), 31 July 2016

<sup>229</sup> AA, [Turkey's military restructured after failed coup bid](#), 1 August 2016

control of the military after a failed coup” and to overhaul the Supreme Military Council (YAS)”.<sup>230</sup> The same source further stated that “The government also said its deputy prime ministers and ministers of justice, the interior and foreign affairs would be appointed to YAS. The prime minister and defence minister were previously the only government representatives on the council. They will replace a number of military commanders who have not been reappointed to the YAS, including the heads of the First, Second, and Third Armies, the Aegean Army and the head of the Gendarmerie security forces, which frequently battle Kurdish militants in the southeast. The changes appear to have given the government commanding control of the council”.<sup>231</sup>

Reuters also noted that “about 40 percent of Turkey's generals and admirals have been dismissed since the coup”.<sup>232</sup>

On 15 August 2016 Radio Free Europe/Radio Liberty reported that “Using the extraordinary power of the president during the state of emergency, all commanders of the land, air, and naval forces will report directly to their respective ministers in the civil government and no longer to the chief of the general staff, as was previously the case. The chief of the general staff will now directly report to Erdogan himself”.<sup>233</sup>

Similarly, the US Congressional Research Service summarised at the end of August 2016 on the following changes affecting the military:

In late July [2016], Turkey’s Supreme Military Council (Turkish acronym YAS) decided that the country’s top military commanders, who maintained their loyalty to the government and were taken hostage during the failed coup, would retain their positions. Shortly thereafter, the government announced a dramatic restructuring of Turkey’s chain of command, giving the civilian government decisive control over the YAS. Erdogan also placed the military more firmly under the civilian government’s control and revealed plans to place Turkey’s national intelligence agency under his direct control, as well as to reorganize institutions involved with military training and education. With nearly half of the generals and admirals who were serving on July 15 now detained and/or dismissed from service, there are doubts in some quarters about the efficacy of the Turkish military in combating the numerous threats to Turkish security, including those from the Islamic State and the Kurdistan Workers’ Party (PKK). Beyond the personnel and institutional challenges, many observers assert that the internal divisions revealed by the coup attempt will be detrimental to both cohesion and morale.<sup>234</sup>

Hurriyet Daily News reported on the 5 October 2016 on the following two planned restructuring plans: “On July 27, the Interior Ministry took full control over the gendarmerie and the Coast Guard as part of the precautions against a further coup attempt. The gendarmerie will now operate with the military in cases of emergency” and “The total projected term in service of officers was also decreased from 31 to 28 years in a move to gradually reduce the number of high-ranking officers”.<sup>235</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

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<sup>230</sup> Reuters, [Turkey culls nearly 1,400 from army, overhauls top military council](#), 1 August 2016

<sup>231</sup> Reuters, [Turkey culls nearly 1,400 from army, overhauls top military council](#), 1 August 2016

<sup>232</sup> Reuters, [Turkey culls nearly 1,400 from army, overhauls top military council](#), 1 August 2016

<sup>233</sup> Radio Free Europe/Radio Liberty, [Beheading The Eagle: Is This The End Of The Turkish Army As We Know It?](#), 15 August 2016

<sup>234</sup> Congressional Research Service, [Turkey: Background and U.S. Relations In Brief](#), 26 August 2016, *Turkey After the July 2016 Failed Coup, Coup Attempt and Aftermath*, p. 5

<sup>235</sup> Hurriyet Daily News, [Turkish military personnel number shrinks after structural change](#), 5 October 2016

In May 2017 Al Monitor published an article entitled ‘Turkey seeks to replenish severely depleted military’ in which it stated that new officer candidates were invited to submit their applications to the reconfigured military academies but that the “applicants' performance results in national university entrance examinations were far below previous years”.<sup>236</sup> The same source further noted “Last week there was an interesting report in the daily Aydinlik, the mouthpiece of the Eurasianism-supporting Homeland Party. It said more than 30% of the candidates accepted at the Army War Academy were recommended by officials of the ruling Justice and Development Party (AKP) in the provinces. It said some military officials are concerned by this highly disproportionate number of AKP-recommended candidates”.<sup>237</sup>

Early August 2017 Deutsche Welle reported that the Supreme Military Council (YAS) decided to replace the heads of its three main armed services: army, air force and navy, with other top members of the military.<sup>238</sup> According to the same source “On the way out - according to the CNN Turk channel and NTV network - are land army commander General Salih Zeki Colak, navy chief Admiral Bulent Bostanoglu and air force commander General Abidin Unal. All three are to be replaced with other top members of the military. The new army chief was said to be General Yasar Guler, currently head of the gendarmerie who was abducted for several hours during last year's coup effort”.<sup>239</sup> The same source further noted that “The council - which normally only meets only once a year - was meeting for the third time since the July 15, 2016 coup attempt. Since the failed putsch, the Turkish government increased the civilian component of the council, giving more places to government ministers than military figures. Previously, meetings were held at military headquarters, but they are now hosted by the prime minister”.<sup>240</sup>

### 3. Intelligence services

This section should be read in conjunction with sections [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#), [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#), [1.a.1.2.p. Decrees of 25 August 2017 \[KHK/693 and 694\]](#), and [6.a. Police officers and intelligence officials](#).

#### Pre-attempted coup situation

According to U.S. Library of Congress website on Turkey, “In April 2014, the Grand National Assembly adopted the Law Amending the Law on State Intelligence Services and the National Intelligence Organization. The amending Law greatly expanded the powers of the National Intelligence Agency (Milli İstihbarat Teşkilatı, MİT) by allowing MİT to access personal data without a court order and by granting MİT agents immunity from prosecution for violations of law they might commit in the course of their work. The Law also made it a crime to report on or acquire information about MİT and provided for a prison term of up to nine years for media workers convicted of publishing information leaked from intelligence sources. Although the opposition Republican People's Party indicated it would petition the Constitutional Court to seek the annulment of Law No. 6532, thus far it seems no such case has come before the Court”.<sup>241</sup>

In its ‘National Integrity System Assessment Turkey Report’, published in April 2016, by Transparency International Turkey, the following information was provided with regards to the 2014 amendments:

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<sup>236</sup> Al Monitor, [Turkey seeks to replenish severely depleted military](#), 10 May 2017

<sup>237</sup> Al Monitor, [Turkey seeks to replenish severely depleted military](#), 10 May 2017

<sup>238</sup> Deutsche Welle, [Turkey replaces army, air force and navy leaders](#), 2 August 2017

<sup>239</sup> Deutsche Welle, [Turkey replaces army, air force and navy leaders](#), 2 August 2017

<sup>240</sup> Deutsche Welle, [Turkey replaces army, air force and navy leaders](#), 2 August 2017

<sup>241</sup> U.S. Library of Congress, [Turkey: Recent Developments in National and Public Security Law](#), last updated 30 November 2015, II. Background: Some Previous Measures Tightening Public and National Security



“As recently as 2014, the government announced a law amendment that stated that members of the Turkish National Intelligence Organization (MIT) had been granted ‘immunity from prosecution’ and that they could only be prosecuted without the authority of the institution itself. The amendment is in direct conflict with Turkey’s international commitments and creates an environment where intelligence services can work with impunity, opening up the risk of torture and other ill treatment, in violation of individual rights. This risk is further compounded by ‘the 20-year statute of limitations’ for the prosecution of unlawful killings by public officials’.<sup>242</sup>

Al-Monitor reported on 1 February 2016 that “Turkey is transforming its National Intelligence Agency (MIT), expanding not only its headquarters, but its operations and reach. The MIT traditionally has been seen as a domestically oriented, meek secret service, mainly spying on its own citizens. Now, however, it is engaged in border security and surveillance, coordinating paramilitary troops abroad and developing its own internal structure to include foreign and domestic intelligence operations. For example, new laws allow the MIT to monitor the activities of the financial crimes investigation board”.<sup>243</sup>

The same source further noted that “Al-Monitor has reported in detail the agency's restructuring under Hakan Fidan, who took command in 2010. Foreign intelligence and espionage operations targeting Turkey have grown substantially in recent years with Turkey's increasing role in Syria and the changing nature of the Kurdish conflict in the region. In 2011, the MIT established its own academy, another sign that it aims to curtail its dependence on other ministries and agencies in Turkey and increase its cooperation with foreign intelligence services. What we are observing here is a national intelligence agency that has become a prominent player in the decision-making process for Turkish politics. Open-source reports show that Fidan acts as a shadow foreign minister. He is present in almost all high-level meetings with the president and prime minister. It is an open secret that both the president and the prime minister trust Fidan more than any other bureaucrat. Fidan's omnipresence has generated stiff competition among Ankara's other bureaucratic agencies. Social media postings and print media comments express serious concerns that Turkey is becoming a police state”.<sup>244</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following the attempted coup, Hurriyet Daily News reported on 24 July 2016 that “Turkey’s National Intelligence Agency (MIT) chief Hakan Fidan, who has faced criticism before and after the failed military coup attempt of July 15, and Chief of General Staff Hulusi Akar will both remain in their positions during an upcoming ‘transition process’, President Recep Tayyip Erdoğan has said”.<sup>245</sup>

Reuters reported on 3 August 2016 that “Turkey will soon complete an overhaul of its intelligence agency and make new appointments to its gendarmerie as it tries to rid its security apparatus of the followers of a U.S.-based cleric blamed for an attempted coup”.<sup>246</sup>

Similarly, Al Jazeera provided the subsequent information following President Recep Tayyip Erdoğan’s interview with private ‘A haber’ television: “Erdoğan said he also wanted to put the country's MIT intelligence agency and the chief of general staff's headquarters under the

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<sup>242</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, *III Foundations of the National Integrity System, Political-institutional foundations*, p. 20

<sup>243</sup> Al-Monitor, [Turkey plans shiny new HQ for shadowy intelligence operations](#), 1 February 2016

<sup>244</sup> Al-Monitor, [Turkey plans shiny new HQ for shadowy intelligence operations](#), 1 February 2016

<sup>245</sup> Hurriyet Daily News, [No change in top army, intel seats after failed coup attempt: Erdoğan](#), 24 July 2016

<sup>246</sup> Reuters, [Turkey sees swift overhaul of intelligence agency, gendarmerie after coup](#), 3 August 2016

presidency”.<sup>247</sup> However, the source noted that “the package would need to be brought to parliament for a vote”.<sup>248</sup>

On 20 August 2016 Hurriyet Daily News reported that “Turkish Prime Minister Binali Yıldırım has said that the National Intelligence Agency (MIT) will be structured in a way that is able to wiretap and monitor the ones who wiretap”.<sup>249</sup>

The US Congressional Research Service reported at the end of August 2016 that Turkish President Recep Tayyip Erdogan “revealed plans to place Turkey’s national intelligence agency under his direct control”.<sup>250</sup>

With regards to proposed changes to the National Intelligence Agency (MIT), Al Monitor provided the following information on 6 November 2016:

There are three main changes that could give us clues about what we can expect from the role of the MIT in Turkish bureaucracy. First, two new departments have been created. [...] As the state system is reorganized, keeping communication channels open has become a priority for the MIT as well. This unit is important in order to understand that the MIT is no longer an isolated entity, operating in a vacuum, but indeed does carry out day-to-day interactions with the Interior Ministry and Foreign Ministry as well as other ministries and agencies. Its reports and activities are now coordinated with several different offices on a daily basis, breaking the mysterious, unreachable aura of the intelligence agency within the state system. [...] The MIT is likely to remain the key Turkish player in Syria and Iraq above all other Turkish institutions. [...] The strategic intelligence unit is particularly important because foreign operations are now planned and coordinated through this unit exclusively. [...] It should be highlighted that strategic intelligence will have foreign intelligence gathering and analysis, but no military functions, whereas the special operations unit is referred to as the paramilitary operations unit. The second important change is the technical intelligence unit, which has a new, young, much-admired bureaucrat as its deputy undersecretary, Cemalettin Celik, and a new mission statement. [...] His nomination and the redefining of the unit’s mission indicates that cybersecurity is a clear priority for the MIT, and it aims to design this unit to resemble the National Security Agency of the United States. Another crucial name in the agency is Yavuz Celik (not related to Cemalettin Celik), who joined the MIT in 2013. [...] Like Fidan, these men are seen as political appointees and they have been the target of criticism that the MIT was being turned into an institution of the Justice and Development Party rather than being one of the state. Now, in these days of emergency law, no one questions these matters anymore. [...]

The recent changes in the MIT should be seen as a precursor of a major reform to come in the Turkish intelligence establishment. If Erdogan accomplishes his ambition for a new constitution that will empower him as an executive president, a new entity is expected to be created just for domestic intelligence. In this case, it will be a safe bet that the MIT and any other possible new branch of intelligence will be brought under the direct control of the presidency in the new system. Under Erdogan’s planned presidential system, the MIT may become yet even more powerful”.<sup>251</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Al Monitor reported in August 2017 that the daily newspaper Sozcu had itself reported that “a new intelligence service has come into existence”, namely a “Presidential National Security Unit” under the presidency.<sup>252</sup> According to the same source this allegation was made by Bulent Tezcan, the vice

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<sup>247</sup> Al Jazeera, [More government ministers to head Turkey's military](#), 1 August 2016

<sup>248</sup> Al Jazeera, [More government ministers to head Turkey's military](#), 1 August 2016

<sup>249</sup> Hurriyet Daily News, [Turkey restructures intelligence after coup attempt](#), 20 August 2016

<sup>250</sup> Congressional Research Service, [Turkey: Background and U.S. Relations In Brief](#), 26 August 2016, *Turkey After the July 2016 Failed Coup, Coup Attempt and Aftermath*, p. 5

<sup>251</sup> Al Monitor, [Post-coup shake-up at Turkey's intelligence agency](#), 6 November 2016

<sup>252</sup> Al Monitor, [Turkish opposition claims Erdogan building private intelligence service](#), 10 August 2017

chairman and speaker of the main opposition Republican People's Party.<sup>253</sup> Al Monitor further noted that "Some may question the veracity of the story", but "even in Turkey's oppressive media environment, many news organizations reported on the new intelligence outfit. The TV stations CNN Turk and NTV gave extensive coverage to Tezcan's allegations. Other respectable opposition websites also ran the story. Former MIT employees are not dismissing it, either".<sup>254</sup>

#### **4. Border guards/forces (incl. Gendarmerie)**

##### Pre-attempted coup situation

The U.S. Department of State reported in its annual report covering 2015 that "The Jandarma, under the joint control of the Ministry of Interior and the military, was responsible for rural areas and specific border sectors where smuggling was common, although the military has overall responsibility for border control and overall external security. Village guards, a civilian militia that reported to the Jandarma (and historically was responsible for widespread human rights abuses), provided additional local security in the Southeast, largely in response to the terrorist threat from the PKK".<sup>255</sup>

##### Post-attempted coup situation up to 6<sup>th</sup> January 2017

On 20 July 2016 the Hurriyet Daily News reported that the new acting commander Lt. Gen. İbrahim Yaşar took over from Gendarmerie Forces Commander Gen. Galip Mendi, who was held hostage during the attempted coup and required long-term hospitalisation upon his rescue due to an ongoing heart disease.<sup>256</sup>

Reporting on the proposed changes to the military following the attempted coup, The Guardian reported on 31 July 2016 that "Erdoğan said he planned to thin the numbers of the gendarmerie security forces widely used in the fight against Kurdish militants in the south-east, although he said they would become more effective with better weaponry and he promised to continue the fight against insurgents".<sup>257</sup>

Similarly, Reuters reported on 3 August 2016 that "President Tayyip Erdogan said new appointments in the gendarmerie, responsible for security in rural areas and key in the fight against Kurdish militants, would come within 48 hours".<sup>258</sup>

Reuters reported on 2 September 2016 that out of the 8,000 security personnel suspended "323 were members of the gendarmerie".<sup>259</sup>

##### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

No COI was found amongst sources consulted reporting on any changes affecting the border guards/forces

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<sup>253</sup> Al Monitor, [Turkish opposition claims Erdoğan building private intelligence service](#), 10 August 2017

<sup>254</sup> Al Monitor, [Turkish opposition claims Erdoğan building private intelligence service](#), 10 August 2017

<sup>255</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), Section 1. D., Role of the Police and Security Apparatus

<sup>256</sup> Hurriyet Daily News, [New acting commander appointed to gendarmerie](#), 20 July 2016

<sup>257</sup> The Guardian, [Turkey to shut military academies as it targets armed forces for 'cleansing'](#), 31 July 2016

<sup>258</sup> Reuters, [Turkey sees swift overhaul of intelligence agency, gendarmerie after coup](#), 3 August 2016

<sup>259</sup> Reuters, [Turkey removes more than 10,000 security personnel, academics in purge](#), 2 September 2016

## 5. Resurgence of Paramilitarism

### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

The Bipartisan Policy Center reported in its March 2017 report on the:

disturbing, trend witnessed within the past year or more is the renewed deployment of paramilitary forces within Turkey's borders. The use of private militias (and even death squads) as a tool to maintain order in times of crisis is by no means a recent feature of Turkish security planning [...] As recently as November 2016, state ministers announced plans to recruit an additional 25,000 village guards (further reinforcing the 47,000-person village guard force already in place) [...] With the escalation of the Turkish Armed Forces campaign against the PKK, there have been widespread reports of mysterious armed groups serving alongside the regular armed forces in predominately Kurdish areas. Such reports have gained credibility with the circulation of images showing graffiti from a group calling itself the "Esedullah Team." The purpose of this group, let alone its membership, is unclear.<sup>260</sup>

### ii. Corruption within the security forces

See also [2.b. Corruption in the judicial system.](#)

### Pre-attempted coup situation

The 2015 Corruption Index published by Transparency International reported that Turkey's performance has declined in 2015 compared to 2012.<sup>261</sup> The same source stated further that it was 'worried' in the "marked deterioration in countries like" Turkey, "where there was once hope for positive change. Now we're seeing corruption grow, while civil society space and democracy shrinks [...] politicians and their cronies are increasingly hijacking state institutions to shore up power".<sup>262</sup>

Freedom House noted in its annual report covering 2015 that

Corruption remains a major problem. In 2015, Turkey was still dealing with the effects of a 2013–14 scandal in which leaked audiotapes pointed to possible corruption among senior politicians, including Erdoğan and his family. The government largely denied the charges and blamed the affair on a "parallel state" of rogue officials linked to the exiled Islamic preacher Fethullah Gülen. Investigations to substantiate the corruption allegations have been extremely limited. In January 2015, the parliament voted against opening a trial for four former ministers. Meanwhile, throughout 2015, the government continued its campaign to ferret out elements of the "parallel state," investigating individuals and businesses accused of affiliation with Gülen, who has been branded a terrorist by the state.

In November 2015, Transparency International issued a report that was critical of Turkey, citing its failure to strengthen safeguards against money laundering, bribery, and collusion in the allocation of government contracts.<sup>263</sup>

The U.S. Department of State reported in its annual report covering 2015 that:

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<sup>260</sup> Bipartisan Policy Center, [Deep State of Crisis: Re-Assessing Risks to the Turkish State](#), March 2017, *The Resurgence of Paramilitarism*, p. 17

<sup>261</sup> Transparency International, [Corruption Index 2015](#), 27 January 2016, p. 5

<sup>262</sup> Transparency International, [Corruption Index 2015](#), 27 January 2016, p. 13

<sup>263</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *C. Functioning of Government: 6 / 12*

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The EU progress report noted the country had not made progress in limiting the immunity of members of parliament and senior public officials in corruption-related cases or in establishing objective criteria for lifting their immunity.

There was no established pattern of or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns about the impartiality of the judiciary in the handling of anticorruption cases.

A major corruption scandal allegedly involving then prime minister Erdogan, his children, and close political advisors and business associates wound down in 2014 after the prosecution decided against pursuing cases against government officials. The scandal originally broke in 2013 and was fueled by the leak of dozens of alleged wiretap recordings in February and March 2014. By the end of 2014, most cases opened against government officials accused of corrupt dealings had been closed. During the year prosecutors instead indicted four prosecutors and one judge who had conducted the initial investigation.<sup>264</sup>

In December 2015 the GAN Corruption Report on Turkey noted that “Corruption is widespread in Turkey's public and private sectors. Politics, public procurement and construction projects are particularly prone to corruption, and bribes are often demanded. Corruption allegations against the government caused mass protests in 2013; the government responded with a crackdown on police officers and judges who were voicing such accusations. Turkey's Criminal Code criminalises various forms of corrupt activity, including active and passive bribery, attempted corruption, extortion, bribing a foreign official, money laundering and abuse of office. Anti-corruption laws are poorly enforced, and anti-corruption authorities are ineffective. Punishment can include imprisonment of up to 12 years”.<sup>265</sup>

Specifically with regards to the police, the GAN report highlighted that “Corruption in the Turkish police is a moderate risk. Police impunity is a problem due to inadequate mechanisms to investigate and punish alleged corruption (HRR 2014). Following the anti-corruption investigations into the government, the government reorganized the police force, reassigned thousands of police officers involved, and accused many of a conspiracy to overthrow the government (HRR 2014). Turkey performs moderately in relation to the reliability of police services to protect businesses from crime (GCR 2015-2016). One in three citizens perceive the police as corrupt (GCB 2013)”.<sup>266</sup>

In its ‘National Integrity System Assessment Turkey Report’, published in April 2016, by Transparency International Turkey, it was found that “the independence and integrity of the TNP [Turkish National Police] is seriously compromised by nepotism and partisanship. Moreover, the legal framework regulating the activities of the TNP is insufficient in providing necessary measures of transparency, and specific integrity and accountability regulation mechanisms for the TNP are not in place. Although the police still have significant authority in investigating corruption, there are serious questions regarding external interference. Recent cases of numerous dismissals and reassignments following corruption investigations are concrete examples of this problem”.<sup>267</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

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<sup>264</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), Section 4. *Corruption and Lack of Transparency in Government*

<sup>265</sup> GAN, [Turkey Corruption Report](#), December 2015, *Snapshot*

<sup>266</sup> GAN, [Turkey Corruption Report](#), December 2015, *Police*

<sup>267</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 6 *Law Enforcement Agency: Turkish National Police, Overview, p. 118*

No specific information in relation to corruption amongst the security forces was found in the sources consulted within the set time-frame

Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

No COI was found amongst sources consulted in relation to corruption amongst the security forces.

**c. Impacts of the attempted Coup d'état on the socio-economic situation**

On 18 July 2016 Business Insider UK reported that “The failed military coup aimed at ousting Turkey's President Recep Tayyip Erdogan will significantly impact the country's economy”.<sup>268</sup> The same source further placed the following predictions in relation to economic growth, income, equities and currency:

Economic growth — Analysts warn that previously predicted 2.9% growth for the economy could be hit because uncertainty surrounding the political climate — even though the coup failed — could really hurt confidence and public spending. If public spending wanes, economic growth is impacted as less money from people's wallets are feeding back into the economy. ‘We also believe that if there is a sustained increase in Turkey's political risk premium, the country's large external financing requirement could once again become an area of concern.’

Fixed income and equities — Stocks are bound to suffer because, as HSBC points out, ‘previous periods of political stress in Turkey saw sharp losses in the near term, and strong recoveries in the medium term.’ Meanwhile, curves will flatten because markets have to price in the prediction that there will be monetary easing and potential actions taken by credit agencies.

The currency — The Turkish Lira is going to be weaker in the short term and HSBC says there are ‘4 channels of vulnerability that could impact the currency’ to focus on. These are: ‘a) portfolio outflows, b) the private sector experiencing difficulty rolling over hard currency debt, c) FX buying by households, and d) a widening in the current account shortfall.’

The Lira currently recovering from the steep losses it suffered in the wake of the coup. The US dollar is currently 2.8% lower against the Lira [...]

HSBC says ‘we maintain our current year-end forecast of 3.00 for USD-TRY while we wait to get a further sense of how political developments are impacting the macro environment’.<sup>269</sup>

The Financial Times reported on 1 August 2016 that “Turkey’s stocks, bonds and currency have rallied to two-week highs today, recouping more than half of the losses sustained following an attempted putsch last month”.<sup>270</sup> According to Berenberg economist Wolf-Fabian Hungerland “The Erdoğan paradox holds [...] President Erdoğan is the country’s most important anchor of stability, but also one of its biggest sources of political risk [...] In the short term, it looks like his purge has worked and the country has stabilised. Domestic politics and policymaking are now even more under his personal control, which explains why he described the coup attempt as ‘god’s gift’. Post-purge Turkish politics are much more clearly sorted than before the attempted coup”.<sup>271</sup> However, the source also noted that “S&P [Standard & Poor’s], which downgraded Turkey’s foreign currency debt even deeper into junk territory following the attempted coup, today raised its risk assessment for the country to a ‘high risk’ five from a ‘moderately high risk’ four”.<sup>272</sup>

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<sup>268</sup> Business Insider UK, [The failed coup may smash Turkey's economy but here's why there won't be emerging market contagion](#), 18 July 2016

<sup>269</sup> Business Insider UK, [The failed coup may smash Turkey's economy but here's why there won't be emerging market contagion](#), 18 July 2016

<sup>270</sup> Financial Times, [Turkish markets recover half of post-coup losses](#), 1 August 2016

<sup>271</sup> Financial Times, [Turkish markets recover half of post-coup losses](#), 1 August 2016

<sup>272</sup> Financial Times, [Turkish markets recover half of post-coup losses](#), 1 August 2016

On 20 August 2016 Al Arabiya reported that “The ratings agency Fitch cut its outlook for Turkey’s sovereign debt rating to ‘negative’, saying last month’s coup attempt underscored risks to political stability in the country. The agency affirmed the country’s rating at BBB-, a notch above junk grade”.<sup>273</sup> The same source further noted that “Fitch said political uncertainty follow the failed coup will impact economic performance and could hurt economic policy”.<sup>274</sup>

On 19 September 2016 the Turkish Minute reported that the unemployment rate “rose to 10.2 percent in June [2016], a return to double digits with an increase of 0.8 percent compared to May [2016], the Turkish Statistics Institute (TurkStat) has announced. The unemployment rate was recorded at 9.6 percent in June of last year [2015]. The rate of unemployment in the non-agricultural sector has risen to 12.2 percent with an increase of 0.5 percent, while the unemployment rate among youths has reached 19.4 percent, jumping by 1.7 percent. The number of unemployed in Turkey has now exceeded 3.1 million”.<sup>275</sup>

An Al Monitor article interviewed Aziz Celik, a scholar of labor economics at Kocaeli University, who said that “the dismissed are being socially stigmatized because their names are being published in the Official Gazette without any trials and convictions. ‘With the publicizing of their names, those people are being declared putschists or terrorists before the public. In other words, they are being blacklisted and left to die a ‘civil death’”.<sup>276</sup> The same source further noted that according to Aziz Celik, “the purge has affected up to 500,000 people, counting in the families of the dismissed. ‘This is a very serious social trauma that could have other ramifications in the future,’ he said, stressing that the dismissed were stigmatized along with their relatives and social circles and had their personal lives destroyed”.<sup>277</sup>

Middle East Eye reported on 21 September 2016 that:

The fact that markets did not go into meltdown and the currency did not nosedive after a coup attempt and subsequent crackdown has widely been hailed as a testament to the solidity of the country’s economic foundations.

But recent moves by the government, making it easier for households to purchase on credit - including the option of grocery shopping in instalments - and making conditions for personal credit loans easier, have raised concerns about the direction of the country’s economic growth.

Figures showing unemployment entering double digits at 10.2 percent also raised questions about the health of the economy. According to economist Mustafa Sonmez, unemployment in urban areas is as high as 13 percent and youth unemployment stands at 20.5 percent. [...]

However, they [Economist] also warned that continuing the policies could pose longer-term risks to the strong economic foundations that exist, particularly in the financial and banking sectors.<sup>278</sup>

Erhan Aslanoglu, a professor of economics at Istanbul’s Piri Reis University, told Middle East Eye that “it would be natural for the coup attempt to impact domestic consumer confidence and economic growth [in light of the purge], but thus far there has been no visible drop in consumer confidence”.<sup>279</sup>

Al Monitor reported on 13 October 2016 about the rise of ‘Gulen-related suicides’ quoting figures from the independent online news portal T24 which estimated that there have been “at least 17 Gulen-linked suicides thus far”.<sup>280</sup>

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<sup>273</sup> Al Arabiya, [Fitch cuts Turkey debt outlook after coup attempt](#), 20 August 2016

<sup>274</sup> Al Arabiya, [Fitch cuts Turkey debt outlook after coup attempt](#), 20 August 2016

<sup>275</sup> Turkish Minute, [Unemployment rate rises to 10.2 percent in Turkey](#), 19 September 2016

<sup>276</sup> Al Monitor, [Turkey could find itself facing hefty legal bill for mass purges](#), 19 September 2016

<sup>277</sup> Al Monitor, [Turkey could find itself facing hefty legal bill for mass purges](#), 19 September 2016

<sup>278</sup> Middle East Eye, [Turkey takes ‘risky’ steps to keep economy on track](#), 22 September 2016

<sup>279</sup> Middle East Eye, [Turkey takes ‘risky’ steps to keep economy on track](#), 22 September 2016

<sup>280</sup> Al Monitor, [Why Turks are ignoring Gulen-related suicides](#), 13 October 2016

The same source also reported on 13 October 2016 about the struggle expelled teachers are facing:

Things seem even worse for the expelled teachers, who are now stigmatized and struggling to find any jobs in the private sector. “They wouldn’t employ me even as a porter,” one of them said in a recent newspaper interview. Many parents, meanwhile, are stretching their financial means to send their children to private schools as more and more public schools are being converted to imam-hatip ones. In other words, for citizens who do not subscribe to the AKP’s political creeds or are not Sunni Muslims, the “devout generation” project has come to mean exclusion from the public education realm, both as servants and beneficiaries.<sup>281</sup>

In November 2016 the World Bank reported in its ‘Regular Economic Note’ that it was “revising down [Turkey’s] growth projection for 2016 from 3.5 percent to 3.1 percent because private investment and consumption appear to have slowed down in the aftermath of the failed coup attempt”.<sup>282</sup> Moreover, Al Monitor reported that youth unemployment has also risen:

According to the Turkish Statistical Institute (TUIK), unemployment in Turkey reached 11.3% in August. Since August 2015, the number of unemployed Turks has grown by 435,000 (1.2 percentage points). For years, Turkey’s youth unemployment rate has been below the European Union average. But in June, for the first time, it surpassed the EU average of 18.5% to reach 19.9%. “The period of economic slowdown is particularly hard on new graduates who are looking for their first jobs. When we can’t provide employment for the new graduates, instead of a generation of producers we end up with a generation of consumers. Today one of six men ages 15-29 and one in every five women are unemployed,” economist Ozcan Kadioglu of the daily *Dunya* told Al-Monitor.

Data from the Organization for Economic Cooperation and Development gives an even bleaker picture of youth unemployment in Turkey. About 28% of the 15-29 age group in Turkey are classified as NEET — youth “not in employment, education or training.” According to the organization, the NEET group costs Turkey 3.4% of gross national product, about \$25 billion.

Of course, some say that a large portion of this group is actually working but unregistered, without social security. Though there is no reliable figure for this supposition, many observers agree this is the case, especially among those in the upper range of the age group. [...]

there are more unemployed university graduates than those who have only gone through elementary schooling. The issue of qualified but unemployed young people is becoming more serious. [...]

Kadioglu calls attention to another important dimension of the problem: “Growing youth unemployment means an increase in burglaries, petty crimes, fraud and domestic violence. Unemployed youth envy their peers who have good jobs, and this prods them into illegal endeavors to make money. We are observing a serious increase in [young people] joining organized crime gangs, trafficking narcotics and [committing] burglaries.”

Cizre resident Suleyman G., as he identified himself, has similar observations. “Before the clashes, we didn’t see idle young people hanging about in parks or on street corners in packs. Now in a park next to my house, we have young people congregating freely and displaying their daggers to the public. They are candidates for crimes,” he told Al-Monitor.

According to Kadioglu, the increase in youth unemployment, especially among the educated, is caused in part by misguided education policies.<sup>283</sup>

Al Monitor reported on 14 November 2016 that “The bans and restrictions the Turkish government has imposed over the past four months under the state of emergency have resulted in tens of thousands of people shut out of social and economic life in what virtually amounts to “civil death.” Journalists and lawyers who lost their jobs after the July 15 coup attempt are now subject to legal and de facto work bans, which have produced a long list of victims [...] In addition, hundreds of companies have been seized and are now being run by government-appointed trustees. The government has created a social security code that enables it to track people who lost private

<sup>281</sup> Al Monitor, [Turkey’s 'devout generation' project means lost jobs, schools for many](#), 13 October 2016

<sup>282</sup> World Bank, [Turkey Regular Economic Note](#), November 2016

<sup>283</sup> Al Monitor, [Youth unemployment poses latest danger to Turkey](#), 24 November 2016



sector jobs and are now back in the labor market”.<sup>284</sup> The same source further noted that “Hundreds of other staff from the same hospital are yet to receive their severance pay and other financial entitlements. According to a government regulation, the entitlements of the staff of closed institutions are supposed to be paid within six months. Another former employee of the hospital, who is owed back pay and severance for 11 years of employment, said, ‘We’ve been told we’ll receive those once the inquiries are completed. They are examining whether we are FETO members or not. We are supposed to be reimbursed accordingly.’ The probes in question are not judicial investigations, and the procedure by which the Social Security Institution is conducting these ‘inquiries’ remains a mystery [...] An estimated 1 million people, including the families of those affected by the investigations and dismissals, appear headed for bleak futures”.<sup>285</sup>

In another article from Al Monitor published on 16 December 2016 the source details how the families of those accused of having assisted in the attempted coup have been coping: “‘We keep ourselves hidden,’ said 22-year-old Ceren, a recent university graduate. ‘Right now we’re speaking English, so it’s OK, but normally when we’re speaking to each other, we try to keep our voices low in case someone hears and causes trouble.’”.<sup>286</sup> The same article further highlights that “Their fathers’ and mothers’ bank accounts have been frozen, their fathers’ salaries cut, their health insurance canceled and they’ve been kicked out of their military housing”.<sup>287</sup>

Deutsche Welle stated on 22 December 2016 that “Turkey’s tainted image in the wake of its crackdown on opponents after the failed putsch in the country has had a negative impact on the economy and development prospects [...] Hasan Selamat is perplexed. For 35 years, he’s run a small jewelry shop in a backstreet near a bazaar in Istanbul. He’s never experienced anything like the present situation some months after the failed coup in mid-July. ‘In the first days after the putsch, it hadn’t been so obvious at all,’ he said. ‘But in the process, we witnessed more and more customers staying away. I can personally understand the tourists as many live in fear and do not want to travel to Istanbul because of the recent political events.’ Tourism accounts for roughly 13 percent of Turkey’s gross domestic product (GDP). Since the beginning of 2016, revenues from the sector have shrunk by 40 percent, also hitting Hasan Selamat [...] Since the summer months, 600 of a total of 2,000 stores have had to close down [in the bazaar in Istanbul]”.<sup>288</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

The World Bank noted on its website that the Turkish government “will need to take strong measures to address continuing structural vulnerabilities, revitalize private investment, boost growth, and resume Turkey’s convergence with Europe. New momentum is needed to improve the quality of education and boost productivity”.<sup>289</sup>

The New York Times reported in April 2017 that “Sezgin Yurdakul, 40 [...] was fired from the Istanbul ferry system because his daughter attended a Gulen-run school on a scholarship. [...] Mr. Yurdakul’s name is blacklisted on a national database, so no employer has yet dared to give him a new job. He, like thousands of other purged employees of the state, is now living off his savings”.<sup>290</sup>

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<sup>284</sup> Al Monitor, [Poverty, 'civil death' looms for victims of emergency rule](#), 14 November 2016

<sup>285</sup> Al Monitor, [Poverty, 'civil death' looms for victims of emergency rule](#), 14 November 2016

<sup>286</sup> Al Monitor, [Turkish families cope with aftermath of failed coup](#), 16 December 2016

<sup>287</sup> Al Monitor, [Turkish families cope with aftermath of failed coup](#), 16 December 2016

<sup>288</sup> Deutsche Welle, [Turkish economy on shaky ground](#), 22 December 2016

<sup>289</sup> World Bank, [The World Bank in Turkey](#), Last updated 20 April 2017, *Overview, Context, Country Context*

<sup>290</sup> The New York Times, [Turkey in Turmoil and Chaos Since Purge Aimed at Dissenters](#), 12 April 2017

Amnesty International published a report in May 2017 which focused on the dismissal of public servants, among them police officers, teachers, soldiers, doctors, judges, prosecutors and academics, by executive decree in the past ten months and found that more than 100,000 public sector employees were arbitrarily dismissed with the main target of the purge being people perceived to be followers of the Gulen movement.<sup>291</sup> The report also highlighted the “devastating impact of the dismissals on those affected and their families” with public sector employees not just losing their current jobs but that “they have been expelled from public service, and given the wide definition of public service, this means that many have been prevented from continuing their chosen professions. Due to the stigma of being branded “terrorists” under the decrees, many have not been able to find any work at all. Others, along with their families, have lost housing and health care benefits connected to their jobs. Unable to earn a living in Turkey, dismissed public sector employees have been prevented from seeking employment abroad, as the decrees also require the cancellation of their passports”.<sup>292</sup> All of the people Amnesty International spoke to were “either living off their savings, being assisted by friends or family, doing jobs such as cleaning in the irregular economy, or surviving on the minimal amount paid to dismissed workers who are members of trade unions. None of the people interviewed believed that they could survive in the long term under these circumstances”.<sup>293</sup>

## 2. Rule of law / Administration of Justice

### a. Access to justice

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#), and [1.a.i.2.f. Decrees of 29 October 2016 \[KHK/675 and 676\]](#).

### i. Legal representation

#### Pre-attempted coup situation

The U.S. Department of State report covering 2015 noted that “Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations. At times lawyers were detained when they attempted to intervene on behalf of protesters”.<sup>294</sup>

The London Legal Group explained in its March 2016 submission to the UN Committee Against Torture with regards to suspects’ access to legal representation that “Whenever a suspect is arrested, the Turkish Criminal Procedure Code requires that they are informed of their right to choose a defence attorney, and that statements taken in the absence of a lawyer cannot be used in

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<sup>291</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, *Executive Summary*, p. 4

<sup>292</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, *Executive Summary*, p. 4

<sup>293</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 3. *Dismissed public officials – civil death?*, p. 14

<sup>294</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

court, unless they are confirmed before a judge. Moreover, the Criminal Procedure Code includes provisions stating that the suspect or the accused has the right to consult with his or her lawyer, and that such right shall not be prevented or restricted: the latter provision constitutes a guarantee that interviews between suspects and lawyers remain private and confidential, which should represent a fundamental safeguard in cases in which suspects report torture allegation".<sup>295</sup> The same source further reported that:

While the above provision seems to provide an effective framework to protect a suspect's right to have access to a lawyer, in practice State authorities are under the obligation to respect such right only in cases of persons accused of offences that require a punishment of minimum 5 years of imprisonment. Therefore, for people accused of less serious crimes, their access to a lawyer merely depends on their own request: as individuals might not be aware of the existence of such rights, in this case where a suspect is accused of a crime punishable with less than 5 years of imprisonment, there are not sufficient procedural safeguards to ensure that he/she exercises his/her right to have access to a lawyer. Lack of protection and procedural safeguards increases the risk to be subject to torture and ill-treatment.

Moreover, even when suspects exercise their right to have access to a lawyer, the latter can be often hindered, as shown by a 2014 case which involved a lawyer being charged with perjury for having tried to take photographic evidence of the physical abuse his client had suffered while in police custody.

Turkish domestic provisions do not offer enough safeguards in relation to the right of detainees to have access to a lawyer.<sup>296</sup>

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey noted that "In accordance with the Law no. 6352 article 10 of ATL [Anti-Terror Law] was abrogated and a new provision was introduced. The regulation that the detainee's right to access a lawyer can be restricted for 24 hours by the demand of prosecutor and the decision of judge in 'terror crimes and crimes committed with the purpose of terror' and 'crimes with the purpose of generating monetary profit within the scope of criminal enterprise activities' remained".<sup>297</sup> Moreover, the 2015 U.S Department of State report explained that "The Internal Security Package also provides judges with the right to limit a lawyer's access to the investigation file, should the judge decide the case is confidential. [...] Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. The HRA [Human Rights Association] reported that suspects in sensitive cases continued to have restricted access to a lawyer in the first 24 hours of detention. In terrorism-related cases, authorities frequently denied access to an attorney until after security forces had interrogated the suspect".<sup>298</sup>

The International Bar Association reported that "Even before the coup attempt the harassment of the legal profession, particularly those working on human rights cases, was increasingly evident, notes Fisher [Chair of the Human Rights Committee of the Law Society of England and Wales], who has been observing the ongoing trial of 45 lawyers charged with terrorist offences related to their representation of Abdullah Öcalan, leader of the left-wing militant Kurdistan Workers' Party (PKK). 'The trial is a good example because the 45 lawyers were being represented by other lawyers,' he says. 'The last hearing was in March 2016, but two-to-three days before that hearing, some of the lawyers representing those lawyers were also arrested, taken into custody and have now been charged with terrorist offences. Two of them were pursuing cases at Strasbourg under the European

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<sup>295</sup> London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.21

<sup>296</sup> London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.21

<sup>297</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 31

<sup>298</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. d. *Arbitrary Arrest or Detention*

Convention on Human Rights related to alleged human rights violations during the course of the curfews that have been imposed in south-east Turkey”<sup>299</sup>.

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States noted in June 2016 that “The Assembly remains concerned about the extensive interpretation of the Anti-Terror Law, which contradicts Council of Europe standards and leads to the criminalisation and prosecution of human rights defenders and lawyers”<sup>300</sup>.

Physicians for Human Rights published a report in August 2016 on the situation in South East Turkey following their May 2016 fact-finding mission which noted that “Documentation and reporting of human rights violations have been made even more challenging for civil society organizations, lawyers, and international observers by the lack of access to places where violations have been committed, and by the legal persecution of health professionals who document killings. The result has been severely compromised justice processes. [...] Lawyers and families in other cases also described the refusal of local prosecutors to open investigations into allegations of civilian deaths”<sup>301</sup>.

For more information on the treatment of civil society and human rights defenders see section [5.c. Treatment of civil society, human rights and political activists](#).

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Human Rights Watch explained that “According to emergency decree 668 the public prosecutor can deny a detainee the right to see a lawyer for up to five days. The European Court of Human Rights has repeatedly held that denial of access to a lawyer during interrogation is incompatible with the right to a fair trial as well as affirming that access to a lawyer in detention is a safeguard against ill-treatment”<sup>302</sup>. For further information, see [1.a.2.b. Decree of 25 July 2016 \[KHK/668\]](#).

Following the coup attempt, Amnesty International reported in July 2016 that it had “interviewed more than 10 lawyers in both Ankara and Istanbul who gave information about the conditions of their clients’ confinement. The lawyers represented up to 18 detainees each. [...] Only one of the detainees represented by lawyers who spoke to Amnesty International was able to choose her own lawyer. According to the other interviewees, private lawyers were not allowed to represent detainees, who were all assigned bar association legal aid lawyers. The detainees’ access to their lawyers was also limited. Lawyers told Amnesty International that after the hearings they were not allowed to speak to their clients who were remanded in pre-trial detention”<sup>303</sup>.

The Business Insider reported in August 2016 that “Suspects are having trouble finding adequate counsel because expert lawyers are either afraid to be associated with the coup or are personally repulsed by the putsch, said Turkdogan of Turkey's Human Rights Association. In some cases, legal aid is provided, but those lawyers are often inexperienced and intimidated by the authorities, he

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<sup>299</sup> International Bar Association, [Reaping the whirlwind](#), 15 December 2016

<sup>300</sup> Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 19

<sup>301</sup> Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Lack of Investigations into Denial of Care and Other Violations*, p 23-24

<sup>302</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *II. Suspension of Safeguards Against Torture and Ill-treatment*, p.17

<sup>303</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

said”.<sup>304</sup> Human Rights Watch similarly reported in August 2016 that “Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association”.<sup>305</sup> Furthermore, the same source noted that:

Some lawyers asked to represent judges and prosecutors accused of links to the coup or Gülen movement said they felt pressure not to represent those clients or feared being associated with Gülenists if they did. Given that dozens of lawyers have been detained for alleged association with the Gülen movement in Istanbul, Konya, Izmir, and other cities, concerns about the risk of being associated with the movement are understandable. The Adana Bar Association on July 26 made a public statement referring to the “fear” and “concern” about possible reprisals felt by lawyers in Adana, the decision by some not to provide legal aid to people detained in relation to the failed coup attempt, and the negative treatment they faced from the police and prosecutors if they did represent the detainees. [...]

Beyond the issue of pressure on lawyers, in practice there have been restrictions on the right of lawyers to meet with people in police custody and pretrial detention.<sup>306</sup>

Reporting with regards to the impact of emergency decree 668, a September 2016 Reporters Sans Frontières report noted that “many journalists have been denied access to a lawyer during their first few days in police custody. [...] Under the 22 July decree, visits to journalists in Silivri prison are limited to an hour a week and are monitored by surveillance cameras and two guards. ‘Conversation is mostly limited to chitchat rather than effective lawyer-client discussion,’ [lawyer] Veysel Ok told RSF. ‘You cannot exchange notes or documents, which are subject to prior inspection by prison officials’”.<sup>307</sup> Furthermore, “The crackdown since the coup attempt has also targeted many judges, prosecutors and even lawyers. Lawyers have been arrested or placed under investigation or their offices have been raided. This climate of intimidation discourages both pro-Gülen movement lawyers and human rights lawyers from defending journalists who have been taken into custody”.<sup>308</sup>

Human Rights Watch explained in an October 2016 report with regards to the emergency decrees passed under the state of emergency that “The decrees deny detainees access to a lawyer for up to five days, leaving detainees in de facto incommunicado detention since family members were not granted access either. Once the law enforcement agencies allowed a detainee to see a lawyer, they often only allowed legal aid lawyers, whom former detainees and lawyers said were more susceptible to pressure and manipulation because they are often young and inexperienced. The decrees also restrict detainees’ right to conduct confidential conversations with their lawyers. Lawyers told Human Rights Watch that police officers were often present during their conversations with clients, or they sometimes even recorded the conversations or looked at their notes”.<sup>309</sup> Furthermore the same source noted that, “Some lawyers said that some detainees had not seen a lawyer even after five days. [...] Several lawyers in Ankara, including some who helped coordinate the provision of legal aid, also said that during the first days after the coup attempt the police refused to allow some lawyers to represent clients under any circumstances. Lawyers who had previously worked on cases related to the Gülen movement, the group accused of being behind the coup attempt, were not allowed to act for clients even if appointed by bar associations as legal aid lawyers. This list seems to have eventually disappeared, the lawyers said”.<sup>310</sup>

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<sup>304</sup> Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

<sup>305</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

<sup>306</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

<sup>307</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

<sup>308</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6

<sup>309</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, Summary, p.2

<sup>310</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, II. Suspension of Safeguards Against Torture and Ill-treatment, p.19

Also in October 2016 Turkey Purge reported that the outgoing president of the Istanbul Bar Association, Ümit Kocasakal, “proudly admitted that the association refused to serve people who face legal action as part of a relentless government crackdown against [sympathizers of] the [Gülen] movement”.<sup>311</sup> The same source further noted that “Several tips submitted to Turkey Purge in the recent past confirmed that lawyers are not willing to defend people who were imprisoned over their alleged links to the movement, either fearing persecution from the government or by own will to support cleansing of the movement from public”.<sup>312</sup>

Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In February 2017 the Parliamentary Assembly’s Committee on Legal Affairs and Human Rights issued a report on ‘Securing access of detainees to lawyers’. The report found with regards to the situation in Turkey post the attempted coup that:

Lawyers have said that they have been pressured not to represent individuals suspected of belonging to the FETÖ/PDY (Fetullahçı Terör Örgütü/Paralel Devlet Yapılanması – Gülenist Terrorist Organisation/Parallel State Structure) movement or are afraid of being associated with it if they do so. Dozens of lawyers are reported to have been detained on suspicion of having links to the FETÖ/PDY. [...] Since the declaration of the state of emergency, several decree-laws have introduced limitations to detainees’ right to access a lawyer. [...]

Against the background of extremely serious allegations of torture and the inhuman or degrading treatment of detainees, the lack of access to a lawyer is all the more worrying. [...]

As far as Turkey is concerned, obstacles to access to a lawyer of individuals arrested after the attempted coup are being reported in large numbers. Under the guise of the state of emergency, the Turkish Parliament is severely and permanently restricting the guarantees of a fair trial. In my opinion, the amendments made lack precision and open up the possibility of very broad interpretations. In view of the present situation, we may legitimately ask whether any lawyers able to defend individuals arrested or prosecuted after the attempted coup will remain, other than officially appointed lawyers. I therefore urgently call for the state of emergency to be lifted as quickly as possible.<sup>313</sup>

According to an April 2017 Stockholm Center for Freedom report, in addition to over 1000 lawyers having been detained and 411 arrested in the previous eight months, “lawyers generally ask for attorney fees that are up to 10 times more than usual if they want to take on the cases of people who were targeted by the government’s witch-hunt. This makes the situation all the more bleak as all possessions and properties of many suspects and defendants have been seized or confiscated without bothering to wait for a conviction. [...] Most worrisome of all is the existence of lawyers who work against their own clients. Many victims who believe their lawyers have filed an individual application with the Constitutional Court on their behalf get a rude awakening after learning that their lawyers haven’t even made the application within the legally allotted time. The victims who ask their lawyers to present their petitions and associated receipts are put off and made to lose time. In many cases where victims of human rights violations are unable to find lawyers to represent them, applying to the Constitutional Court or other courts in Turkey remains a mirage”.<sup>314</sup> The same source further reported with regards to attacks on the right to a defence as a result of decree 676:

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<sup>311</sup> Turkey Purge, [Outgoing chairman proudly admits Istanbul Bar Association refused to serve Gülen followers](#), 23 October 2016

<sup>312</sup> Turkey Purge, [Outgoing chairman proudly admits Istanbul Bar Association refused to serve Gülen followers](#), 23 October 2016

<sup>313</sup> Parliamentary Assembly’s Committee on Legal Affairs and Human Rights, [Securing access of detainees to lawyers](#), 15 February 2017, paragraphs 38, 39, and 53

<sup>314</sup> Stockholm Center for Freedom, [Turkey’s Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, *Lawyers under the crackdown* p.5

According to the new changes, there is no longer privacy during meetings between lawyers and their clients. The authorities are allowed to record the meetings and ensure that an official attends them. Limitations on meeting times and periods have been introduced. The authorities have been permitted to block any exchange of documents and seize them. The authorities may prohibit prisoners from meeting with the lawyers they choose. Lawyers who are being investigated or prosecuted may be banned from defending their clients.

Not only has it become easier to launch investigations into lawyers, but the legal provisions that equip lawyers with immunity are also not being implemented. Thus, a lawyer is deprived of his/her right to offer legal counsel by launching a contrived investigation into him/her. Legal provisions have been introduced to facilitate the way the police can raid the offices of lawyers and take them into custody. Defense counsels are no longer allowed to examine case files and retrieve copies of them. A person in custody can be prevented from seeing his/her lawyer for five days.

When arrested, a person can be prohibited from seeing his/her lawyer for six months. Moreover, he or she can also be banned from hiring their lawyer of choice by the authorities. Thus, the freedom of suspects/inmates to choose their lawyers is restricted. The requirement for the reading of indictments in court has been abolished. Thus, defendants have been deprived of their right to learn about the charges leveled against them even in court.<sup>315</sup>

Amnesty International explained in a May 2017 report that “Detainees are allowed one weekly hour-long consultation with their lawyer, which is monitored by prison officials, in violation of their right to confidential communication with counsel. Those in Silivri prison, where many journalists are held, are not allowed to send or receive letters, and association with other prisoners is limited to the two other individuals in their cell”.<sup>316</sup>

According to the June 2017 report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey, “The Special Rapporteur visited Silivri prison, as noted above, where lawyers are permitted only very brief meetings each week. During those meetings, they are unable to exchange documents and all conversations are allegedly monitored by the prison authorities. Lawyers with whom the Special Rapporteur met explained that in most cases neither they nor their clients were informed of the specific charges, making it difficult to prepare a defence. Individuals in detention were also unable to see their lawyers until shortly before being brought to court or being interrogated, adding an additional challenge for due process. Under the state of emergency decrees, judges can order that lawyers be replaced. Detained persons in many instances do not have access to legal and other books and cannot make telephone calls. Access to family members is also restricted. Lawyers representing detained persons reported harassment pursuant to the course of their work. The Government has launched an investigation into the tax records of a number of lawyers and many have been investigated and detained”.<sup>317</sup>

Lawyer Veysel Ok who is defending the well-known novelist and columnist Ahmet Altan described to Reporters Sans Frontières in July 2017 how the state of emergency is violating his client’s right to legal defence: “I am allowed only one hour a week to discuss the indictment and the dozens of appended files with my client. [...] An exchange of documents with him takes at least 20 days. The papers have to go through the prison management, the Bakırköy prosecutor’s office, the Çağlayan prosecutor’s office and finally the court that is handling the case. It is impossible to prepare for the trial properly under these circumstances”.<sup>318</sup>

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<sup>315</sup> Stockholm Center for Freedom, [Turkey’s Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, 1.d. Restrictions introduced under emergency rule p.9

<sup>316</sup> Amnesty International, [Journalism Is Not a Crime: Crackdown on Media Freedom in Turkey](#), 3 May 2017 Background p.6

<sup>317</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraphs 73 and 74

<sup>318</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

Politico reported in July 2017 that “Lawyers frequently complain that the government is interfering with the defense, by monitoring and recording meetings with their clients or confiscating documents, for example. Often lawyers are in the dark about the exact charges against their clients for months, as prosecutors take their time with indictments. In the case against the Cumhuriyet journalists, pro-government newspaper Sabah got hold of the indictment before Cumhuriyet’s lawyers did. ‘When I meet clients in prison, a guard comes and listens and there’s a camera in the room,’ said Ok [media lawyer who has filed ECHR applications on behalf of several prominent journalists]. ‘And documents go missing. For example, Ahmet Altan prepared a handwritten defense but the guards confiscated it. We should have gotten it, but we don’t know where it is’”.<sup>319</sup>

In September 2017 an IRIN news article reported that “Meetings with lawyers are recorded by video cameras or conducted in the presence of security personnel, inhibiting the right to a proper defense”.<sup>320</sup>

## ii. Criminal justice system and access to fair trial

This section should be read against [2. c. Corruption in the judicial system](#).

### Pre-attempted coup situation

The Hands off Cain country profile on Turkey explains that the Turkish judicial system comprises the “Constitutional Court; High Court of Appeals (Yargitay); Council of State (Danistay); Court of Accounts (Sayistay); Military High Court of Appeals; Military High Administrative Court” and that the legal system “refers to various European systems”.<sup>321</sup> The U.S. Department of State explains that “The country has an inquisitorial criminal justice system”.<sup>322</sup> For further information on the structure of the judicial system, see:

- ❖ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 3. Judiciary, Structure and Organisation p.70

See also the [Pre-attempted coup situation](#) section of [1.a.ii.3. Legal and judicial institutions](#).

The Inter Press Service reported in December 2015 “As a direct result of mass protests in the summer of 2013, the Turkish government tightened its control over media and the internet even further. Followed by corruption allegations in December the same year, the government intensified its control over the criminal justice system and reassigned judges, prosecutors, and police in order to exercise a greater control over the country’s already politicized freedom of the press”.<sup>323</sup> Human Rights Watch’s annual report covering 2015 similarly noted that “Long-standing defects in Turkey’s justice system include threats to judicial independence, a pattern of ineffective investigation into abuses by security forces and other state actors, excessively long proceedings, and politically motivated prosecutions. The AKP government in 2015 continued efforts to purge the police and judiciary of alleged supporters of the Gülen movement. During 2015, prosecutors, judges, and police officers with perceived links to the Gülen movement were jailed and charged with plotting against the government and membership of a terrorist organization. The main evidence being cited against

<sup>319</sup> Politico, [Turkish detainees could lose right to European appeal](#), 13 July 2017

<sup>320</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

<sup>321</sup> Hands off Cain, [Turkey country profile](#), undated [accessed 27 September 2017]

<sup>322</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.e Denial of Fair Public Trial

<sup>323</sup> Inter Press Service, [Human Rights in Turkey: Is Turkish Press Freedom in Danger?](#) 18 December 2015



judges and prosecutors at time of writing was decisions taken in the course of their professional duties rather than any evidence of criminal activity”.<sup>324</sup>

The 2015 U.S. Department of State report noted that “Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. The HRA [Human Rights Association] reported that suspects in sensitive cases continued to have restricted access to a lawyer in the first 24 hours of detention. In terrorism-related cases, authorities frequently denied access to an attorney until after security forces had interrogated the suspect. [...] The trial system does not provide for access to a speedy trial, and hearings in a case may be months apart”.<sup>325</sup> With further regards to denial of a fair public trial the same source noted that:

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Under the law defendants enjoy a presumption of innocence and have the right to prompt and detailed information about the charges against them. There were multiple, confirmed reports that the government did not observe this law. [...]

Court files, which contain the indictment, case summaries, judgments, and other court pleadings, are closed to everyone other than the parties to a case, thus making it difficult to obtain information on the progress or results of court cases. The Internal Security Package enacted in April overturned a provision in the 2014 Fifth Judicial Package that prevented judges from restricting lawyers’ access to the files during the prosecution phase. [...]

Defendants have the right to be present at trial and to consult with an attorney in a timely manner. [...] Defendants have the right not to testify or confess guilt and the right to appeal, although appeals generally took several years to conclude. Defendants sometimes waited several years for their trials to begin. The failure of officials to submit statements promptly or attend trials, especially in cases against security officials, resulted in delayed proceedings.<sup>326</sup>

In its annual report covering 2015 Amnesty International reported that “Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy”.<sup>327</sup>

The November 2015 European Commission Turkey progress report on EU membership found with regards to the efficiency of the judiciary that:

No action has been taken to introduce a reliable registration system or draw up indicators to measure the justice system’s efficiency. Lengthy trials, especially those lasting more than five years, often result in the suspects being released without conviction, even in serious crimes cases. Systemic solutions are needed to address trials’ excessive length. Decisions on detention or continued detention frequently lacked proper reasoning based on specific facts, evidence and grounds to justify the deprivation of liberty, as required by law. The court experts system should be revised. Excessive recourse to court experts by judges, low quality of expert reports and low fees remain as problems. A draft law to overcome the issues is yet to be adopted. Court experts should be subject to cross-examination in practice.<sup>328</sup>

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<sup>324</sup> Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

<sup>325</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. e. *Denial of Fair Public Trial*

<sup>326</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. e. *Denial of Fair Public Trial*

<sup>327</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>328</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, 4.23. Chapter 23: *Judiciary and fundamental rights*, p.58

In April 2016 the Daily Sabah reported that “The Justice Ministry is working on a package of regulations and amendments to the Penal Code to relieve the burden of courts, and authorities examined U.S. and European Union model judicial systems. The reforms, which will be included in a set of bills to be brought to Parliament for ratification, aim to foster a quicker judicial process, as in other countries, for the Turkish legal system. Reforms will also contribute to decreasing the high prison population by calling for sentence reductions for defendants that make plea deals with prosecutors”.<sup>329</sup> The same source noted that “No recent figures are available, but figures from last year show the judiciary had a heavy workload that totaled 1.4 million cases in 2013 plus more than 500,000 unresolved cases from the previous year, according to statistics released by the Presidency of the Supreme Court of Appeals”.<sup>330</sup>

The International Commission of Jurists reported in June 2016 that “Since 2014, there have been a series of alarming developments affecting the institutions of the Turkish judicial system, including retrogressive amendments to the legislative framework, increased executive control in practice of the governing institutions of the judiciary and prosecution service; the arrest, dismissal and arbitrary transfer of judges and prosecutors; and recurring instances of violence and threats against lawyers. There are strong indications that, taken together, these measures may amount to a concerted attack on the independence of the judiciary, prosecution and legal profession, whose integrity and effectiveness is essential to the operation of the Turkish justice system and to the maintenance of the rule of law”.<sup>331</sup>

In June 2016 Radio Free Europe/Radio Liberty reported that “Turkish police have detained 28 people over allegations of funding the movement of U.S.-based Muslim cleric Fethullah Gulen, a foe of President Recep Tayyip Erdogan. [...] Thousands of police officers, prosecutors, and judges were dismissed or reassigned for alleged links to the cleric”.<sup>332</sup>

Also in June 2016 International PEN, the International Press Institute and Reporters Sans Frontiers submitted to the UN Human Rights Council that “Across the country the authorities are increasingly intolerant of political opposition, public protest, and critical media, while government interference has undermined judicial independence and the rule of law. [...] The recent sentencing of Can Dündar and Erdem Gül, editor and Ankara bureau chief respectively of the Turkish daily newspaper Cumhuriyet, to prison on 6 May 2016 on charges of obtaining and revealing state secrets is just one of the latest examples of the government’s attempts to punish and suppress legitimate criticism and prevent the exposure of its abuses and corruption. The trial, in which President Erdoğan and Turkey’s National Intelligence Agency (MIT) were complainants, was conducted in a closed court indicating the increasingly compromised independence of the justice system”.<sup>333</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

This section should be read against section [6.b. Members of the judiciary](#).

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<sup>329</sup> Daily Sabah, [Plea bargain in the works to speed up Turkey's judicial system](#), 3 April 2016

<sup>330</sup> Daily Sabah, [Plea bargain in the works to speed up Turkey's judicial system](#), 3 April 2016

<sup>331</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Introduction*, p.3

<sup>332</sup> Radio Free Europe/Radio Liberty, [Turkey detains 28 over alleged links to Erdogan foe](#), 25 June 2016

<sup>333</sup> International PEN, the International Press Institute and Reporters Sans Frontiers, [Joint written statement\\* submitted by International PEN, the International Press Institute, Reporters Sans Frontiers, nongovernmental organizations in special consultative status Turkey: Major deterioration of the human rights situation in the country](#), 8 June 2016

According to the International Commission of Jurists “Within hours of the failed coup attempt in July, the Government initiated a purge of the judiciary on an unprecedented scale”.<sup>334</sup> Human Rights Watch explained in August 2016 that “On July 16, the day after the attempted coup, the Higher Council of Judges and Prosecutors issued a list of 2,745 judges and prosecutors who were to be suspended on the grounds that they were suspected of being ‘members of the Fethullah Gülen Terrorist Group/Parallel state structure (FETÖ/PYD).’ The council is charged with administering the justice system, including the appointments, assignments, and oversight of judges and prosecutors. Versions of these lists were published in the media that day, and police began to arrest those named. In addition to the 2,745 judges and prosecutors from lower courts, the investigation includes 48 members of the Council of State, Turkey’s highest administrative court, two members of the Constitutional Court, 140 members of the Court of Cassation, and four members of the Higher Council of Judges and Prosecutors”.<sup>335</sup>

On 18 July 2016 the International Commission of Jurists reported that “Purging the judiciary now endangers the deepest foundations of the separation of powers and the rule of law. An independent judiciary will be critical to ensure a functioning administration of justice for all people in Turkey as the country emerges from the crisis. [...] This weekend’s mass suspensions and arrests of judges represent a dramatic escalation of an attack on judicial independence that was already underway”.<sup>336</sup> On 19 July 2016 a group of United Nations experts issued a statement noting that they were “particularly alarmed at the sheer number of judges and prosecutors who have reportedly been suspended and arrested [...] According to international law, judges can be suspended or removed only on serious grounds of misconduct or incompetence after fair proceedings”.<sup>337</sup> Human Rights Watch reported that “Jailing judges without even the pretence of due process will cause profound damage to Turkey’s justice system for years to come, said Emma Sinclair-Webb, Turkey director at Human Rights Watch. ‘Bypassing the rule of law is no way to protect it’.”<sup>338</sup>

Human Rights Watch explained “With a decision effective from August 2, Turkey also derogated from the International Covenant on Civil and Political Rights (ICCPR). [...] In its notice of derogation Turkey listed 13 articles of the ICCPR from which it was derogating including the rights to liberty and security, fair trial and privacy”.<sup>339</sup> Following the coup attempt, Amnesty International reported in July 2016 that “Detainees are being arbitrarily held, including in informal places of detention. They have been denied access to lawyers and family members and have not been properly informed of the charges against them, undermining their right to a fair trial”.<sup>340</sup> It further reported that judges and prosecutors held in pre-trial detention “were detained on suspicion that they are members of a terrorist organization or were involved in the coup attempt. Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association”.<sup>341</sup>

The Business Insider reported in August 2016 that “There are now so many alleged putschists that the government says it doesn’t have a courthouse big enough to try them all and will need to build new ones. Some 3,000 prosecutors and judges are among those who have been detained, making it

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<sup>334</sup> International Commission of Jurists, [Rule of law crisis in Turkey: UN Statement](#), 19 September 2016

<sup>335</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

<sup>336</sup> International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016

<sup>337</sup> UN Office of the High Commissioner for Human Rights, [UN experts urge Turkey to respect the independence of the judiciary and uphold the rule of law](#), 19 July 2016

<sup>338</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

<sup>339</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Legal Framework*, p.13

<sup>340</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>341</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

even more difficult to find members of the judiciary to handle trials”.<sup>342</sup> In an August 2016 article Amnesty International reported that “Having so many people suddenly dismissed has had significant consequence for the functioning of the state. One fifth of the judiciary has been suspended, fired, or detained”.<sup>343</sup> Radio Free Europe/Radio Liberty reported in September 2016 that “70,000 people have been investigated in the post-coup crackdown and 32,000 of them have been officially remanded into custody by Turkish courts” and according to Turkey’s justice minister Bekir Bozdag, the prospect of trying more than 30,000 people would “test the Turkish legal system”.<sup>344</sup> A September 2016 Reporters Sans Frontières noted that “the government has issued decrees that undermine the foundations of the rule of law, opening the way to arbitrary conduct by officials and police and strengthening the powers of a judicial system that is now more politicized than ever”.<sup>345</sup>

The International Commission of Jurists reported as of 19 September 2016 “At least 3,300 judges and prosecutors have been dismissed or suspended, and hundreds have been arrested, including members of the High Council for Judges and Prosecutors. [...] These actions have done severe damage to the already fragile independence of the judiciary in Turkey, and threaten the right to a fair trial”.<sup>346</sup> In September 2016 President Recep Tayyip Erdogan was quoted as stating that the purge of Turkey’s judiciary would “enhance” the judiciary’s independence.<sup>347</sup> The BBC reported in early October 2016 that “There are fears that under the state of emergency - and in a country where judicial independence has plummeted - opponents are being rounded up with little chance to clear their name”.<sup>348</sup>

In October 2016 the Council of Europe issued a ‘Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey’ which noted that “The Commissioner observes that the series of emergency decrees adopted in Turkey since July created very far-reaching, almost unlimited discretionary powers for administrative authorities and the executive in many areas, by derogation from general principles of rule of law and human rights safeguards ordinarily applicable in a democratic society”.<sup>349</sup> The same source further considered that:

As regards on-going criminal proceedings, among the most immediate human rights concerns are consistent reports of allegations of torture and ill-treatment. The Commissioner does not automatically give credence to such allegations, but observes that the extension of the custody period to 30 days, practical changes to procedures for obtaining medical reports, and drastic restrictions to access to lawyers, as well as limitations on the confidentiality of the client-lawyer relationship, contributed to the persistence of such allegations. The fact that there is currently no functioning National Preventive Mechanism in Turkey and that the existing prison monitoring boards have been disbanded and reappointed during such a crucial period only exacerbated the risks inherent in this situation.<sup>350</sup>

In its December 2016 report the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States described the framework of the state emergency, which amongst others notably regulated “the dissolution of the Association of Judges and Prosecutors (Yarsav, a

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<sup>342</sup> Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

<sup>343</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

<sup>344</sup> Radio Free Europe/Radio Liberty, [Turkey says more than 32,000 to be tried over coup](#), 28 September 2016,

<sup>345</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

<sup>346</sup> International Commission of Jurists, [Rule of law crisis in Turkey: UN Statement](#), 19 September 2016

<sup>347</sup> BBC, [Turkey coup attempt: 543 more court officials sacked](#), 1 September 2016

<sup>348</sup> BBC, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

<sup>349</sup> Council of Europe, [Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, CommDH(2016)35, paragraph 11

<sup>350</sup> Council of Europe, [Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, CommDH(2016)35, paragraph 15

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>351</sup> Bianet explained that “he was arrested [...] on charge of being a member of an armed terrorist organization in accordance with Article 314/2 of the Turkish Criminal Code (TCK)”.<sup>352</sup>

In December 2016 a delegation from the Human Rights Association of Turkey (IHD) paid a series of prison visits to interview detained majors and People’s Democratic Party (HDP) MPs.<sup>353</sup> The IHD reported that at Kandira Number 1 (Woman) F-Type Prison, “People that we interviewed with [sic] stated that they don’t receive the letters and faxes sent to them and some sentences in the faxes they receive is scratched out thus their rights to communicate were violated. In addition to this, registered letters with advice of receipt are given to them after an inspection”.<sup>354</sup>

A December 2016 International Bar Association article cited Tony Fisher, Chair of the Human Rights Committee of the Law Society of England and Wales, who has worked on a number of human rights cases in Turkey as stating that “I think about 30 per cent of the judiciary has been removed now and that’s obviously having a substantial knock-on effect on the administration of justice both in the civil and criminal courts”.<sup>355</sup>

Also in December 2016, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Nils Melzer issued his preliminary observations and recommendations following his November 2016 visit to Turkey in which he found that “As a consequence of the recent dismissals of thousands of judges, prosecutors and other officials, the case-load of individual complaints cannot be processed in a timely manner”.<sup>356</sup>

Radio Free Europe/Radio Liberty reported that on 27 December 2016 “the first trial of alleged plotters in Turkey’s July failed coup attempt has started in Istanbul with 29 police officers facing sentences of up to life in prison”.<sup>357</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

This section should be read against section [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#).

Hurriyet Daily News explained that a 23 January 2017 decree established a State of Emergency Procedures Investigation Commission to “receive applications about removals or dismissals from public service and education institutions, as well as the closure of associations, foundations, trade unions, federations, confederations, private health institutions, private education institutions, higher education institutions and foundations, private radio and television organizations, newspapers and

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<sup>351</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, para. 10.4

<sup>352</sup> Bianet, [YARSAV President Murat Arslan Arrested](#), 27 October 2016

<sup>353</sup> Human Rights Association of Turkey, [IHD’s Report on the Prison Visits Made to Arrested MPs and Mayors](#), 15 December 2016

<sup>354</sup> Human Rights Association of Turkey, [IHD’s Report on the Prison Visits Made to Arrested MPs and Mayors](#), 15 December 2016

<sup>355</sup> International Bar Association, [Reaping the whirlwind](#), 15 December 2016

<sup>356</sup> OHCHR news, [Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016](#), 2 December 2016

<sup>357</sup> Radio Free Europe/Radio Liberty, [First Trial of Alleged Coup Plotters Opens In Turkey](#), 27 December 2016

magazines, news agencies, publishing houses and distribution channels. [...] The commission's term will be two years, and members are expected to issue around 200,000 decisions about the decrees during their term. However, the Council of Ministers can extend the term for one year".<sup>358</sup>

The European Public Service Union reported in May 2017 with regards to the State of Emergency Procedures Investigation Commission set up by decree in January 2017 that "Its 7 Members will have to get through the close to 100.000 cases. There are concerns if the commission can deal with so many cases in a short time. It further appears the commission is to deal with all those educational institutions, trade unions, private health clinics, media (magazines, journals, radio and tv stations, publishing houses and news agencies) that have been closed down. The commission will take binding decisions. Only after this commission has made a judgement an appeal is possible".<sup>359</sup> Also reporting on the Commission's shortcomings in May 2017, Amnesty International noted that:

The commission's lack of independence is a matter of serious concern. Of the seven members of the commission, three are chosen by the office of the Prime Minister, one each by the Ministries of Justice and Interior and two by the High Council of Judges and Prosecutors (HSYK, the highest judicial body) - all institutions that were responsible for initial dismissal decisions. [...]

The procedure that the commission will operate under also calls its effectiveness into question. It remains unclear on what criteria the commission will judge whether people were rightfully or wrongly dismissed since the decisions are not based on existing administrative or criminal law procedures. The ability of individuals to bring a case before the commission is also limited by the fact that they will not be able to see the evidence which was the basis for their dismissal and expulsion and therefore will not be able to mount an effective defence.

Significantly, the seven-person commission lacks the capacity to examine potentially over 100,000 appeals from dismissed individuals and the hundreds of associations and institutions closed down under state of emergency decrees. For the commission to examine all of the individuals' cases alone within the foreseen two year period would require it to take hundreds of decisions every day. Ministry of Justice officials told Amnesty International that the capacity of the seven-person commission would be boosted by the presence of a secretariat and the fact that it will not have further duties. But the secretariat staff of the commission are provided by the office of the Prime Minister further eroding its independence.<sup>360</sup>

For further information on the commission, see section [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#).

According to the Stockholm Center for Freedom's April 2017 report, 'Turkey's Descent into Arbitrariness: The End of the Rule of Law':

Victims of human rights violations in Turkey are unlikely to have the benefit of a fair trial if the case involves the persecution, or rather witch-hunt, that Erdoğan publicly declared he would pursue against members of the Gülen movement. The copy-paste indictments in the form of political manifestos as dictated by the government often lack any evidence to support serious charges leveled against suspects. The judges and prosecutors just toe the government line as they are afraid of being dismissed and arrested on trumped-up charges, as happened in the case of over 3,000 judges and prosecutors who were dismissed and arrested and whose assets were frozen.<sup>361</sup>

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<sup>358</sup> Hurriyet Daily News, [Members of State of Emergency Commission named](#), 17 May 2017

<sup>359</sup> European Public Service Union, [Turkey established appeals commission for dismissed workers – But it will not bring justice to ten thousands of public service workers](#), 29 May 2017

<sup>360</sup> Amnesty International, [Turkey: No end in Sight, Purged Public Sector Workers Denied a Future in Turkey](#), 22 May 2017, 4. *No Effective Appeal* p.18

<sup>361</sup> Stockholm Center for Freedom, [Turkey's Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, *Introduction* p.4

According to Reporters Sans Frontières reporting in July 2017, “The arrival of the first anniversary of the coup attempt means that most of the detained journalists are approaching the first anniversary of their arrest. But the indictments only began being issued in the spring and the big trials are only now starting to get under way. The ‘justices of the peace,’ the regime’s new henchmen, systematically order pre-trial detention and usually reject release requests without taking the trouble to offer legal reasons”.<sup>362</sup>

Politico reported in July 2017 that “For many of the tens of thousands detained in the aftermath of last July’s failed coup, the ECHR has emerged as their only hope. Few trust Turkey’s own judiciary to give fair consideration to their cases; besides, the enormous caseload — along with the dismissal of more than 4,000 judges and prosecutors, a quarter of the total — has thrown the courts into chaos. Defendants often languish in prison for months without seeing an indictment; a clear violation of the fundamental right to liberty, lawyers argue. Yet successful applications for bail are so rare that a growing number of Turkish lawyers are turning to Strasbourg to get their clients out of detention”.<sup>363</sup> Similarly, according to Amnesty International, reporting in May 2017 “Dismissed public sector employees currently have no prospect of a remedy at the European Court of Human Rights (ECtHR) either. So far applications have been rejected as inadmissible on the grounds that it had not been demonstrated that domestic remedies had been exhausted”.<sup>364</sup>

The same source further noted that “The Constitutional Court, Turkey’s top legal body, has yet to rule on a single case related to last summer’s failed coup. Two of its members are in prison themselves, and the backlog of pending appeals is said to number 100,000. Paranoia rules the lower courts, with few judges brave enough to defy the government. [...] There is little question that Turkey’s courts are in disarray. As part of a sweeping government purge, more than 4,000 judges and prosecutors were fired, their seats quickly filled with inexperienced recruits. Lawyers say that dealing with a 20-something judge straight out of law school is not uncommon”.<sup>365</sup>

Reporting in September 2017, the Stockholm Center for Freedom noted that “While defendants were deprived of the right to due process and a fair trial, the courts have been put under continuous and overwhelming pressure by the political authorities. Erdoğan’s personal lawyers have been attending what appear to be sham trials and acting as if they are inspectors overseeing judges and prosecutors. [...] Despite the ban on publishing or revealing pictures from courtrooms, members of Parliament from Erdoğan’s AKP share their photos from court in order to prove their presence during the trials. Sometimes they go so far as to decide how the procedural laws should be implemented and even dare to dictate how hearings should be held. In their interventions, claiming that the defendants are lying, they ask the judges not to take their statements into consideration, in a blatant interference by politicians in the conduct of hearings. The intense pressure on courts makes fair trials and independent judgements impossible in Turkey”.<sup>366</sup>

The OSCE reported that 14<sup>th</sup> September 2017 was the last day on which people could appeal against their dismissal to the State of Emergency Procedures Investigation Commission, by which time it had received 80,000 appeals since it started receiving applications on 17<sup>th</sup> July 2017.<sup>367</sup> Chair of the OSCE Parliamentary Assembly’s human rights committee, Spanish parliamentarian Ignacio Sanchez Amor,

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<sup>362</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

<sup>363</sup> Politico, [Turkish detainees could lose right to European appeal](#), 13 July 2017

<sup>364</sup> Amnesty International, [Turkey: No end in Sight, Purged Public Sector Workers Denied a Future in Turkey](#), 22 May 2017, 4. *No Effective Appeal* p.17

<sup>365</sup> Politico, [Turkish detainees could lose right to European appeal](#), 13 July 2017

<sup>366</sup> Stockholm Center for Freedom, [Erdoğan’s Rule by Royal Decree: Turkey’s Contempt for the Rule of Law](#), September 2017, *Introduction* p.7

<sup>367</sup> OSCE, [OSCE PA human rights leader: Turkish appeals commission must be transparent to restore faith in rule of law](#), 14 September 2017

stated that “Effective and transparent work by the review commission in the coming months will be critical to restoring a sense of justice for the thousands of people caught up in the procedures enacted under the state of emergency”.<sup>368</sup>

For further information on how the purge of judges affects access to justice, see [6.b. Members of the judiciary](#).

### iii. Due process and procedural guarantees (incl. arrest and detention procedures)

For information on arbitrary arrest in practice, see section [3 e. Arbitrary arrest and detention](#).

#### Pre-attempted coup situation

Amnesty International explains that “Arbitrary detention is prohibited under international law. The right not to be arbitrarily detained has been codified in Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Turkey has ratified. The notion of “arbitrariness” includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality. Furthermore, the right to challenge the lawfulness of detention (habeas corpus), as set out for instance in ICCPR Art 9(4), entitles anyone who is deprived of liberty to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful”.<sup>369</sup>

In its annual report covering 2015 Amnesty International reported that “The practice of arbitrary detentions at assemblies was given legal basis by legislative amendments in March in the Domestic Security Package, providing police with powers to detain without judicial supervision”.<sup>370</sup> The U.S. Law Library of Congress reported with regards to ‘Detention Without a Warrant’ in the March 2015 Package Laws that:

The Turkish Criminal Procedure Code generally prescribes that a prosecutor’s permission is necessary in order to take a person caught in the act of committing a crime into custody for twenty-four hours. Law No. 6638 amends the Code to give the police the authority to detain persons caught in the act of committing a crime for twenty-four hours, without a warrant, for crimes involving force and violence committed during public events (toplumsal olaylar)—that is, for some ten types of offenses listed in the Criminal Code, crimes listed in the Anti-Terrorism Law, and certain offenses listed in the Meetings and Demonstration Act, among others. If the crime is “collective”—for example, involving mass demonstrations—police officers may hold persons in custody for up to forty-eight hours without a prosecutor’s permission.<sup>371</sup>

The 2015 U.S. Department of State report noted with regards to the Internal Security Package that it “provides a liberalized arrest procedure timeline for a catalogue of crimes (including participation in illegal demonstrations, sexual assault, smuggling, theft, drug use, and murder). Those suspected of committing these crimes may be detained for up to 48 hours before being arraigned before a judge. Prosecutors may authorize an extension of pre-arraignment detention for up to four days in certain

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<sup>368</sup> OSCE, [OSCE PA human rights leader: Turkish appeals commission must be transparent to restore faith in rule of law](#), 14 September 2017

<sup>369</sup> Amnesty International, [Turkey: Further information: Refugee transferred from airport, still at risk: Fadi Mansour](#), 21 March 2016

<sup>370</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>371</sup> Law Library of Congress, [Turkey: Recent Developments in National and Public Security Law](#), November 2015



situations. Human rights organizations, opposition political parties, and others sharply criticized the changes made to arrest and detention laws by the Internal Security Package”.<sup>372</sup> For example Amnesty International reported that “the bill facilitates the already widespread practice of arbitrary detentions during protests and paves the way for further human rights violations including politically motivated criminal investigations and violations of the right to life”.<sup>373</sup>

In its annual report covering 2015, the U.S. Department of State noted with regards to ‘Arrest Procedures and Treatment of Detainees’ that:

Authorities must notify suspects of the charges against them within 24 hours, although human rights activists claimed they did not always tell suspects which specific statement or action was the basis of a given charge. For crimes that carry sentences of fewer than three years in prison, a judge may release the accused after his arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge decides either to release the defendant on his or her own recognizance or, if there are specific facts indicating that the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims, the judge may hold the defendant in custody (arrest) prior to trial. Judges, however, often kept suspects in detention without articulating a justification for doing so. [...]

The 2014 Fifth Judicial Package reduced from 10 years to five the maximum time that a detainee could be held pending conviction, including for organized crime and terrorism-related offenses. For other major criminal offenses tried by high criminal courts, the maximum detention period is two years plus three one-year extensions, for a total of five years.<sup>374</sup>

In its April 2016 submission to the UN Committee Against Torture, Human Rights Watch reported that “Alongside weak mechanisms for accountability for wrong-doing by state officials and members of the security forces, Turkey has in recent years introduced problematic laws giving the police greater powers to detain individuals without judicial oversight and thereby increasing the risk of ill-treatment and arbitrary detention”.<sup>375</sup> In June 2016 the Committee Against Torture concluded that “While taking note of the legal safeguards enshrined in Turkish legislation, the Committee is concerned at recent amendments to the Code of Criminal Procedure, which give the police greater powers to detain individuals without judicial oversight during police custody. Placing suspects under constant video surveillance in their cells is another matter of concern (art. 2)”.<sup>376</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

In July 2016 the World Organisation Against Torture reported that “The state of emergency, declared for three months, allows the president and the Council of Minister to rule by decree, bypassing in this way the parliament when drafting new laws and concentrating into the hands of a few people the power to restrict or suspend rights and freedoms”.<sup>377</sup>

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<sup>372</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. d. *Arbitrary Arrest or Detention*

<sup>373</sup> Amnesty International, [TURKEY: DRACONIAN REFORMS GIVE POLICE WIDE-RANGING POWERS TO REPRESS DISSENT](#), 27 March 2015

<sup>374</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. d. *Arbitrary Arrest or Detention*

<sup>375</sup> Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

<sup>376</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraph 19

<sup>377</sup> World Organisation Against Torture, [Turkey: No opening of floodgates for torture and arbitrary detention!](#), 21 July 2016

Human Rights Watch, along with a number of NGOs signed a joint letter in October 2016 that explained “Numerous provisions in Turkey’s emergency decrees have suspended key safeguards that protect detainees from torture and other ill-treatment in ways that violate Turkey’s international obligations and place detainees at risk. They include:

1. Prolonged police detention for terrorism-related offences and organised crime without legal review – extended from four days to 30 days;
2. Denial of a detainee’s right to see a lawyer for up to five days and severe restrictions on the right to choose lawyer during police detention;
3. Interference with confidential access to a counsel, including monitoring and recording of communications at the request of a prosecutor.<sup>378</sup>

A November 2016 International Bar Association article cited Ümit Hergüner, a senior partner at Hergüner Bilgen Ozeke in Istanbul as stating “The significant curtailment of rights under the state of emergency has certainly proved demoralising for Turkish lawyers. [...] For instance, emergency decrees have permitted arrest warrants and search warrants to be issued directly by prosecutors if the exigencies of the situation required bypassing the courts. The decrees have also allowed the seizure of otherwise privileged correspondence, such as between a suspect and their lawyer or spouse, even if the correspondence was in the possession of the lawyer or the spouse. [...] Also, the decrees did away with the principle of the privacy of communications with defence counsel if there was assessed to be a threat of secret messages being passed between the lawyer and the client”.<sup>379</sup>

The same source cited Ayse Bingöl Demir, a human rights lawyer based in Istanbul as stating “What we’re seeing right now after the extension of the state of emergency, the introduction of the decree laws and the way the judiciary has been handling the situation it seems like the judicial system is not functioning properly. [...] This means that although there are rules that are supposed to protect lawyers’ practice, they are not necessarily implemented or applied. And most notably most local bar associations have been really reluctant to speak out. Unfortunately the legal profession is alone at the moment and doesn’t have much support, making it very hard for lawyers to continue their work, especially if they are working on sensitive cases”.<sup>380</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

This section should be read in conjunction with section [1.a.i.2.i. Decrees of 23 January 2017 \(KHK/682, 683, 684 and 685\)](#).

Amnesty International explained that “On 23 January 2017, another executive decree reduced the maximum period of pre-charge police detention to seven days, renewable for a further seven days. The 23 January decree also lifted the ban on access to lawyers during the first five days of detention”.<sup>381</sup>

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<sup>378</sup> Human Rights Watch, [Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter](#), 20 October 2016

<sup>379</sup> International Bar Association, [Turkish lawyers voice concern over state of emergency extension](#), 16 November 2016

<sup>380</sup> International Bar Association, [Turkish lawyers voice concern over state of emergency extension](#), 16 November 2016

<sup>381</sup> Amnesty International, [Journalism Is Not a Crime: Crackdown on Media Freedom in Turkey](#), 3 May 2017  
Background p.5

Reporting in February 2017 on the trials of journalists and human rights defenders in Turkey, Article 19 noted that “the indictments and charges include multiple inconsistencies, suggesting the influence of politics on the justice system”:

For example, investigative journalist Ahmet Şık, whose hearing in the OdaTV Case was observed this week, is in the unusual position of being tried simultaneously in two separate and contradictory cases, one in which he is accused of “supporting the Ergenekon organization” on the basis of his book in 2011 criticising the Gülen movement, and another for “supporting the FETÖ and the PKK”.

The Taraf case is also marred by inconsistencies and confusion, with an indictment that was largely copy-pasted from last year’s case against Can Dün.<sup>382</sup>

With further regards to due process the same source recorded the following abuses:

Many of the defendants face numerous cases, with several being held in pre-trial detention, despite no clear rationale offered for this, with no indication that they will receive a fair trial within a reasonable period. This includes Mehmet Baransu, detained since 2 March 2015; Ahmet Altan, detained since 10 September 2016; and Ahmet Şık, detained since 29 December 2016. The Turkish authorities’ use of indefinite periods of pre-trial detention against journalists is in violation of international standards on the right to liberty and the right to a fair trial.<sup>383</sup>

Amnesty International explained in a May 2017 report that “Fundamental guarantees of fair procedure require that anyone detained pending trial for a criminal offence must have access to the information necessary to enable them to challenge the allegations against them. However, in Turkey the use of secrecy orders during the investigation stage means that lawyers are not able to test whether the authorities hold sufficient evidence to justify pre-trial detention.”<sup>384</sup>

In September 2017 an IRIN news article reported that “Political prisoners’ woes begin far before conviction: Among recorded violations of international human rights declarations, to which Turkey is a signatory, is the use of lengthy pre-trial detention periods. Ibrahim Bilmez, a lawyer representing political prisoners in Turkey, including Abdullah Ocalan, founder of the outlawed Kurdistan Workers’ Party (PKK), told IRIN that political prisoners are subjected to frequent strip searches both before and after conviction, as well as restrictions on family visits. Meetings with lawyers are recorded by video cameras or conducted in the presence of security personnel, inhibiting the right to a proper defense”.<sup>385</sup>

For further information, see [1.a.i.2. Emergency decrees](#) and [2.a. ii. Criminal justice system and access to fair trial](#).

#### **iv. Legal remedies including State of Emergency Procedures Investigation Commission**

This section should be read in conjunction with sections [1.a.i.2.i. Decrees of 23 January 2017 \(KHK/682, 683, 684 and 695\)](#), [1.a.i.2.m. Decrees of 29 April 2017 \(KHK/689 and 690\)](#) and [2.a.ii. Criminal justice system and access to fair trial](#).

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<sup>382</sup> Article 19, [Turkey: Politically-motivated trials of journalists and human rights defenders continue](#), 20 February 2017

<sup>383</sup> Article 19, [Turkey: Politically-motivated trials of journalists and human rights defenders continue](#), 20 February 2017

<sup>384</sup> Amnesty International, [Journalism Is Not a Crime: Crackdown on Media Freedom in Turkey](#), 3 May 2017  
*Secrecy orders p.7*

<sup>385</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

### Pre-attempted coup situation

In its annual report covering 2015, the U.S. Department of State considered that “There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. Individuals are able to apply directly to the High Court of Appeals (Yargitay) for redress. The law allows individuals to appeal their cases directly to the Constitutional Court, allowing for faster and logistically easier high review of contested court decisions. The right of citizens to apply directly to the Constitutional Court for redress of human rights issues led to a decrease in the number of applications made to the European Court of Human Rights against the country”.<sup>386</sup> It further noted that “Government mechanisms to investigate and punish alleged abuse and corruption by state officials remained inadequate, and impunity remained a problem. [...] The Ombudsman Institution, the NHRI [National Human Rights Institution], and parliament’s Human Rights Commission are authorized to investigate reports of security force killings, torture or mistreatment, excessive use of force, or other abuses, but military and civil courts remained the main recourse to prevent impunity”.<sup>387</sup>

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, found that “Problems with accountability in Turkey are sometimes exacerbated by the inappropriate exercise of prosecutorial and judicial discretion. [...] The Special Rapporteur was also informed that accountability for violations to the right to life is further hindered by the workload and backlog of cases in the judicial system, which creates additional barriers to accessing remedies for violations”.<sup>388</sup>

The November 2015 European Commission Turkey progress report on EU membership found with regards to securing justice for abuses that:

Significant obstacles remain to securing justice for victims of serious human rights abuses by law enforcement officials. The legislation on compensation for damages or loss of life caused by public authorities also needs to be revised. When launching proceedings for ill-treatment by law enforcement bodies, protestors continue to face counter-claims, which receive priority from the judiciary. The internal security package of March 2015 granted broad discretionary powers to the law enforcement agencies without adequate judicial or independent parliamentary oversight. An independent civilian law enforcement complaints procedure needs to be established to investigate allegations of human rights violations effectively, recommend disciplinary sanctions and refer cases for criminal prosecution. This would also help to address the issue of the impunity of law enforcement officials.<sup>389</sup>

In its annual report covering 2015 Amnesty International reported that “Impunity persisted for human rights abuses committed by public officials. Investigations were hampered by police withholding crucial evidence, such as lists of officers on duty and CCTV footage, and the passivity of prosecutors faced with this obstructiveness. Without a long-promised Independent Police

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<sup>386</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 1.e Civil Judicial Procedures and Remedies*

<sup>387</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 1.d Role of the Police and Security Apparatus*

<sup>388</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, *paragraphs 68 and 71*

<sup>389</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, *p.62*

Complaints Commission, there was little prospect of improvement. Where they took place, prosecutions were often flawed”.<sup>390</sup>

The Human Rights Association submitted to the UN Committee Against Torture in March 2016 that “There is no independent oversight mechanism for the law enforcement in Turkey. The draft law on the establishment of a law enforcement oversight mechanism submitted to the Grand National Assembly of Turkey (GNAT) during the previous parliamentary term has not been adopted”.<sup>391</sup> Furthermore, the same source noted that “The ECtHR [European Court of Human Rights] judgements are not implemented. The ineffectiveness of the domestic remedies was demonstrated with the decision of the Constitutional Court of Turkey on not taking an interim measure for the curfews. For this reason, many individuals made applications to the ECtHR”.<sup>392</sup>

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey reported with regards to redress for torture that “Domestic law does not provide for restitution, rehabilitation, satisfaction and guarantees of non-repetition. Furthermore, there are no specific provisions for compensation for torture and ill treatment resulting in the courts generally failing to award compensation to torture survivors”.<sup>393</sup> It also found that “The State is failing to implement decisions including remedies and compensations awards from the European Court of Human Rights”.<sup>394</sup> Christian Solidarity Worldwide (CSW) reported in April 2016 that “Before bringing a case to the ECtHR it is necessary to exhaust all local remedies; in Turkey this means going through the Ombudsman Institution. CSW found that rather than improving access to justice for minorities and others who seek redress from state departments, the existence of the office has theoretically prolonged their path to justice, in cases where Turkish authorities do not comply with international standards”.<sup>395</sup>

The Immigration and Refugee Board of Canada noted that “Sources report that on 20 May 2016, the Turkish parliament voted to strip its members of parliamentary immunity from prosecution, which could lead to the prosecution of HDP [People's Democratic Party] members of parliament (Reuters 20 May 2016; Chair 20 May 2016; EurActiv 20 May 2016), and others who oppose Erdogan (ibid.). According to the Chair, 53 of 59 HDP members of parliament have legal cases against them and the revoking of parliamentary immunity means that they can now be subject to arrest and detention (Chair 20 May 2016)”.<sup>396</sup>

In June 2016 the Committee Against Torture concluded that it was “seriously concerned about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of

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<sup>390</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>391</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 25

<sup>392</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 47

<sup>393</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 107

<sup>394</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 16

<sup>395</sup> Christian Solidarity Worldwide, [Freedom of religion or belief and freedom of expression](#), April 2016

<sup>396</sup> Canada: Immigration and Refugee Board of Canada, [Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples' Democratic Party \(Halklarin Demokratik Partisi, HDP\); whether HADEP and other older acronyms are still in use \(2011-2016\)](#), 14 June 2016

detainees while responding to perceived and alleged security threats in the south-eastern part of the country [...]. The Committee is further concerned at the reported impunity enjoyed by the perpetrators of such acts (arts. 2, 4, 12, 13 and 16)".<sup>397</sup>

Amnesty International reported at the end of June 2016 that "Security operations in south-east Turkey in recent months are being carried out beyond the reach and protections of the law, as indicated by growing evidence of severe human rights violations, including torture and impunity for human rights abuses. [...] Measures passed by Turkey's Parliament on 23 June reduce judicial oversight of security operations and erect barriers to the effective investigation of military officials, who are already protected by an overwhelming culture of impunity for human rights abuses".<sup>398</sup> The same source further explained that:

The legislative amendments will require the permission of the Prime Minister for criminal investigations into the Chief of Staff and senior commanders while the investigation of lower ranking officers' will be subject to the permission of the Interior or Defence Ministers. Any criminal prosecution of military officials for criminal conduct during security operations will be pursued in military courts. The amendments also grant powers to military commanders to issue search warrants without prior judicial authorization. Public officials accused of human rights abuses should be tried in civilian courts without any requirement for permission from the government. Military courts in Turkey have been ineffective in prosecuting human rights abuses and that the amendments send a deeply troubling message to the public officials engaged in security operations that abuses will be tolerated.<sup>399</sup>

The International Commission of Jurists (ICJ) reported in June 2016 that "Although it cannot assess the current level of involuntary and punitive transfers [of judges and prosecutors], the ICJ considers that the lack of due process and effective remedy, in particular amid the competing political influences in the judiciary, leads to the abuse of the system for purposes of political and governmental influence".<sup>400</sup> Furthermore, "The lack of appeal from the decisions of the criminal judges of peace calls into question the effectiveness of the remedies available within the national system for violations of human rights in the investigative process and puts in doubt the capacity of the legal system to provide the guarantees required by many of these rights, including the rights to liberty and to respect for the home and privacy".<sup>401</sup>

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that:

During the visit, the Working Group heard a number of times about the passivity of the investigating and prosecuting authorities. [...]

Indeed, the Working Group has perceived a palpable lack of interest in seriously investigating, prosecuting and adjudicating these cases, as if going forward with them would harm the interests of the State which should be instead preserved. [...]

Another challenge to achieving accountability is that a number of cases relating to enforced disappearances have been transferred, allegedly for security reasons, to courts that are

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<sup>397</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraphs 11, 15

<sup>398</sup> Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

<sup>399</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 107

<sup>400</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Transfers of judges and prosecutors* p.18

<sup>401</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *The establishment of criminal judgeships of the peace* p.19

geographically distant from locations where enforced disappearances have occurred and where the relatives of disappeared persons live. [...]

The combination of all these factors makes convictions for acts of enforced disappearance virtually impossible and results in de facto immunity from criminal responsibility for perpetrators of crimes of enforced disappearance. The recent acquittals in a number of emblematic cases exemplify this pattern of impunity. [...]

Unfortunately, the Working Group has been informed that in some cases, investigations, following decisions by the European Court of Human Rights, have not been relaunched. [...]

The Working Group received little information on reparation programmes for relatives of the disappeared, most likely because such programmes do not seem to exist.<sup>402</sup>

Physicians for Human Rights (PHR) published a report in August 2016 on the situation in South East Turkey following their May 2016 fact-finding mission which noted that “Documentation and reporting of human rights violations have been made even more challenging for civil society organizations, lawyers, and international observers by the lack of access to places where violations have been committed, and by the legal persecution of health professionals who document killings. The result has been severely compromised justice processes. [...] Lawyers and families in other cases also described the refusal of local prosecutors to open investigations into allegations of civilian deaths”.<sup>403</sup> It further noted that:

PHR interviewed lawyers with the HRA [Human Rights Association] representing approximately 300 other such cases. These included claims for compensation as well as allegations of human rights violations, including torture and extrajudicial killings by Turkish security forces. The lawyers told PHR that, as a result of prosecutors refusing to open investigations, there was very little information on record to support the cases –typically only an autopsy report. There were no attempts to conduct further investigations. Prosecutors pointed to the curfews as a main obstacle for conducting investigations, saying that crime scenes were inaccessible. The HRA lawyers said prosecutors were reluctant to investigate allegations accusing Turkish security forces of human rights violations.<sup>404</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

The August 2016 Physicians for Human Rights report considered that in the weeks immediately following the attempted coup “Rule of law has disintegrated in Turkey, and the authorities – led by President Erdoğan – have flouted human rights norms with impunity. In addition to wide-ranging restrictions on freedom of expression, the potentially arbitrary arrests of nearly 10,000 people and reports of ill-treatment in detention raise serious concerns”.<sup>405</sup>

Amnesty International reported in August 2016 that the emergency decrees passed have “given state officials immunity from prosecution for carrying out duties under the decrees”.<sup>406</sup>

Furthermore, as AI Monitor explained with regards to the emergency decrees, “The legislative decrees stipulate that the dismissed have no legal recourse to appeal. Many legal experts, however, disagree. Some even say the legislative decrees are unconstitutional and thus ‘null and void’, and call

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<sup>402</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, paragraphs 33-38 and 47

<sup>403</sup> Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Lack of Investigations into Denial of Care and Other Violations*, p 24

<sup>404</sup> Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Lack of Investigations into Denial of Care and Other Violations*, p 25

<sup>405</sup> Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Summary*, p 4

<sup>406</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

on the dismissed to petition administrative courts and then, if necessary, the Constitutional Court, as the normal procedure requires. Altıparmak [an Ankara University scholar specializing in human rights] believes that no domestic recourse is possible because the emergency rule law exempts legislative decrees from the scope of constitutional objections, and thus the dismissed could go directly to the ECHR”.<sup>407</sup>

In September 2016 Hurriyet Daily News reported that “The CHP [Republican People’s Party] established a commission to collect the complaints of individuals who have either been suspended from civil service or whose relatives have been detained on alleged links with the Fethullahist Terror Organization (FETÖ) in the aftermath of July 15. It said around 37,000 complaints have been registered so far and passed to the relevant offices of the government”.<sup>408</sup>

An October 2016 Human Rights Watch report stated that “Responding to allegations of torture and ill-treatment after the coup attempt Turkish government officials, including President Erdoğan, has said that Turkey has zero tolerance for torture. However, officials have also often dismissed allegations of torture and ill-treatment as lies and propaganda, failing to adequately respond to the allegations”.<sup>409</sup> Moreover, “The Turkish government’s decision to postpone a visit to the country by the United Nations Special Rapporteur on Torture further calls into question the government’s commitment to prevent torture and ensure accountability for abuse”.<sup>410</sup> It also noted that as well as passing two emergency decrees that removed crucial safeguards that can protect detainees from ill-treatment and torture, “The authorities formally announced that they would derogate from the protections of the European Convention on Human Rights (ECHR), without specifying which ones, and later, that they would derogate from 13 articles of the International Covenant on Civil and Political Rights (ICCPR) including those relating to humane treatment of detainees and then right to a remedy”.<sup>411</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

This section should be read against [1.a.i.2.i. Decrees of 23 January 2017 \(KHK/682, 683, 684 and 685\)](#).

Hurriyet Daily News explained that a 23 January 2017 decree established a State of Emergency Procedures Investigation Commission to “receive applications about removals or dismissals from public service and education institutions, as well as the closure of associations, foundations, trade unions, federations, confederations, private health institutions, private education institutions, higher education institutions and foundations, private radio and television organizations, newspapers and magazines, news agencies, publishing houses and distribution channels. [...] The commission’s term will be two years, and members are expected to issue around 200,000 decisions about the decrees during their term. However, the Council of Ministers can extend the term for one year”.<sup>412</sup> The same source further reported that “The formation of the commission was seen as a bid to reduce the amount of criticism from European institutions, as decrees issued under the state of emergency rules are closed to appeal and thus closed to any domestic legal remedies. The Constitutional Court

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<sup>407</sup> Al-Monitor, [Turkey could find itself facing hefty legal bill for mass purges](#), 19 September 2016

<sup>408</sup> Hurriyet Daily News, [CHP urges fair trial, cites 1 million sufferers in post-coup process](#), 20 September 2016

<sup>409</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, V. A Climate of Impunity for Torture and Ill-treatment p.44

<sup>410</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, V. A Climate of Impunity for Torture and Ill-treatment p.45

<sup>411</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, Summary p.2

<sup>412</sup> Hurriyet Daily News, [Members of State of Emergency Commission named](#), 17 May 2017



has also ruled that decrees issued by the government during the state of emergency rule are outside its remit, ruling out the possibility of any related individual applications”<sup>413</sup>.

According to the Stockholm Center for Freedom’s April 2017 report ‘Turkey’s Descent into Arbitrariness: The End of the Rule of Law’:

It is almost impossible to seek a remedy in Turkish courts, including the Constitutional Court, which has a mandate to hear individual complaints on fundamental rights violations. The government has also made it very difficult to exhaust domestic remedies by slowing down process, suspending applications to judicial and administrative bodies and simply letting pending cases linger indefinitely. Many who had to flee Turkey to avoid persecution and wrongful detention have no access to the Turkish justice system to file motions through powers of attorney because Turkish consular services refuse to grant such documents.<sup>414</sup>

Similarly, according to Amnesty International, reporting in May 2017 “Under existing structures in Turkey, there is no effective appeal against dismissal from employment or expulsion from public service under the decrees”<sup>415</sup>. It further explained:

Administrative courts across Turkey have ruled that they do not have jurisdiction to hear cases because the dismissals are not administrative decisions but, as names were written in the decrees, are part of statute. The highest administrative court, the Council of State, has ruled that it does not have the jurisdiction to examine the cases unless local administrative courts have ruled on them. The Constitutional Court, which since 2012 has had the power to consider individual applications, has shown no willingness to examine the cases in the ten months since the declaration of the state of emergency and has ruled that it does not have the jurisdiction to rule on the constitutionality of the decrees. [...]

Dismissed public sector employees currently have no prospect of a remedy at the European Court of Human Rights (ECtHR) either. So far applications have been rejected as inadmissible on the grounds that it had not been demonstrated that domestic remedies had been exhausted.<sup>416</sup>

With regards to the State of Emergency Procedures Investigation Commission, Amnesty International noted that “On 16 May 2017, Prime Minister Binali Yıldırım announced the names of the commission’s seven members, but it had not begun assessing appeals”<sup>417</sup>. It also considered that “Given the shortcomings in the design of the commission, the main consequence of its creation will likely be to delay individuals from accessing an effective remedy. Furthermore, according to the terms of decree no. 685, after the commission has ruled on the cases, further appeals would go to one or more Ankara administrative courts (to be decided by the HSYK) creating a second bottle neck before cases would go to the Council of State and then to the Constitutional Court, entailing at least ten years of domestic legal wrangling before applicants could take a case to the ECtHR”<sup>418</sup>. For further information on the Commissions shortcomings, see [2.a. ii. Criminal justice system and access to fair trial.](#)

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<sup>413</sup> Hurriyet Daily News, [Members of State of Emergency Commission named](#), 17 May 2017

<sup>414</sup> Stockholm Center for Freedom, [Turkey’s Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, *Introduction p.3*

<sup>415</sup> Amnesty International, [Turkey: No end in Sight, Purged Public Sector Workers Denied a Future in Turkey](#), 22 May 2017, 4. *No Effective Appeal p.17*

<sup>416</sup> Amnesty International, [Turkey: No end in Sight, Purged Public Sector Workers Denied a Future in Turkey](#), 22 May 2017, 4. *No Effective Appeal p.17*

<sup>417</sup> Amnesty International, [Turkey: No end in Sight, Purged Public Sector Workers Denied a Future in Turkey](#), 22 May 2017, 4. *No Effective Appeal p.18*

<sup>418</sup> Amnesty International, [Turkey: No end in Sight, Purged Public Sector Workers Denied a Future in Turkey](#), 22 May 2017, 4. *No Effective Appeal p.18*

Reporters Sans Frontières reported in July 2017 that “In the absence of any effective legal recourse, more and more imprisoned journalists have turned to the European Court of Human Rights, whose decisions are binding on the Turkish state. So far, the appeals of around 20 of these imprisoned journalists have been registered with the court, including Şahin Alpay, Murat Aksoy, Ahmet Altan, Deniz Yücel and Ahmet Şık”.<sup>419</sup> The same source noted with regards to the new Commission of Appeal that:

Around 20 of the closed media outlets were eventually allowed to reopen, but the overwhelming majority have had no right of recourse. The left-wing TV channel Hayatın Sesi, the pro-Kurdish daily Özgür Gündem and many other outlets have appealed to the constitutional court in vain. Given this inaction, the lawyers of the pro-Kurdish TV channel, IMC TV, have also referred its closure to the European Court of Human Rights.

The constitutional court may nonetheless relinquish part of its responsibilities to a new Commission of Appeal that the Turkish authorities created in February 2017 in an attempt to avoid international condemnation.

This commission is supposed to examine the appeals of some 200,000 individuals who have been targets of administrative sanctions, and the appeals of media outlets, associations and foundation that have been liquidated under the state of emergency.

However, the Commission of Appeal is not yet operational. It will begin receiving cases on 23 July. And there are serious doubts about its independence, given that five of its seven members are named by the government.<sup>420</sup>

In September 2017 an IRIN news article reported that “State-run commissions responsible for monitoring prison conditions have either been dissolved following the coup attempt or remain largely ineffective. The result, Guveren said, is that prison guards and administrations operate largely without oversight. In addition, an emergency decree passed last year shields state officials from almost any penalisation for acts of violence or abuse perpetrated on prisoners linked to last year’s coup attempt by stating: “Individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial, or criminal responsibility for those duties performed”.<sup>421</sup> For further information, see [1.a.i.2. Emergency decrees](#).

The same IRIN report further noted:

The Human Rights Association’s Turkdogan blames the regression not only on Erdogan and his ruling Justice and Development Party (AKP), but also on what he claims to be continued silence from the international community and the European Court of Human Rights (ECHR), which has jurisdiction over Turkey because it is a signatory to the European Convention on Human Rights.

“What’s happening in Turkey and its prisons is the result of negligence by the Council of Europe and the ECHR,” Turkdogan told IRIN.

The ECHR has said Turkish nationals filed more than 5,000 cases in 2016 related to the post-coup purges.

When asked for a response to such accusations, a press officer with ECHR said the court was “not in a position to make any comment” on the matter aside from what has already been published in its press releases.<sup>422</sup>

## **b. Corruption in the judicial system**

Also see [2.a. ii. Criminal justice system and access to fair trial](#).

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<sup>419</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

<sup>420</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

<sup>421</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

<sup>422</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

### Pre-attempted coup situation

Article 138 of the Constitution guarantees the independence of the judiciary:

Judges shall be independent in the discharge of their duties; they shall give judgment in accordance with the Constitution, laws, and their personal conviction conforming with the law.

No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power, send them circulars, or make recommendations or suggestions.

No questions shall be asked, debates held, or statements made in the Legislative Assembly relating to the exercise of judicial power concerning a case under trial.

Legislative and executive organs and the administration shall comply with court decisions; these organs and the administration shall neither alter them in any respect, nor delay their execution.<sup>423</sup>

Freedom House's 2016 Freedom in the World report covering events in 2015 considered that "The constitution provides for an independent judiciary, but the government has been able influence judges in the past through appointments, promotions, and financing. In the wake of corruption allegations against the government, thousands of police officers, judges, and prosecutors were reassigned during 2014, and the government passed laws to gain more control over the courts as well as the Higher Council of Judges and Prosecutors, the body responsible for judicial appointments".<sup>424</sup> Human Rights Watch similarly explained that "Following corruption allegations implicating government ministers and Erdoğan's own family in December 2013, the government in 2014 embarked on dramatic moves to demote and discharge the alleged followers of the Gülen movement in the judiciary, police, and bureaucracy".<sup>425</sup>

In its annual report covering 2015 Amnesty International reported that "Politically motivated appointments and transfers of judges and prosecutors continued throughout the year, wreaking havoc on a judiciary already lacking independence and impartiality. Criminal Courts of Peace – with jurisdiction over the conduct of criminal investigations, such as pre-charge detention and pre-trial detention decisions, seizure of property and appeals against these decisions – came under increasing government control".<sup>426</sup>

Human Rights Watch's annual report covering 2015 similarly noted that "Long-standing defects in Turkey's justice system include threats to judicial independence, a pattern of ineffective investigation into abuses by security forces and other state actors, excessively long proceedings, and politically motivated prosecutions. The AKP government in 2015 continued efforts to purge the police and judiciary of alleged supporters of the Gülen movement".<sup>427</sup>

The 2015 U.S. Department of State report considered with regards to the independence of the judiciary that:

The law provides for an independent judiciary, but the judiciary remained subject to government influence, particularly from the executive branch. Judges who ruled against prosecuting high-level members of the ruling Justice and Development Party (AKP) on corruption charges in 2014 were subsequently promoted to more senior positions, while prosecutors and one judge who had conducted the initial investigation into allegations of corruption were indicted during the year.

Critics asserted the government used its influence in 2014 to ensure the election of its handpicked candidates to the Supreme Board of Judges and Prosecutors (HSYK), which selects judges and

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<sup>423</sup> [Constitution of the Republic of Turkey](#), 1982, Article 138

<sup>424</sup> Freedom House, [Freedom in the World 2016 - Turkey](#), 7 March 2016,

<sup>425</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

<sup>426</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>427</sup> Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

prosecutors and is responsible for court oversight. Although the constitution provides tenure for judges, the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges, as well as their inclination to protect the state over individual and alleged partiality, contributed to inconsistent application of criminal laws.

While “specially authorized courts” were abolished in 2014, the government subsequently created new “penal judges of peace” courts with the authority to decide on issuance of arrest and search warrants, seizure of property, and detentions during the investigative phase of a single case; appeal from peace court rulings is limited to other judges within the peace courts. Critics charged the new system grants extraordinary powers to judges, that many of the appointed judges were progovernment, and that the new courts simply replaced the abolished special courts. Two appeals were filed with the Constitutional Court seeking abolishment of the system. In January the court ruled that peace courts are legal. [...]

The country’s system for educating and assigning judges and prosecutors created close connections between them; observers (including the European Commission) claimed this led, at least, to the appearance of impropriety and unfairness in criminal cases.<sup>428</sup>

The November 2015 European Commission Turkey progress report on EU membership found with regards to the judiciary and fundamental rights that:

Turkey reached some level of preparation to implement the *acquis* and the European standards in this area. However, there has been no progress in the past year. The Turkish judicial system, which had significantly improved between 2007 and 2013 in terms of independence, efficiency, and the protection of human rights and fundamental freedoms, has seen respect for the principle of separation of powers seriously undermined. Judges and prosecutors have been under strong political pressure. In the fight against corruption, the number of investigations, prosecutions and convictions declined. In particular, investigation and prosecution of high-level corruption cases remained limited. Prevention measures need to be improved. Corruption remains prevalent in many areas and continues to be a serious cause of concern.<sup>429</sup>

According to a March 2016 Council of Europe Group of States Against Corruption report, “the judiciary in Turkey is not perceived to be sufficiently independent from the executive powers of the country, despite constitutional guarantees to that end. The need to strengthen its independence has been one of the main targets of judicial reform in Turkey for many years. [...] public criticism in Turkey as well as by international organisations in 2014/2015 in respect of the use of disciplinary proceedings, including the dismissal of a number of members of the judiciary, has further triggered the debate concerning the role and the independence of the HCJP [High Council of Judges and Prosecutors]”<sup>430</sup>.

In April 2016 Transparency International Turkey issued its National Integrity System Assessment on Turkey. Amongst the key findings of the report, it found:

The overarching systematic challenge for Turkey’s national integrity system is the failure to adequately separate powers and keep the executive in check. [...]

The influence of the executive over other institutions, such as the legislature, judiciary, ombudsman, and media, demonstrates a considerable undermining of the rule of law and the functioning of democratic processes. [...]

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<sup>428</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 1. d. Arbitrary Arrest or Detention*

<sup>429</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, 4.23. *Chapter 23: Judiciary and fundamental rights p.55*

<sup>430</sup> Council of Europe - Group of States Against Corruption, [Fourth Evaluation Round; Corruption prevention in respect of members of parliament, judges and prosecutors; Evaluation Report Turkey](#), 17 March 2016, *paragraph 3*

The judiciary is neither a deterrent to corruption nor effective in investigating allegations of corruption in full transparency, and is in fact itself perceived as one of the most corrupt institutions in the country.<sup>431</sup>

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported in June 2016 that:

The purge to clear the State institutions of alleged Gülenist followers raises question in respect of procedural guarantees. This move particularly affected the judicial system, where the large number of transfers, arrests and detentions of judges and prosecutors could have a deterrent effect on the members of the judiciary.<sup>432</sup>

The International Commission of Jurists (ICJ) reported in June 2016 that:

Both the institutional independence of the judiciary and the personal independence of individual judges are significantly compromised in Turkey by the politicization of the judiciary and its institutions. [...]

It is also a matter of concern for judicial independence in Turkey that representatives of the executive have publicly refused to accept or implement certain decisions of the courts and have strongly criticized the judiciary and judicial decisions as politically biased against the Government. Such actions undermine the judiciary's credibility, in a manner that risks representing the independent exercise of judicial power as political conspiracy against the Government. [...]

In Turkey, changes to the structure, procedures and personnel of the HSYK have significantly undermined the institutional independence of the judiciary from the executive, reversing the gains from the constitutional reforms enacted in 2010. [...] In summary, the Ministry of Justice now holds significant and improper power within the HSYK. [...]

The ICJ heard widespread allegations—from different quarters including the Ministry of Justice and associations of judges—that the recruitment process for judges has been manipulated by various interests, through cheating in or corrupt marking of the examinations. [...]

The ICJ remains concerned that transfers are being applied as a hidden form of disciplinary sanction and as a means to marginalize judges and prosecutors seen as unsupportive of government interests or objectives.<sup>433</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Human Rights Watch considered in an August 2016 report that “The arrest of thousands of judges and prosecutors as well as police officers since July 15 intensifies the government’s efforts to purge those it suspects of connections with the movement that it labels as a terrorist organization”.<sup>434</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership considered that “Judicial independence and impartiality are enshrined both in the Constitution and in legislation. Nevertheless, in practice, there are numerous reports on selective justice and political interference in court cases. There are serious concerns about direct interference by the executive in cases (e.g. through public comments) which continue to undermine the credibility of the judiciary as a whole. The application of the principle of immovability of judges remains highly problematic. Transfers of judges and prosecutors against their will were frequent and

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<sup>431</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, *Key Findings* p.12-14

<sup>432</sup> Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, *paragraph 31*

<sup>433</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, 3. *ISSUES OF CONCERN, Independence and politicization of the judiciary* p. 11-14, 18

<sup>434</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

were not open to judicial review. A number of disciplinary and criminal cases against judges and prosecutors have not seen due process, being sometimes solely based on the indictments and rulings pronounced by these same judges and prosecutors in the exercise of their functions. This contradicts basic principles of the rule of law and considerably undermines trust in the judiciary and its independence. The law changing the structure and composition of the Court of Cassation (CoC) and the Council of State (CoS) as adopted in July also raised serious concerns as to its [sic] impact on the independence of the judiciary. Frequent changes to the internal organisation of judicial bodies and to the court network, in particular the criminal court system, are creating legal uncertainty".<sup>435</sup>

With regards to the scale and impact of the purge of the judiciary the same source noted that "In the days and weeks following the attempted coup, 3 508, i.e. one fifth of the total number of judges and prosecutors were suspended by HSYK and 3 390 subsequently dismissed. 2 386 judges and prosecutors have been detained: 2 229 of first instance, 109 from Court of Cassation, 41 from Council of State, two members of the Constitutional Court, and five members of the HSYK. Following the coup attempt, a large number of new judges were appointed only within two weeks. The magnitude and rapidity of the measures taken raise questions on criteria applied. These large-scale dismissals as well as large-scale recruitments of new judges and prosecutors raise a serious challenge to the performance and independence of the judiciary".<sup>436</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

According to the Stockholm Center for Freedom's April 2017 report 'Turkey's Descent into Arbitrariness: The End of the Rule of Law':

The three crucial components of what constitutes a fair trial, namely the defense, the prosecution and the courts, have all collapsed in Turkey in recent years, turning the judicial system into merely an extension of the political authority that thwarts an effective defense and employs partisan and loyalist prosecutors and judges. The indictments that were filed against critics and opponents read more like a political manifesto and parrot the government line without offering any evidence to back up absurd claims. As a result, the criminal justice system leads to a severe violation of human rights and is abused by the political authorities to punish dissidents.<sup>437</sup>

The same source noted with regards to judicial independence that "There is a near unanimous consensus among Turkey watchers that the judiciary in Turkey is under heavy pressure from the government in general and from President Recep Tayyip Erdoğan in particular as confirmed in various reports by advocacy groups, nongovernmental organizations and intergovernmental organizations. When judges render decisions that displease Erdoğan, judges are expeditiously targeted with punishment, the least of which is abrupt reassignment. Likewise, the judges who render decisions in line with Erdoğan's wishes are rewarded".<sup>438</sup> In April 2017 the Stockholm Center for Freedom also cited opposition Republican People's Party (CHP) İstanbul deputy Barış Yarkadaş as stating that the ruling Justice and Development Party (AKP) government had recruited 800 lawyers who had ties to the party as judges.<sup>439</sup> He further stated that "According to information I received

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<sup>435</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.3. Rule of law Functioning of the judiciary p.18

<sup>436</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.3. Rule of law Functioning of the judiciary p.18-19

<sup>437</sup> Stockholm Center for Freedom, [Turkey's Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, Introduction p.4

<sup>438</sup> Stockholm Center for Freedom, [Turkey's Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, 3. Judges face carrot and stick p.14

<sup>439</sup> Stockholm Center for Freedom, [Turkey's Main Opposition Deputy: AKP Gov't Recruits 800 Partisan Lawyers As Judges](#), 26 April 2017

from the judicial community, there is a dark side to the exam for lawyers to become judges. Lots of people failed to be recruited although they scored well in the written test. However, many [pro-AKP] people were recruited after the verbal exam despite the fact that they scored 55-60 in the written exam.”<sup>440</sup>

In June 2017 the organisation Article 19 reported that “Turkey’s judicial system has come under extraordinary attack since the failed coup. What judicial independence existed has been eviscerated as the courts are packed with political appointees. The removal of judges who have granted bail to journalists demonstrates the pressure judges are under to make politically motivated rulings”.<sup>441</sup>

Politico reported in July 2017 that “Few judges dare to rule against the government and release detained critics. The consequences are well known: When judges ordered the release of 21 journalists in April, they were promptly suspended, and the journalists were detained again”.<sup>442</sup>

Reporting in September 2017, the Stockholm Center for Freedom noted that “It is clear that under the emergency rule that was renewed for the fourth time on April 17, 2017, the authoritarian government of President Recep Tayyip Erdoğan has practically usurped legislative and judicial powers. Acting on behalf of the legislature and the judiciary, President Erdoğan decides what is to be considered a crime and who is guilty, and requests the courts to do the necessary. [...] The Turkish president also keeps the courts under pressure through his advisors. ‘I am monitoring the trials through all of my chief advisors. They follow hearings, particularly in Ankara and Istanbul. I am reading their reports on a real-time basis and keeping up with the proceedings,” Erdoğan said in June 2017”.<sup>443</sup>

For further information on how the purge of judges affects access to justice, see [2.a. ii. Criminal justice system and access to fair trial](#), *Post attempted coup situation* and [6.b. Members of the judiciary](#).

### 3. Human Rights issues

#### a. Freedom of speech, expression and assembly

This section should be read in conjunction with sections [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#), [1.a.i.2.k Decree of 9 February 2017 \(KHK/687\)](#), [1.a.i.2.m. Decrees of 29 April 2017 \(KHK/689 and 690\)](#), and [5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdoğan and their family members since the attempted Coup d’état](#).

#### i. Domestic legal framework (constitution and legislation)

##### Pre-attempted coup situation

The Constitution of Turkey provides for freedom of speech, expression and assembly as follows:

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<sup>440</sup> Stockholm Center for Freedom, [Turkey’s Main Opposition Deputy: AKP Gov’t Recruits 800 Partisan Lawyers As Judges](#), 26 April 2017

<sup>441</sup> Article 19, [Turkey: HRC must address free expression violations](#), 15 June 2017

<sup>442</sup> Politico, [Turkish detainees could lose right to European appeal](#), 13 July 2017

<sup>443</sup> Stockholm Center for Freedom, [Erdoğan’s Rule by Royal Decree: Turkey’s Contempt for the Rule of Law](#), September 2017, *Introduction* p.6-7

### C. Freedom of communication

ARTICLE 22- (As amended on October 3, 2001; Act No. 4709) Everyone has the freedom of communication. Privacy of communication is fundamental [...].

### VII. Freedom of thought and opinion

ARTICLE 25- Everyone has the freedom of thought and opinion.

No one shall be compelled to reveal his/her thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused because of his/her thoughts and opinions. [...]

### VIII. Freedom of expression and dissemination of thought

ARTICLE 26- Everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively. This freedom includes the liberty of receiving or imparting information or ideas without interference by official authorities. This provision shall not preclude subjecting transmission by radio, television, cinema, or similar means to a system of licensing.[...]

### XI. Rights and freedoms of assembly

#### A. Freedom of association

ARTICLE 33- (As amended on October 3, 2001; Act No. 4709)

Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission. [...]

#### B. Right to hold meetings and demonstration marches

ARTICLE 34- (As amended on October 3, 2001; Act No. 4709)

Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.<sup>444</sup>

According to the International Center for Not-for-Profit Law “In addition to the 1982 Turkish Constitution, the primary legislation that regulates the freedom of assembly is Law No. 2911 Law on Meetings and Demonstrations, which was adopted on October 6, 1983. Secondary legislation that regulates the implementation of Law No. 2911 includes The Regulation on the Implementation of Law on Meetings and Demonstrations, which was adopted on August, 8, 1985; Law No. 2559 on the Duties and Discretion of the Police; Law No. 3713 on The Prevention of Terrorism Acts; and Law No. 5326 on Misdemeanors”.<sup>445</sup> It further noted, “There are also concerns about the new security bill, which Turkey's Parliament passed in December 2014. The bill increases penalties for people involved in protests. [...] In addition, the Law Amending the Law on Powers and Duties of the Police, Other Laws and Decrees”, which was passed in Parliament in March 2015 and is widely referred to as the “Internal Security Reform Package, strengthened the powers of the police during demonstrations by extending the police's authority to detain anyone without consulting the prosecutor's office. In addition, protestors who cover their faces fully or partially during demonstrations can face a five-year prison sentence”.<sup>446</sup>

In its annual report covering 2015, the U.S. Department of State noted that:

While the constitution and improvements made by the Fourth and Fifth Judicial Packages provide for protection of free speech, the penal code and antiterror law still contain multiple articles that restrict freedom of speech and press. The penal code contains multiple articles that directly restrict press freedom and free speech, for example, through inclusion of provisions on praising a crime or criminals, inciting the population to enmity or hatred and denigration, and protecting public order. The law provides for punishment of up to three years in prison for “hate speech” or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law for not including protections

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<sup>444</sup> [Constitution of the Republic of Turkey](#), 1982, Article

<sup>445</sup> The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016

<sup>446</sup> The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016



based on gender identity and noted that the law was sometimes used more to restrict freedom of speech than to protect minorities.<sup>447</sup>

The 2016 Freedom House 'Freedom of the Press' report covering events in 2015 similarly considered that "Constitutional guarantees of press freedom and freedom of expression are only partially upheld in practice. They are undermined by provisions in the penal code, the criminal procedure code, and the harsh, broadly worded antiterrorism law that essentially leave punishment of normal journalistic activity to the discretion of prosecutors and judges. Constitutional protections are also subverted by hostile public rhetoric against critical journalists and outlets from Erdoğan and other government officials, which is often echoed in the progovernment press".<sup>448</sup>

The Inter Press Service reported in December 2015 that "The present government has enacted laws expanding the state's capacity to control independent media. The government has now an increased authority to block websites and the surveillance capacity of the National Intelligence Organization (MIT) has been strengthened. Journalists are currently facing unprecedented legal obstacles, while courts' capacity to persecute corruption is circumscribed by references to 'national security'. To regulate various media outlets, authorities are making use of the Penal Code, criminal defamation laws and an antiterrorism law".<sup>449</sup>

Freedom House's 2016 'Freedom on the Net' report covering the period of 1 June 2015 to 31 May 2016 explained that "There are no laws that specifically criminalize online activities like posting one's opinions, downloading information, sending email, or transmitting text messages. Instead, many provisions of the criminal code and other laws, such as the Anti-Terrorism Law, are applied to both online and offline activity".<sup>450</sup> Furthermore, "Defamation charges have been frequently used to prosecute government critics. According to Article 125 of the Turkish criminal code, 'anyone who undermines the honor, dignity or respectability of another person or who attacks a person's honor by attributing to them a concrete act or a fact, or by means of an insult shall be sentenced to imprisonment for a term of three months to two years, or punished with a judicial fine.' Defaming a public official carries a minimum one year sentence, while insults to the president entails a sentence of one to four years according to Article 299".<sup>451</sup>

In June 2016 International PEN, the International Press Institute and Reporters Sans Frontiers submitted to the UN Human Rights Council that "In the last two years, half of all freedom of expression related cases brought before the European Court of Human Rights concern Turkey. These cases stem from major legislative restrictions on freedom of expression and widespread misuse of laws to target journalists and block legitimate channels of expression. Despite some positive revisions in recent years, the Anti-Terror Law (TMK) and organised crime provisions within the Penal Code have been widely misused to punish journalists and critics of the government. Recent legislative changes have further restricted free speech including amendments to the Internal Security Law giving police powers to conduct surveillance without a warrant, and the wide use of the Internet Law (Law 5651) to block websites in the country including the repeated blocking of Twitter, Facebook and YouTube, and the shutting down of left-wing and Kurdish websites".<sup>452</sup>

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<sup>447</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, 2.a. *Freedom of Speech and Press*

<sup>448</sup> Freedom House, [Freedom of the Press 2016 – Turkey](#), 27 April 2016

<sup>449</sup> Inter Press Service, [Human Rights in Turkey: Is Turkish Press Freedom in Danger?](#) 18 December 2015

<sup>450</sup> Freedom House, [Freedom on the Net 2016 - Turkey](#), November 2016

<sup>451</sup> Freedom House, [Freedom on the Net 2016 - Turkey](#), November 2016

<sup>452</sup> International PEN, the International Press Institute and Reporters Sans Frontiers, [Joint written statement\\* submitted by International PEN, the International Press Institute, Reporters Sans Frontiers, nongovernmental organizations in special consultative status Turkey: Major deterioration of the human rights situation in the country](#), 8 June 2016

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following his visit to Turkey from 14 – 18 November 2016, the UN Special Rapporteur on the right to freedom of opinion and expression provided the following summary with regards to the issued emergency decrees since the imposition of the state of emergency in July 2016:

Since the imposition of the state of emergency in July, the Council of Ministers has issued ten decrees with the force of law granting the Turkish authorities wide-ranging powers. According to the State of Emergency Law adopted in the early 1980s, the scope of such decrees should be limited to the emergency situation, but the decrees have increasingly broadened to terrorism beyond FETÖ, the Gülenist organization deemed terrorist under the law.

Article 2(4) of Decree 668, issued on 25 July 2016, provides for the closing of numerous TV and radio stations, newspapers, periodicals and distribution companies under the accusation that they belong to, are connected to or are in contact with terrorist organizations posing a threat to national security. These decrees - that is decree no. 667 of 22 July 2016, decree no. 668 of 27 July 2016, decree no. 669 of 31 July 2016, decree no. 670 and no. 671 of 17 August 2016, decree no. 672, no. 673, and no. 674 of 1 September 2016, and decree no. 675 and no. 676 of 29 October 2016 - have also facilitated a number of restrictions to the right to freedom of media and expression, particularly the use of Decree 672 to crack down on the expression of those deemed terrorists, and the use of decree no.676 to suspend 370 associations on 11 November 2016. They have also reduced or eliminated altogether the ability to challenge detentions, enjoy the right of access to counsel, and travel abroad (by virtue of passport confiscations).

The state of emergency decree nos. 667 and 668 established impunity for those responsible for removals of employees, among other things, preventing accountability for abuses. [...]

Following decisions by the Constitutional Court and the European Court of Human Rights, holding that the government could not block access or shut down a network without a court order, Turkey amended its law accordingly. Many access denials are based on Law 5651 noted above. Decree 671 (17 August 2016) expands the ability of the Government to shut down networks or take down content.<sup>453</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey noted that between 20 July 2016, and April 2017, 21 emergency decrees with the force of law were issued.<sup>454</sup> The same source further noted:

The state of emergency decrees adopted in the aftermath of the attempted coup are far-reaching and give the authorities wide discretionary powers to derogate from human rights obligations, without providing adequate channels for judicial review and appeal. The emergency decrees apply to anyone “assessed to be” a member of a terrorist organization and to anyone acting in union or contact with such organizations. The decrees lack criteria for assessing membership or contact and leave overly broad discretion to the authorities responsible for their execution, waiving ordinary administrative safeguards. The lack of criteria for assessing membership also applies to the procedures by which the High Council of Judges and Prosecutors, the High Courts and the Constitutional Court are empowered to dismiss judges and prosecutors. The decrees do not specify the criteria on which such assessments are to be based, nor do they require individualized reasoning. The persons concerned are not provided with evidence against them; many are unaware that they are being investigated. The

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<sup>453</sup> UN Human Rights Office of the High Commissioner, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey](#), 14-18 November 2016, 18 November 2016

<sup>454</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 10

decrees also facilitate impunity and lack of accountability by affording full legal, administrative, criminal and financial immunity to the administrative authorities acting within the framework of the decrees.<sup>455</sup>

For further information on how these affect freedom of speech and expression and assembly, see [1.a.i.2. Emergency decrees](#).

## **b. Freedom of religion**

This section should be read in conjunction with section [6.d Clerics, preachers and religious teachers](#) and [7. b. Other minorities](#).

### Pre-attempted coup situation

Article 24 of the Constitution of the Republic of Turkey provides the following in relation to freedom of religion, belief and conscience:

Everyone has the freedom of conscience, religious belief and conviction. Acts of worship, religious rites and ceremonies shall be conducted freely, as long as they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his [or her] religious beliefs and convictions.

Religious and moral education and instruction shall be conducted under State supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political interest or influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.<sup>456</sup>

The Norwegian Helsinki Committee noted in a monitoring report on Turkey, published in November 2015, that "There is no law in Turkey, which specifically regulates freedom of religion or belief. A variety of other laws and regulations contain provisions, which affect freedom of religion or belief. These include: the Turkish Civil Code, the Law on Associations, the Law on Foundations, the Law on Assembly and Demonstrations, the Law on Zoning and Construction, the Turkish Criminal Code, the Basic Law on National Education, the Law on Private Educational Institutions, the Law on the Closure of Dervish Convents and Tombs, the Abolition of the Office of Keeper of Tombs and the Abolition and Prohibition of Certain Titles, and the Law on the Prohibition of Certain Forms of Attire".<sup>457</sup>

The US Department of State International Religious Freedom annual report covering 2015 noted that "The constitution defines the country as a secular state and provides for freedom of conscience, religious belief, conviction, expression, and worship. The constitution prohibits discrimination on religious grounds and prohibits exploitation or abuse of 'religion or religious feelings, or things held sacred by religion'. The Turkish state coordinates and governs religious matters through the Diyanet.

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<sup>455</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraphs 73 and 74

<sup>456</sup> [Constitution of the Republic of Turkey](#), 1982, Article 24

<sup>457</sup> Norwegian Helsinki Committee, [İnanç Özgürlüğü Girişimi: The Right to Freedom of Belief in Turkey; Monitoring report July 2014 – June 2015](#), November 2015, pp. 9-10

The Diyanet's mandate is to promote the belief, practices, and moral principles of Sunni Islam, educate the public about religious issues, and administer places of worship".<sup>458</sup>

The same report further noted that "Although registration with the government is not mandatory for religious groups, unregistered religious groups cannot request legal recognition for places of worship. Holding religious services at a location not recognized as a place of worship is illegal and may be punished with fines or closure of the venue. A religious group may register as an association or foundation provided it is associated with a charitable or cultural cause. Religious community foundations are the only religious groups permitted to own real estate".<sup>459</sup>

Freedom House reported in its latest 'Freedom in the World' report covering 2015 that "The constitution protects freedom of religion, and religious expression has become more prominent in the public sphere under the AKP [Justice and Development Party]. Critics charge that the AKP has a religious agenda favoring Sunni Muslims, evidenced by the expansion of the Directorate of Religious Affairs and the alleged use of this institution for political patronage and to deliver government-friendly sermons in mosques".<sup>460</sup>

The United States Commission on International Religious Freedom noted in its annual report covering 2015 that "Turkey's constitution is based on the French model of laïcité, strict secularism, which requires the absence of religion in public life and in government. No religious community, including the Sunni Muslim majority, has full legal status and all are subject to state controls that limit their rights to own and maintain places of worship, train clergy, and offer religious education".<sup>461</sup>

The same report further noted that "Concerns relate to the compulsory religious education classes in public primary and secondary schools, the listing of religious affiliation on national identity cards, anti-Semitism, threats against Turkey's small Protestant community, and denials of access to religious sites in the Turkish-occupied northern part of Cyprus. There were, however, several positive developments during the reporting period, relating to minority property returns and public minority religious celebrations".<sup>462</sup>

Christian Solidarity Worldwide noted in an April 2016 report that "Despite having comprehensive legislation on freedom of religion or belief, Turkey fails to consistently implement these laws to enable religious minorities to exercise and enjoy their rights. Instead of maintaining and implementing Turkey's secular constitution, President Erdoğan and his Justice and Development Party (Adalet ve Kalkınma Partisi, AKP) have publicly endorsed a move towards a Sunni Muslim identity for Turkey. As one commentator stated, 'Freedom of religion or belief is for those who agree with AKP values'".<sup>463</sup>

Freedom House reported in its latest 'Freedom in the World' report covering 2015 with regards to the implementation of the right to freedom of religion that:

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<sup>458</sup> US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Section II. Status of Government Respect for Religious Freedom*

<sup>459</sup> US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Section II. Status of Government Respect for Religious Freedom*

<sup>460</sup> Freedom House, [Freedom in the World 2016 - Turkey](#), 27 January 2016

<sup>461</sup> US Commission on International Religious Freedom, [United States Commission on International Religious Freedom 2016 Annual Report; 2016 Country Reports: Tier 2; Turkey](#), April 2016, p. 1

<sup>462</sup> US Commission on International Religious Freedom, [United States Commission on International Religious Freedom 2016 Annual Report; 2016 Country Reports: Tier 2; Turkey](#), April 2016, p. 1

<sup>463</sup> Christian Solidarity Worldwide, [Freedom of religion or belief and freedom of expression](#), April 2016, p. 1

The Alevi minority, a non-Sunni Muslim group, has historically faced violence and discrimination. The AKP's promises of an "Alevi opening" to address these problems have led to disappointment among Alevis, though the new government formed after the November 2015 elections pledged to renew the effort, including by authorizing the state to cover the costs of Alevi houses of worship and religious leaders, as it does with Sunni institutions. In August, the Supreme Court of Appeals had confirmed a ruling by the European Court of Human Rights that the state must pay such expenses for Alevis. In December, the government announced plans to grant full legal status to Alevi houses of worship. Three non-Muslim religious groups—Jews, Orthodox Christians, and Armenian Christians—are officially recognized. However, disputes over property and prohibitions on training of clergy remain concerns for these communities.<sup>464</sup>

The United States Congressional Research Service noted in a report, published August 2016, that "Despite a decision by Turkey's top appeals court in August 2015 that the state financially support cemevis (Alevi houses of worship), the government still does not do so, and continues to 'consider Alevism a heterodox Muslim sect'. Alevis have long been among the strongest supporters of Turkey's secular state, which they reportedly perceive as their protector from the Sunni majority. Recent developments appear to have heightened Sunni Alevi tensions, including those pertaining to the Syrian conflict".<sup>465</sup>

The US Department of State International Religious Freedom annual report covering 2015 similarly noted with regards to the situation of the Alevi community that "The government continued to refuse to recognize the places of worship of Alevi Muslims, despite a ruling by the High Court of Appeals, and refused to exempt Alevi children from compulsory Sunni Islamic instruction".<sup>466</sup> Hurriyet Daily News reported in an article, dating January 2016 that "Granting a legal status to Alevi worship houses, known as cemevis, is a 'red line' for Turkey's Religious Affairs Directorate (Diyanet), its head Mehmet Görmez has said, stating that 'cemevis cannot be considered an alternative to mosques'. 'We cannot give a religious status to cemevis,' Görmez said, in an apparent step back for Ankara after the ruling Justice and Development Party's (AKP) recent pledge to uphold the rights of Turkey's Alevi citizens, thought to make up around 15 percent of the population. [...] Many Alevi citizens have long pressed the government to acknowledge cemevis as official houses of worship. However, the AKP's new plan only underlines that a 'legal status' will be granted to cemevis, so the government can help cover their logistical needs".<sup>467</sup>

The 2015 US Department of State International Religious Freedom report further noted with regards to the respect of religious freedom that "The government continued to prosecute individuals for 'openly disrespecting' Islamic beliefs, although convictions in such cases resulted in suspended sentences and one conviction was overturned. The government continued to limit the rights of non-Muslim minorities, especially those it did not recognize as being covered by the 1923 Lausanne Treaty. There was no progress regarding the reopening of Halki Seminary. The government continued to train Sunni Muslim clerics, while restricting other religious groups from training clerics inside the country. It continued to fund the construction of Sunni mosques while restricting land use of other religious groups, although it did compensate an Armenian Church foundation for a portion of a cemetery seized in 1971".<sup>468</sup>

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<sup>464</sup> Freedom House, [Freedom in the World 2016 - Turkey](#), 27 January 2016

<sup>465</sup> United States Congressional Research Service, [Turkey: Background and U.S. Relations](#), 26 August 2016, p. 45

<sup>466</sup> US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Executive Summary*

<sup>467</sup> Hurriyet Daily News, [Legal status to Alevi worship houses a 'red line,' says Turkey's religious body head](#), 03 January 2016

<sup>468</sup> US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Executive Summary*

Christian Solidarity Worldwide stated in an April 2016 report that “Turkish religious minorities are increasingly vulnerable to restrictive government legislation and growing social hostilities. The Turkish state has used a variety of means to propagate the view among wider society that to be Turkish is to be Sunni Muslim, conflating the two identities. The implicit suggestion is that religious minorities, or the non-religious, are not truly Turkish. Given the strength of Turkish nationalism, this has contributed to rising levels of hate speech that incite structural and physical violence towards those who are not Sunni Muslim. Such structural violence is visible in a variety of sectors ranging from education, the workplace, the media and religious practice, to day-today administrative procedures”.<sup>469</sup>

The US Department of State International Religious Freedom annual report covering 2015 stated that “Non-Sunni Muslims faced physical violence and threats. In two separate incidents, unknown gunmen fired at three Alevi leaders. Greek Orthodox, Jewish, and Armenian Apostolic places of worship were vandalized. Over twenty houses owned by Alevi Muslims were vandalized. An openly anti-Semitic “documentary” was televised and posted online by pro-government outlets”.<sup>470</sup>

The same report further noted that “Christians and non-Sunni Muslims faced threats of violence and vandalism of property. Anti-Semitic propaganda continued to target the Jewish community. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity”.<sup>471</sup>

A May 2016 report from Germany’s Federal Office for Migration and Asylum provided information on a European Court of Human Rights ruling against Turkey for violating freedom of religion:

In its judgment of 26 April 2016, the European Court of Human Rights (ECHR) held that Turkey violates the right to freedom of religion of the (roughly 20 million) followers of the Alevi faith, Turkey’s second largest religious community. The court held that compared to citizens adhering to the Sunni understanding of Islam, Alevis were subjected to a difference in treatment for which there was no objective and reasonable justification. With this judgment, the complaint of more than 200 Turkish Alevis was successful. They had complained that the cemevis (the places where they practise their religious ceremony, the cem) were not granted the same status of places of worship as the mosques of the Sunni Muslim community whose expenses (maintenance of buildings and recruitment of the religious leaders as civil servants) are covered by the Directorate of Religious Affairs (DIB) which is directly subordinated to the Prime Minister. Alevis, in contrast, must pay their places of worship and their religious leaders themselves. In 2005, the Turkish government had refused a respective request of the applicants.<sup>472</sup>

A May 2016 Reuters article noted that “President Tayyip Erdogan officially designated the religious movement of U.S.-based Islamic cleric Fethullah Gulen a terrorist group and said he would pursue its members whom he accuses of trying to topple the government. The move puts the organization built by his former ally legally on par with Kurdish militants currently fighting the army in Turkey’s southeast. Affiliated media firms have been shut down or taken over, a bank seized, and hundreds of people detained. Thousands of the cleric’s followers in the police and judiciary have either lost their jobs or been reassigned”.<sup>473</sup>

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<sup>469</sup> Christian Solidarity Worldwide, [Freedom of religion or belief and freedom of expression](#), April 2016, p. 1

<sup>470</sup> US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Executive Summary*

<sup>471</sup> US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Section III. Status of Societal Respect for Religious Freedom*

<sup>472</sup> Federal Office for Migration and Asylum (Germany), [Information Centre Asylum and Migration Briefing Notes \(2 May 2016\)](#), 2 May 2016, p. 3

<sup>473</sup> Reuters, [Turkey officially designates Gulen religious group as terrorists](#), 31 May 2016

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

A July 2016 Daily Sabah article reported on the reaction of leaders of religious communities in Turkey to the coup attempt stating that "Leaders of Turkey's religious communities have released a joint statement condemning the failed coup attempt orchestrated by agents of the Gülenist Terror Organization (FETÖ). The statement from representatives of the Jewish, Christian and Muslim communities declared "our great sorrow over the terrorist attacks that disturb the peace of our great nation and of the world." The signatories include the president of Turkey's Directorate of Religious Affairs, Istanbul Greek Orthodox Patriarch Bartholomeos and the Chief rabbi of Turkey's Jewish community".<sup>474</sup>

Al Jazeera reported in a July 2016 article that "Clashes between Erdogan's supporters and Alevi communities across the country have flared since Saturday. According to Ertugrul Kurkcu, a national parliamentarian and leading member of the HDP- the socialist, Pro-Kurdish party, minority communities across the country have started establishing volunteer neighbourhood protection groups. "People are now setting up self-defence units to protect against AKP mobs," he says, referring to supporters of the ruling party. 'The most vulnerable groups are women, Alevis and Kurds,' he adds".<sup>475</sup>

Forum 18 provided the following outlook at what impact the attempted coup has had and might have on freedom of belief:

As it was a religious community which allegedly plotted the coup attempt, President Erdogan has repeatedly spoken about what he describes as "abuse of religion" and the measures that he insists must be taken against this. For example, at an extraordinary 3 August Diyanet meeting entitled "15 July Coup Attempt and Unity and Solidarity Against Abuse of Religion and Perspectives on the Future", Erdogan underlined what he saw as the need to reform religious institutions. What this means remains to be seen. [...]

In another example, on 8 September Aljazeera Turk interviewed Diyanet Vice-President Mehmet Emin Ozafsar about a range of post-coup attempt issues affecting policies on religion and belief. He spoke in unclear terms about the need to register religious communities and in particular jamaat (Islamic brotherhoods), stating that registration is necessary so that "these "structures don't become a threat". [...]

Diyanet Vice-President Ozafsar, speaking in the context of Islam, also raised the issue of "parallel curricula of religious education" referring to religious instruction given by religious communities. He said that religious education should not be given in secret but that there should be inspection by the public authorities. It remains unclear whether what Ozafsar had in mind will resolve long-standing problems in relation to religious communities exercising freedom of religion and belief in teaching.<sup>476</sup>

Al Monitor reported on 19 October 2016 that following the attempted coup the decision was taken to "eradicate the presence of the Fethullah Gulen movement in the state structure and elsewhere in the country. But since then, Kurds, Alevis, socialists and now the Protestants who had nothing to do with Gulenists are increasingly being targeted".<sup>477</sup> The same source further noted that:

Developments in recent weeks have been seriously disturbing to Turkey's Protestant community, believed to be around 7,000 people. One development was closing down the Church of Antakya (Antioch) [...] The Rev. Craig Brunson, pastor of the Dirilis Church in Izmir, and his wife, Norine Lyn Brunson, were detained Oct 7. The Izmir Immigration Office somehow included the couple

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<sup>474</sup> Daily Sabah, [Religious communities in Turkey condemn coup attempt](#), 16 July 2016

<sup>475</sup> Al Jazeera, [Turkey: United against a coup, divided on the future](#), 21 July 2016

<sup>476</sup> Forum 18, [TURKEY: Freedom of belief and security threats](#), 13 October 2016

<sup>477</sup> Al Monitor, [What state of emergency means for Turkey's Protestants](#), 19 October 2016

among those implicated as a "threat to national security activities" and sought their deportation. The Brunsons, who are still in detention, are now awaiting expulsion. According to the information obtained by Al-Monitor, they have not been allowed to communicate with their lawyers or British consular officials during their detention.

In actuality, the expulsion of Protestants on similar charges is not all that unusual. Over the last four years, more than 100 foreign Protestants have been deported. But complaints about what is happening have become more vocal after the state of emergency. At the moment, the Protestant community doesn't have reliable statistics, but its complaints cover deportations, cancellation of visas or residence permits and refusal of entry to Turkey. [...] Then there are unreported detentions and interrogations. Soner Tufan, spokesman for the Association of Protestant Churches, told Al-Monitor that a church official he didn't want to name was called to the police station and asked questions such as "What are the times of your church activities? What do you there? Who attends your church?" Similar unusual police interest is also reported from the Headquarters of the Association of Protestant Churches.<sup>478</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In February 2017 the BBC reported that the ban on female army officers wearing the Muslim headscarf was removed, noting that "The military is the last Turkish institution to see the ban removed. It has long been seen as the guardian of Turkey's secular constitution".<sup>479</sup>

In July 2017 the Carnegie Foundation reported that "the coup has offered the ruling Justice and Development Party (AKP) and the Turkish president an opportunity to forge ahead with their religious-conservative societal agenda despite substantial popular opposition, while eliminating dissent and debate from political life".<sup>480</sup> The same source further explained that "The Turkish leadership is enforcing a Turkey-centric religious-conservative agenda on the country: from allowing graduates of religious schools to enroll in military academies to constructing a mosque in each public educational institution; from suspending an education cooperation program with the EU to eliminating Darwin's teachings from school curricula; from cleansing the language of imported words to withdrawing Turkish state television from the Euronews consortium. These moves amount to a tectonic shift in Turkey's modern history".<sup>481</sup>

Deutsche Welle reported in July 2017 that "Last week, the Federation of Christian Arameans in Germany said the southeastern Mardin regional government had confirmed to the Turkish newspaper Agos the appropriation of 50 church properties by Diyanet - Turkey's government-supported religious authority. The federation's chairman Daniyel Demir said the situation remained 'very complex and impenetrable,' adding that the transfers to Diyanet were "only the tip of the iceberg'. Remaining minority Arameans, including those at the historic monastery Mor Gabriel, were trying to find out what properties among their hundreds around Tur Abdin - a mountainous part of the Mardin area bordering Syria - were picked for confiscation, said Demir. The newspaper Agos said the wave of intended seizures involved churches, monasteries, cemeteries and farming properties".<sup>482</sup>

In July 2017 the Middle East Eye reported that "The ownership of around 50 churches, monasteries, and cemeteries that belonged to the Syriac Orthodox Church for more than 1,500 years was transferred to the Turkish Directorate of Religious Affairs (Dinayet), hence turned into public facilities. The Syriac properties, which total hundreds of thousands of square meters, were annexed

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<sup>478</sup> Al Monitor, [What state of emergency means for Turkey's Protestants](#), 19 October 2016

<sup>479</sup> BBC, [Turkey reverses female army officers' headscarf ban](#), 22 February 2017

<sup>480</sup> Carnegie Foundation, [Turkey One Year After the Failed Coup](#), 11 July 2017

<sup>481</sup> Carnegie Foundation, [Turkey One Year After the Failed Coup](#), 11 July 2017

<sup>482</sup> Deutsche Welle, [German bishop condemns Turkey church confiscations](#), 3 July 2017



by the directorate following the decision by the government committee assigned the liquidation of assets whose ownership deeds expired. The decision sent shock waves across members of the Syrian community who started fearing that this could be the first step towards the extinction of their heritage".<sup>483</sup>

Also in July 2017 Bianet reported that "The Human Rights Association (İHD) İstanbul Branch has filed a criminal complaint against Alperen Movement İstanbul Provincial Chair Kürşat Mican, who assaulted on Neve Şalom Synagogue and threatened Jews from Turkey" [sic].<sup>484</sup> Reportedly a group from the Alperen Movement were demonstrating against Israel's closure of the Al-Aqsa mosque which followed Israeli police killing three Palestinians who were claiming to attack Al-Aqsa. Alperen Movement Provincial Chair Kürşat Mican issued the following statement:

Our brothers and sisters cannot say their prayers in Al-Aqsa Mosque. This goes against freedom of religion, belief and worship. May Zionists come to their senses and not prevent our brothers and sisters' freedom of worship. If they obstruct our freedom of worship there, we obstruct their freedom of worship here. We can come here tomorrow as we did today. You won't be able to inside.<sup>485</sup>

In August 2017 the Stockholm Center for Freedom issued a report on 'Hate Speech Against Christian in Erdoğan's Turkey'. The report found that "Turkey has seen an unprecedented rise in xenophobic, intolerant and hateful speech by the nation's political rulers, driven primarily by the outspoken president of Turkey, Recep Tayyip Erdoğan, who uses incessant and vile speech inciting hostility, deepening divisions and expanding polarization in the 80-million-strong nation for short-term political gains".<sup>486</sup> Furthermore, "President Erdoğan's vile, nonstop remarks bashing his domestic critics and opponents such as members of the Gülen movement, Alevis and Kurds extend beyond Turkish borders. The West in general and Christians and Jews in particular have not at times been spared the hateful speech of Turkey's leaders, either".<sup>487</sup>

In August 2017 Al Monitor reported on the removal of Mehmet Gormez, a Turkish cleric from his post as head of the Directorate of Religious Affairs (Diyanet), a government department that runs more than 85,000 mosques.<sup>488</sup> The same source further reported that:

Al-Monitor sources in Ankara suggested that the campaign against Gormez was spearheaded by the notorious "Pelicanists." The term comes from the mysterious "Pelican Brief" blog, which was the trigger to the ousting of Prime Minister Ahmet Davutoglu back in May 2016. Since then, "Pelicanists" has become the code word for the hard-core Erdoganists who lash out against not only the critics of Erdogan but also his softer supporters who supposedly show signs of "treason." "They want to replace the people with 98% loyalty," as an insider once told me, "with people with 110% loyalty." [...] It seems that Gormez was also dismissed because his views on Islam were found to be too "reformist" and "modernist" compared to the more rigid and conservative circles that are becoming growingly assertive in the "New Turkey." A famous voice from this conservative camp, a fiery preacher named Ahmet Mahmut Unlu, condemned Gormez "as the worst head of the Diyanet ever" and expressed the hope that he would be replaced with "someone loyal to Ahl al-Sunna." The term is the Arabic word for Sunni Islam, and it is used in Turkey often to designate a pure, unreformed form of it. Other conservative Islamist figures shared this point of view in social media and vowed that the new head of the directorate must be "a defender of Ahl al-Sunna."<sup>489</sup>

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<sup>483</sup> Al Arabyiya, [Turkey's Syrian community and the threat of 'nationalization'](#), 18 July 2017

<sup>484</sup> Bianet, [Criminal Complaint Against Alperen Movement Chair Mican for Assault on Synagogue](#), 26 July 2017

<sup>485</sup> Bianet, [Criminal Complaint Against Alperen Movement Chair Mican for Assault on Synagogue](#), 26 July 2017

<sup>486</sup> Stockholm Center for Freedom, [Hate Speech Against Christian in Erdoğan's Turkey](#), August 2017,

Introduction p. 6

<sup>487</sup> Stockholm Center for Freedom, [Hate Speech Against Christian in Erdoğan's Turkey](#), August 2017,

Introduction p. 6

<sup>488</sup> Al Monitor, [Why Erdogan fired Turkey's top cleric](#), 4 August 2017

<sup>489</sup> Al Monitor, [Why Erdogan fired Turkey's top cleric](#), 4 August 2017

Further information on the current situation of Kurds and Alevis can be found in section [6. Change in situation of or treatment of minorities since the attempted Coup d'état](#).

### c. Access to education

This section should be read in conjunction with section [1.a.ii. Educational institutions, including Universities](#), [4.g.i. Closure of Gulen schools abroad](#), [6.c. Teachers, education ministry officials, university deans and academia in general](#), and [iii. Treatment of civil servants and government officials](#).

#### Pre-attempted coup situation

Human Rights Watch noted in a November 2015 report that “All children have a right to access education without discrimination. Turkey is party to a number of international treaties that outline this right, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 197 and the European Convention on Human Rights (ECHR)”.<sup>490</sup>

A June 2016 report by the International Federation for Human Rights provided an overview on the legal framework pertaining to the right to education:

According to article 42 of the Constitution, “Nobody can be deprived of the right to education... Primary education is mandatory for all citizens, boys and girls, and is provided free-of-charge at public schools...”. The National Education Principle Law (n°1739) also mandates the State to ensure equality of opportunity for men and women in education.<sup>491</sup>

In its 2015 Turkey report, the European Commission noted with regards to the education system in Turkey that “Reforms and increased spending on education have so far generated a positive impact on educational attainment and schooling rates. However, significant problems remain over gender equality and the quality of education. Schooling rates continued to increase at all levels of education, reaching 99.6 % for the first four years and 94.5 % for the second four years of primary school and 76.7 % for secondary school in 2013/14. However, sizeable gaps persist in schooling rates for girls, especially in secondary school. Participation in higher education remained low by international standards, although the percentage of the population aged 30-34 with tertiary education qualifications increased from 19.5% in 2013 to 20.5 % in 2014”.<sup>492</sup>

The Euro-Mediterranean Human Rights Network and International Federation for Human Rights stated in a January 2016 report following a mission to Turkey that “According to the KESK [Confederation of Public Workers Trade Unions], citing figures of the Ministry of Education, in the Southeast around 11,000 teachers are impeded to work and 80,000 children are deprived of their right to education. Human rights organisations reported that security forces use several schools as compounds, informing teachers a day before “moving in” that they should leave the area as well as their pupils. Under these conditions, the public service of education is heavily disrupted, both in

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<sup>490</sup> Human Rights Watch (HRW), *‘When I Picture My Future, I See Nothing’: Barriers to Education for Syrian Refugee Children in Turkey*, November 2015, pp. 54-56

<sup>491</sup> International Federation for Human Rights (FIDH), *Submission To The Committee On The Elimination Of Discrimination Against Women, 64th Session – 4/22 July 2016, by the Human Rights Association (IHD) And FIDH*, June 2016, p. 5

<sup>492</sup> European Commission, *Turkey 2015 Report [SWD(2015) 216 final]*, 10 November 2015, p.32

areas under curfew but also indirectly in other districts, as a domino effect due to the arrival of people fleeing from the conflict and curfew areas. The access to education becomes a serious problem for the dozens of thousands of children who have fled from their homes and are displaced in other areas that cannot accommodate all the displaced pupils into existing facilities”.<sup>493</sup>

The Guardian reported in an April 2016 article with regards to the situation in Southeast Turkey that “Due to the violence in urban centres across the region, numerous school buildings have been shut down or turned into military headquarters or, due to pressure from Kurdish militants to boycott Turkish-language education, tens of thousands of children have been deprived of schooling. Parents and teachers in Sur say that those children who do still attend classes are often unable to concentrate, and that report cards do not reflect academic success”.<sup>494</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

In an article dating September 2016 the Guardian reported on the effects of the July coup on the education system that “As more than 18 million children began the new term after the summer break, the president of the Istanbul teachers’ union, Huseyin Ozev, said there were fears the academic year would begin in chaos because of huge staff shortages. Ozev said children’s education could suffer if inexperienced teachers have to step in to fill the staffing shortages. “It is believed that this school year will take place in general chaos, as there are 40,000 to 50,000 vacancies and no preparation on the side of the ministry of education,” he said”.<sup>495</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Amnesty International’s May 2017 report focusing on the purged public sector workers since the attempted coup reported that the “number of dismissals is so high that interviewees reported gaps in the provision of essential health and education services as a result”.<sup>496</sup>

Carnegie Europe noted in an article of July 2017 that:

The Turkish leadership is enforcing a Turkey-centric religious-conservative agenda on the country: from allowing graduates of religious schools to enroll in military academies to constructing a mosque in each public educational institution; from suspending an education cooperation program with the EU to eliminating Darwin’s teachings from school curricula; from cleansing the language of imported words to withdrawing Turkish state television from the Euronews consortium. These moves amount to a tectonic shift in Turkey’s modern history.<sup>497</sup>

### **d. Access to health**

This section should be read in conjunction with section [1.a.ii. Hospitals/ health care structures](#), and [6.g.iii. Health workers](#).

#### Pre-attempted coup situation

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<sup>493</sup> The Euro-Mediterranean Human Rights Network (Euromed Rights) and International Federation for Human Rights (FIDH), [High Level Solidarity Mission to Turkey](#), 20-24 January 2016, p. 8

<sup>494</sup> The Guardian, [In a devastated Turkish town, teenagers dream of joining the Kurdish guerrillas](#), 03 April 2016

<sup>495</sup> Guardian (The), [Turkish schools reopen after purge of teachers suspected of coup links](#), 19 September 2016

<sup>496</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22

May 2017, 1. *Background: A coup attempt, an unprecedented crackdown and mass dismissals*, p. 8

<sup>497</sup> Carnegie Foundation, [Turkey One Year After the Failed Coup](#), 11 July 2017

The European Commission noted in its 2015 report on Turkey that “Public health in Turkey has generally improved. Quantitative capacity of health services improved, including the number of doctors per capita. Life expectancy at birth has risen to 76.9 years from 72.4 years in ten years. Total health spending held at 5.4 % of GDP during the reporting period. However, Turkey’s total health expenditure per capita amounts to only one third of the EU average”.<sup>498</sup>

The Euro-Mediterranean Human Rights Network and International Federation for Human Rights stated in a January 2016 report following a mission to Turkey that “The overall situation in areas affected by the armed conflict and the curfews is adverse to health: houses are in very poor conditions due to bombings, corpses are left in the streets and there is limited or no access to health facilities and personnel. The curfews and the fighting have heavily disrupted health services and made access to health very difficult for inhabitants of the concerned areas”.<sup>499</sup>

The same report further noted that “Several human rights organisations have lodged an urgent appeal to the European Court of Human Rights to obtain ‘interim measures’ to lift the curfews and guarantee access to health care for the injured. In one instance, the Court ruled that the elements presented were insufficient to request the lifting of the curfews, but it took three interim measures on specific cases in favor of injured persons who were not permitted access to health care. However, the Turkish authorities have not taken steps to implement these decisions, and two of the three people that should have been protected subsequently died”.<sup>500</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

An August 2016 published by Physicians for Human Rights following its May 2016 fact-finding mission documented the access to healthcare in Southeastern Turkey stating that:

Since July 2015, the Turkish authorities have waged a campaign against the population of southeastern Turkey, imposing a succession of 24-hour sieges, known as curfews, which have blocked access to health care – including emergency medical treatment for life-threatening injuries or illnesses – cut off water, food, and electricity to whole cities, and resulted in thousands of deaths. [...] During 11 months of curfews in the southeast, Turkish security forces deliberately and illegally obstructed access to health care by using state hospitals for military purposes, preventing the free movement of emergency medical vehicles, and punishing health professionals for delivering treatment to the wounded and sick. Several emergency medical personnel came under active fire, as security forces did not respect their neutrality and status as humanitarian workers. Local residents were shot at, and some were killed, for attempting to move their wounded family members to safety.<sup>501</sup>

The same report further noted that:

The shutdown of the health care system during the prolonged unrest and persistent curfews has had predictably disastrous effects on people’s ability to access health care services, and has been debilitating for the region’s health care infrastructure and resources.

The TMA’s [Turkish Medical Association] 2015 assessment found that health center closures and the presence of security forces at state hospitals severely interrupted access to health care for local residents in at least 13 provinces. All primary health care centers in Cizre, Diyarbakır (Sur district),

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<sup>498</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p. 78

<sup>499</sup> The Euro-Mediterranean Human Rights Network (Euromed Rights) and International Federation for Human Rights (FIDH), [High Level Solidarity Mission to Turkey](#), 20-24 January 2016, p. 6

<sup>500</sup> The Euro-Mediterranean Human Rights Network (Euromed Rights) and International Federation for Human Rights (FIDH), [High Level Solidarity Mission to Turkey](#), 20-24 January 2016, p. 5

<sup>501</sup> Physicians for Human Rights (PHR), [Southeastern Turkey: Health Care Under Siege](#), August 2016, pp. 5-6

Hakkâri, Mardin, and Şırnak were closed during the first wave of curfews starting in August 2015, affecting a population of approximately 470,000 people. In addition, the state hospitals in each area were occupied by Turkish security forces, a presence which discouraged people living in each area from seeking treatment short of a life threatening emergency.<sup>502</sup>

In a June 2016 statement, The UN Committee Against Torture reported that “it expresses its serious concern at reports that the imposition of curfews in areas in which security operations have taken place has restricted the ability of the affected populations to access basic goods and services such as health care and food, causing severe pain and suffering”.<sup>503</sup>

The US Department of State annual report covering 2015 stated with regards to the access to healthcare for prisoners that “Although the government claimed doctors were assigned to each prison, human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. The HRA reported prison doctors were often absent for long periods and that prisoners often waited months to be transferred to hospitals. As of May the HRA [The Human Rights Association] reported that 721 inmates were sick, including 283 in critical condition”.<sup>504</sup>

TurkeyPurge reported at the end of October 2016 that “Turkey’s Social Security Institution (SGK) has cut the access of 400 pharmacies across Turkey to the electronic prescription system, which enables them to sell medicine and receive payments, over alleged Gülen movement links [...] Currently nearly 1,500 pharmacies are reportedly under investigation over alleged Gülen movement links and involvement in an attempted coup, even though it is not clear how pharmacies could be part of the failed coup of July 15. The official argument is that the pharmacies with links to the Gülen movement are favored by fellow sympathizers within the healthcare system. The pharmacies are also accused of donating to the Gülen movement”.<sup>505</sup>

Sources consulted within the timeframe for this report have mainly focused on changes implemented in the military medical system post-coup as outlined in section [1.a.ii.6. Hospitals/health care structures](#). No additional information was found on the general access to healthcare following the attempted coup.

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Amnesty International’s May 2017 report focusing on the purged public sector workers since the attempted coup reported that the “number of dismissals is so high that interviewees reported gaps in the provision of essential health and education services as a result”.<sup>506</sup> Moreover, access to health for dismissed public sector workers is also affected reports Amnesty International.<sup>507</sup> In fact “After being dismissed, the family’s health care protection is continued only for a further three months, after which a premium must be paid to stay protected. Without any income or compensation none

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<sup>502</sup> Physicians for Human Rights (PHR), [Southeastern Turkey: Health Care Under Siege](#), August 2016, p. 22

<sup>503</sup> UN Committee Against Torture (CAT), [Concluding observations on the fourth periodic reports of Turkey \[CAT/C/TUR/CO/4\]](#), 2 June 2016, Paragraph 13

<sup>504</sup> US Department of State (USDOS), [Country Report on Human Rights Practices 2015 - Turkey](#), 13 April 2016, Section 1 Prison and Detention Conditions

<sup>505</sup> TurkeyPurge, [Turkey takes 400 pharmacies out of prescription system over Gülen links](#), 29 October 2016

<sup>506</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 1. Background: A coup attempt, an unprecedented crackdown and mass dismissals, p. 8

<sup>507</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 3.2 Impact on families, p. 15

of the dismissed public sector workers interviewed by Amnesty International had been able to pay to keep their health care protection”.<sup>508</sup>

The Stockholm Center for Freedom reported in August 2017 that “An 8-month pregnant woman died on Monday over the lack of doctors at a state-run hospital in Cizre district of Şırnak province”.<sup>509</sup> The same source further stated that “According to the reports in Turkish media, all gynecologists at the hospital have left the hospital over the past month, with four resigning, one reassigned to another hospital, and another on leave for the Eid al-Adha”.<sup>510</sup>

#### **e. Arbitrary arrest and detention**

This section should be read in conjunction with section [1.a.i.2.i. Decrees of 23 January 2017 \(KHK/682, 683, 684 and 695\)](#).

For profile-specific information on arrests, see the following sections of this report:

[4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état](#)

[5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan and their family members since the attempted Coup d'état](#)

[6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#)

[7. Change in situation of or treatment of minorities since the attempted Coup d'état](#)

[9. Change in the situation of or treatment of diverse individuals of sexual orientation and gender identity since the attempted Coup d'état.](#)

#### Pre-attempted coup situation

In its annual report covering 2015, the U.S. Department of State considered that “although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. By law police and Jandarma may compel citizens without cause to identify themselves. During the year police routinely detained individuals for hours without legal justification. Human rights groups alleged that especially in areas under curfew or in ‘special security zones,’ security forces detained citizens without official record. Consequently, these detainees were at greater risk of ‘arbitrary practices’”.<sup>511</sup>

With regards to pretrial detention the same source noted that “The trial system does not provide for access to a speedy trial, and hearings in a case may be months apart. [...] Human rights groups further noted that detentions were generally longer than necessary to defend the public interest,

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<sup>508</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 3.2 *Impact on families*, p. 15

<sup>509</sup> Stockholm Center for Freedom, [Lack Of Doctors At A State-Run Hospital Kills 8-Month-Pregnant Woman, Her Baby In Turkey's Cizre](#), 29 August 2017

<sup>510</sup> Stockholm Center for Freedom, [Lack Of Doctors At A State-Run Hospital Kills 8-Month-Pregnant Woman, Her Baby In Turkey's Cizre](#), 29 August 2017

<sup>511</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. d. *Arbitrary Arrest or Detention*

detainees usually had limited opportunities to challenge their detentions in court, and those occasions offered little prospect of success”.<sup>512</sup>

The November 2015 European Commission Turkey progress report on EU membership found that “Freedom of expression is frequently challenged, in particular through arbitrary and restrictive interpretation of the legislation, political pressure, dismissals and frequent court cases against journalists which also lead to self-censorship”.<sup>513</sup>

Human Rights Watch’s annual report covering 2015 noted that “A new trend in 2015 saw courts in several cases order pretrial detention of people for several months for allegedly insulting Erdoğan via social media or during demonstrations”.<sup>514</sup>

In its annual report covering 2015 Amnesty International reported that “Waves of detentions took place after the eruption of violence between the PKK and state forces in July. By late August it was estimated that more than 2,000 people had been detained for alleged links to the PKK, while over 260 were remanded in pre-trial detention. Prosecutions were commenced of individuals accused of membership of the “Fethullah Gülen Terrorist Organization”, including US-based cleric and former AK Party ally Fethullah Gülen”.<sup>515</sup>

In February 2016 the World Organisation Against Torture described a “wave of arbitrary arrests and detentions” which it considered were “part of wide-range anti-terrorism operations, started in late July 2015. The operations turned into a massive crackdown on some civil society organisations depicted as ‘terrorist networks’”.<sup>516</sup> It further noted that “The Observatory has been informed by the Human Rights Association (İHD) and the Human Rights Foundation of Turkey (HRFT) about the arbitrary arrest and subsequent release of 49 individuals for their participation in a press conference organised by the İzmir Peace Block to protest against human rights violations in Cizre (South-eastern Anatolia Region of Turkey) and call for peace”.<sup>517</sup> The same source reported that the arrestees were attending a press conference organised by the İzmir Peace Block when “riot police forces forcefully entered the location, using excessive force including rubber bullets, against the participants. Mr. Mehmet Aker, İHD Executive Committee member, was shot in the leg and injured. The 49 activists were kept in police vehicles for over three hours without any arrest warrant, before being taken to İzmir Security Directorate. 38 of them were released on the same day. The other 11 activists remained in police custody overnight and were released the following day. The 49 are facing charges for violating the law on assemblies, marches and demonstrations (Law No. 2911) and doing propaganda for an illegal organisation”.<sup>518</sup>

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<sup>512</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. d. *Arbitrary Arrest or Detention*

<sup>513</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.62

<sup>514</sup> Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

<sup>515</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>516</sup> World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the İzmir Peace Block](#), 11 February 2016

<sup>517</sup> World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the İzmir Peace Block](#), 11 February 2016

<sup>518</sup> World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the İzmir Peace Block](#), 11 February 2016

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey reported that “there have been lots of incidents including assassination to arbitrary arrest in the case of protection of human rights defenders”.<sup>519</sup>

In April 2016 the International Federation for Human Rights reported that “Human rights defenders, lawyers, academics, on and off-line media and political opposition members are increasingly targeted. They face smear campaigns, stigmatization, defamation, intimidation, threats, judicial harassment and criminalization, which often result in arbitrary arrest and detention as well as physical violence at the hands of law enforcement officials”.<sup>520</sup>

In May 2016 the United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein announced that he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in south-east Turkey over the past few months”, including “allegations of arbitrary arrests, and of torture and other forms of ill-treatment, as well as reports that in some situations ambulances and medical staff were prevented from reaching the wounded”.<sup>521</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States reported in June 2016 that “The Assembly is also worried about the lack of political dialogue in the region, the arrests and destitution of democratically elected mayors in south-east Turkey on the following charges: ‘aiding and abetting a terrorist organisation’, ‘disrupting the unity and territorial integrity of the State’, ‘membership of a terrorist organisation and making terrorist propaganda’, ‘acting as a human shield’ and ‘providing logistical support to a terrorist organisation’”.<sup>522</sup> The same source further noted that “With regard to respect for the rule of law, the Assembly is very concerned about the recent statements made by the President of the Republic and ministers not to respect a decision of the Constitutional Court on the unlawfulness of the pretrial detention of investigative journalists, which was based on the case law of the European Convention on Human Rights”.<sup>523</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Human Rights Watch explains that in July 2016 “Emergency decree 667 increased the maximum period of police detention for terrorism and organized crime from four to 30 days in clear violation of international law. [...] Lawyers and former detainees told Human Rights Watch that the extended detention period allowed by the decree rendered detainees more vulnerable to abuse and that police had in some cases explicitly used the extended detention period to threaten detainees”.<sup>524</sup> For further information, see [1.a.i.2. Emergency decrees](#).

Following the coup attempt, Amnesty International reported in July 2016 that “Detainees are being arbitrarily held, including in informal places of detention. They have been denied access to lawyers

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<sup>519</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 117

<sup>520</sup> International Federation for Human Rights, [What Turkey really is](#), 18 April 2016

<sup>521</sup> UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

<sup>522</sup> Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 32

<sup>523</sup> Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 28

<sup>524</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *II. Suspension of Safeguards Against Torture and Ill-treatment*, p.16



and family members and have not been properly informed of the charges against them, undermining their right to a fair trial”.<sup>525</sup> It further noted that it had “interviewed more than 10 lawyers in both Ankara and Istanbul who gave information about the conditions of their clients’ confinement. The lawyers represented up to 18 detainees each. [...] All the lawyers said that in the majority of the cases detainees were held pre-charge for four or more days by the police. With very few exceptions, their clients were being held incommunicado throughout this period and had not been able to inform their families of where they were or what was happening to them. They were also not able to phone a lawyer and in most cases did not see their lawyers until shortly before being brought to court or being interrogated by prosecutors”.<sup>526</sup> Furthermore, “The lawyers told Amnesty International that in most cases neither they nor their clients were informed of the specific charges against them, either in a charge sheet or in court, making it difficult to prepare a defence”.<sup>527</sup>

Human Rights Watch reported in August 2016 that “In cases Human Rights Watch examined, decisions to arrest and detain someone pending investigation appear to have been made simply because their names appear on a list of alleged suspects, or because of alleged associations with a terrorist organization and ‘national security threats.’ The authorities have presented no evidence in courts to substantiate any alleged criminal conduct by those arrested”.<sup>528</sup>

In September 2016 the Reporters Sans Frontières noted that “The state of emergency strips journalists of all legal recourse against such arbitrary measures as denial of access to a lawyer during police custody, prolonged pre-trial detention, the criminalization of dissent and mistreatment of detainees. [...] Dozens of renowned journalists, including leading reporters and editors of pro-Gülen movement newspaper and magazines, have been placed in preventive detention under the two-month-old state of emergency”.<sup>529</sup>

Reporters Sans Frontières considered in a further September 2016 article that “Detention purely on the grounds of affiliation with the Gülenist movement, which is accused of being behind the coup, is in itself problematic, occurring without any individualised evidence of involvement in a criminal act. Moreover, the decree is also being used to arbitrarily detain journalists with absolutely no link to the Gülenist movement, including many representatives from opposition and minority groups. [...] Human Rights Watch has criticized the detentions and other measures for being arbitrary and lacking due process”.<sup>530</sup>

Human Rights Watch issued a report in October 2016 which explained that “Since the coup attempt, the Turkish authorities have launched a campaign to detain members and supporters of the Gülen movement accused of involvement in the bloody events of July 15. By late September, Turkey’s Justice Minister announced that around 32,000 people had been jailed pending investigation and criminal investigations were underway in relation to 70,000. Among them are soldiers, police, judges, prosecutors, journalists, teachers, academics, bureaucrats and others”.<sup>531</sup>

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<sup>525</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>526</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>527</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>528</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

<sup>529</sup> Council of Europe, [Council of Europe anti-torture Committee visits Turkey](#), 7 September 2016

<sup>530</sup> Reporters Sans Frontières, [Turkey: International civil society condemn crackdown on freedom of expression](#), 06 September 2016

<sup>531</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Background*, p.11

Human Rights Watch, along with a number of NGOs signed a joint letter in October 2016 which stated “During the first three months of the state of emergency, the Turkish authorities have abused emergency provisions to stifle dissent, through the detention of large numbers of individuals, including both real and perceived critics of the government and others. The removal of fair trial protections and crucial safeguards against torture and other ill treatment exceed permissible, justified derogations and risk violating the absolute prohibition in international law against torture and other cruel, inhuman or degrading treatment. In practice, the application of the provisions enable sweeping arrests, where those detained are not presented with credible evidence, preventing them from challenging or seeking redress for human rights violations”.<sup>532</sup>

In December 2016 the International Commission of Jurists reported that “Mass arrests, many of them arbitrary, and credible allegations of the torture and other ill-treatment of detainees, mean that access to legal advice, to a fair trial and to effective judicial remedies are crucial. However, the unprecedented summary and arbitrary purge of the judiciary following the coup, and arrests of judges, prosecutors and lawyers, have significantly weakened the justice system and its capacity to protect against and effectively remedy violations of human rights. The vulnerability of detainees to violations of their human rights has been compounded by unwarranted restrictions on access to lawyers and extended periods of pre-trial detention”.<sup>533</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In January 2017 “the pre-charge detention period was reduced to seven days, extendable by a further seven days via executive decree no. 684”.<sup>534</sup> See [1.a.i.2.i. Decrees of 23 January 2017 \(KHK/682, 683, 684 and 685\)](#).

In a February 2017 report which focused on key human rights concerns in South-East Turkey between July 2015 and 31 December 2016 the OHCHR reported with regards to the post attempted coup situation that:

The number of people arrested and detained in South-East Turkey is not known. The speed and number of arrests raises concerns about the arbitrariness of many detentions and arrests and reportedly put great strain on police resources and the capacity of judicial authorities to oversee the detention of such a great number of people, raising concerns about the legality and conditions of detention.<sup>535</sup>

Also in February 2017 the Parliamentary Assembly’s Committee on Legal Affairs and Human Rights issued a report on ‘Securing access of detainees to lawyers’. The report found with regards to the situation in Turkey post the attempted coup that “Mass arrests, which amount to large-scale purges, of tens of thousands of people, have taken place and there is every reason to believe that a number of these arrests were arbitrary”.<sup>536</sup>

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<sup>532</sup> Human Rights Watch, [Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter](#), 20 October 2016

<sup>533</sup> International Commission of Jurists, [Turkey: emergency measures have gravely damaged the rule of law](#), 6 December 2016

<sup>534</sup> Amnesty International, [Turkey: Deterioration of human rights situation must be addressed by the Human Rights Council - Written Statement to the 36th session of the Human Rights Council](#) [IOR 40/7043/2017], 4 September 2017

<sup>535</sup> Office of the United Nations High Commissioner for Human Rights, [Report on the human rights situation in South-East, July 2015 to December 2016](#), February 2017, paragraph 54

<sup>536</sup> Parliamentary Assembly’s Committee on Legal Affairs and Human Rights, [Securing access of detainees to lawyers](#), 15 February 2017

According to an April 2017 Stockholm Center for Freedom report, “There are currently thousands of people who are in pre-trial detention and waiting behind bars without even seeing the indictments against them despite the lack of complexity of their cases. The government is abusing pre-trial detention and uses it as a sort of punishment without conviction. In many cases, when an indictment is filed, pre-trial detention would not be possible due to the short sentences demanded. For this reason, there are deliberate delays in preparing indictments for those suspects who are expected to be punished with lighter sentences”.<sup>537</sup>

In a September 2017 report, the Stockholm Center for Freedom noted

To define an action as a criminal act a law must be enacted in due form by the legislature. Furthermore, the law has to be in conformity with the Turkish Constitution and international conventions to which Turkey is party. Turkey under the Erdoğan government’s rule is not in compliance with these principles. In fact, the principle of no punishment without law has been systematically violated during the investigations through which almost 170,000 people have faced legal action (most in the form of detention) and more than 50,000 have been arrested on false charges under the state of emergency. In this period, being an alleged member of the Gülen movement has been enough to be labeled, accused and jailed as a “terrorist” without any further evidence. [...]

In clear violation of the Turkish Constitution and the ECHR, the Turkish government is using membership in duly authorized and officially registered institutions as pretexts to arrest and prosecute people although such membership is not defined as a crime in the law at all. [...]

The Turkish government remains deliberately ambiguous when repeatedly asked about what criteria and evidence it has used to round up tens of thousands of people based on their alleged affiliation with the Gülen movement”.<sup>538</sup>

For example, reporting with regards to the critical Zaman newspaper that was shut down under emergency degree law no. 668, not only were its writers, reporters and executives arrested but “thousands of people have been put under arrest simply for being a reader of a newspaper that was sold at almost all newsstands, was subscribed to and paid for by credit card and was published under guarantee of the law, the constitution and international agreements. [...] many examples from arrest sheets and indictments indicate that a subscription to the Zaman daily is used as evidence of membership in a terrorist organization. Furthermore, the accusation is not confined to subscribers; their spouses and children, too, have been facing the same accusations.”<sup>539</sup>

In September 2017 Amnesty International published its submission to the UN Human Rights Council in which it stated that “Since the failed coup, more than 50,000 people have been remanded in pre-trial detention, and Amnesty International has documented cases of individuals being held in arbitrary pre-trial detention without evidence of criminal behaviour”.<sup>540</sup>

## f. Prison conditions

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<sup>537</sup> Stockholm Center for Freedom, [Turkey’s Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, 2. Judges and prosecutors under pressure p.12

<sup>538</sup> Stockholm Center for Freedom, [Erdoğan’s Rule by Royal Decree: Turkey’s Contempt for the Rule of Law](#), September 2017, 3. Examples of fabricated charges in Turkey p.15

<sup>539</sup> Stockholm Center for Freedom, [Erdoğan’s Rule by Royal Decree: Turkey’s Contempt for the Rule of Law](#), September 2017, 3. Examples of fabricated charges in Turkey p.15-17

<sup>540</sup> Amnesty International, [Turkey: Deterioration of human rights situation must be addressed by the Human Rights Council - Written Statement to the 36th session of the Human Rights Council](#) [IOR 40/7043/2017], 4 September 2017

This section should be read against sections [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#) and [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#), and [3.h. Torture and other ill-treatment and abuse](#).

### Pre-attempted coup situation

According to the April 2016 World Prison Brief Turkey profile, as of April 2016 the total prison population in Turkey was 187,609 in 255 institutions, of which 14.1% were 'untried' prisoners i.e. not including remand prisoners convicted but unsentenced, 3.7% were female and 1.3% were juveniles.<sup>541</sup>

In December 2015 Hurriyet Daily News reported that "The number of child inmates in Turkey's prisons increased by five times between 2010 and 2014, according to newly released data from the Turkish Statistics Institute (TÜİK). There were a total of 7,595 child convicts in Turkish prisons in 2014, 1,028 of whom were younger than 15 years old".<sup>542</sup>

The Institute for Criminal Policy Research reported in its International Prison News Digest for January-February 2015 that "An internal report at a juvenile prison in İzmir, Turkey, has exposed sexual abuse and bullying of minors by older prisoners, according to media reports. [...] It reveals that older prisoners sexually abuse younger ones at the prison and that gang rape and sexual torture are highly prevalent. The document also exposes other cases of mistreatment and torture at the prison. Some older prisoners have passed urine into beverages for weaker prisoners to drink and others have deliberately cut themselves with glass and tiles so they can go to hospital".<sup>543</sup>

The same source reported in its International Prison News Digest for March-April 2015 that:

In Turkey, prisoners in Şakran Women's Prison have been subjected to a new measure following the suicide of a prisoner, whereby guards check prisoners every half-hour, which the prisoners describe as a form of torture. According to reports, the Şakran prison administration introduced the practice to prevent further suicides, especially among those sentenced to life imprisonment. The prisoners are monitored by guards who go from cell to cell asking each prisoner every thirty minutes if she is OK, a practice that has become torture for the prisoners at night. Damla Ülgen, a prison lawyer, said that the measure taken by the prison administration negatively affects the psychological well-being of the prisoners instead of preventing further suicides.<sup>544</sup>

Penal Reform International noted in its annual report for 2015 that "In Turkey drug offenders are held in high security prisons where many are held in isolation with consequent damage to their physical and psychological well-being".<sup>545</sup>

The Institute for Criminal Policy Research reported that "There were 212 deaths in Turkish prisons in the first six months of 2015, according to a report published by the Radikal news portal. Of the 212 deaths in Turkey's prisons, 176 were from natural causes, 29 people committed suicide and seven more died from other causes. This number is strikingly higher than the 2005 total figure of 59 deaths".<sup>546</sup>

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<sup>541</sup> World Prison Brief, [Turkey country profile](#), undated but last updated 1 April 2016 [accessed 11 November 2016]. **N.B. only the most recent profile updated in May 2017 is available on the source's website]**

<sup>542</sup> Hurriyet Daily News, [Number of child inmates in Turkey up 500 percent in five years](#), 11 December 2015

<sup>543</sup> Institute for Criminal Policy Research, [International Prison News Digest](#), 25th Edition – January- February 2015, p.9

<sup>544</sup> Institute for Criminal Policy Research, [International Prison News Digest](#), 26<sup>th</sup> Edition – March-April 2015, p.6

<sup>545</sup> Penal Reform International, [Global Prison Trends 2015, Safety and violence](#), p.5

<sup>546</sup> Institute for Criminal Policy Research, [International Prison News Digest](#), 28<sup>th</sup> Edition – July - August 2015, p.3

In its annual report covering 2015, the U.S. Department of State considered that “Prison facilities remained inadequate and did not meet international standards”.<sup>547</sup> The same source further noted that:

Underfunding and lack of access to adequate health care were problems. Overcrowding in some prisons remained a problem. [...]

Human rights organizations asserted prisoners frequently lacked adequate access to potable water, proper heating, ventilation, and lighting, a claim the government denied. According to the HRA, prisoners sometimes complained about food quality. The HRF [Human Rights Foundation] reported that physical and hygiene conditions in prisons were inadequate due to overcrowding. [...]

Although the government claimed doctors were assigned to each prison, human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. The HRA reported prison doctors were often absent for long periods and that prisoners often waited months to be transferred to hospitals. As of May the HRA [Human Rights Association] reported that 721 inmates were sick, including 283 in critical condition. The Ministry of Justice reported that between January 2013 and October 5, authorities released 517 inmates for health reasons, but the HRA claimed only a few of those releases occurred during the year. Chief prosecutors have discretion, particularly under the wide-reaching antiterror law, to keep in prison inmates whom they deem dangerous to public security, regardless of medical reports documenting serious illness.

The government in 2014 amended the law to enhance inmates’ access to medical care. Instead of improving conditions, there were reports it actually worked against prisoners by adding a requirement to show “immediate and verifiable danger” for prisoners to receive special treatment. The HRF stated that illness among inmates was the biggest problem in prisons, followed by overcrowding. [...]

There was no prison-specific ombudsman institution; the national Ombudsman Institution functioned for prisons as well as for broader human rights and personnel issues. Authorities at times investigated credible allegations of inhuman conditions but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable. [...]

The HRA reported the government did not allow NGOs to monitor prisons.<sup>548</sup>

The November 2015 European Commission Turkey progress report on EU membership found that:

As regards the prison system, 2 045 prison staff members have received training on Council of Europe and human rights mechanisms. Despite an increase in the number of psychologists, social workers, and sociologists, the low number hinders successful rehabilitation of 173 000 inmates. Concerns over the situation in prisons continue. Alternatives to imprisonment should be developed to curb overcrowding. Ill-treatment in juvenile prisons has continued to be reported. Suspended sentence measures are granted restrictively to terminally ill prisoners.

Allegations of ill-treatment are not properly investigated or sanctioned. Only a small number of judicial cases against prison staff have been concluded with overly lenient sanctions. Turkey still fails to implement ECtHR case law on mistreatment, conditions in prisons and protection of the right to life. This also includes violation of the right to vote.<sup>549</sup>

The Council of Europe Parliamentary Assembly explained in a November 2015 report on a Committee on Legal Affairs and Human Rights fact-finding mission to Turkey on ‘The fate of critically ill detainees’ that “Within the Turkish penitentiary system, medical care is normally provided by general practitioners and specialists at the place of detention. These doctors are appointed to work in the prison by the Ministry of Health. Five prisons across the country have a prison hospital. For

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<sup>547</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 1.c Prison Conditions*

<sup>548</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 1.c Prison Conditions*

<sup>549</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, *p.62*

emergency cases, co-operation is foreseen between the place of detention and university hospitals".<sup>550</sup> The same source further found that:

Prior and during my information visit, I was confronted with allegations of breaches of medical confidentiality, notably due to the presence of custodial staff during medical examination. [...]

It is also a cause of concern that prisoners and detainees appear too often, if not routinely, to be handcuffed during medical examinations at hospitals. [...]

I received accounts claiming that there continue to be instances of ill-treatment at the hands of gendarmes during transfer to hospitals. Kurdish political prisoners seem to be particularly prone to such abuse. [...]

The problem of delays seems to also exist in the context of early release from prison on health grounds.<sup>551</sup>

On the same issue the Human Rights Association submitted to the UN Committee Against Torture in March 2016 that "According to the IHD Data, as of 15 December 2015 there are 757 ill-prisoners and 300 of these prisoners are seriously ill in Turkey. [...] These ill prisoners are not released as a result of problematic practices by The Council of Forensic Medicine (ATK) Turkey. There are several cases that seriously ill prisoners lost their lives in the past".<sup>552</sup> Moreover, "The independent non-governmental organisations are not allowed to monitor the prisons in Turkey".<sup>553</sup>

The Human Rights Foundation of Turkey submitted in March 2016 to the UN Committee Against Torture organization with regards to detention conditions:

Prisons remain among the places where torture and ill treatment allegations are common. It is observed that, along with physical or psychological violence against inmates, physical conditions of prisons, limited access to health care facilities, hygiene and nutritional issues, and solitary confinement and small group isolation (especially in type F prisons) cause physical and psychological integrity of inmates to get severely damaged.

The increasing population of prisons and placing inmates at levels exceeding the capacity of prisons cause worsening of physical conditions and increases deprivation of rights. Considering the data of Ministry of Justice as of 18 February 2016 there are 362 prisons with a capacity of 180.256 people where the total number of inmates is 182.539. [...]

The arising population in contrast to decreasing humane treatment have caused protests which resulted in serious violations. In the fire outbreak at Type E Closed Prison, Şanlıurfa on 16.06.2012, 13 inmates died and 5 were injured. In the joint report prepared by HRFT, HRA, CPETU, TMA, Progressive Lawyers Association (PLA), Confederation of Progressive Trade Unions (CPTU), Diyarbakır Bar Association (DBA) and The Association of Human Rights and Solidarity for Oppressed People (AOP), it was stated that 1057 detainees and inmates were put in a 375 person capacity jail, the building was old, health conditions were very bad, humane needs like food and sleep weren't fulfilled in dignity, and wards were extremely crowded and hot. [...] Other issues underlined in the report include: those in the prison set their beds on fire to protest these conditions, but fire-fighter intervention was allowed only when it was too late and efforts were insufficient, medics also weren't allowed in until it was too late and thus deaths and injuries happened.<sup>554</sup>

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<sup>550</sup> Council of Europe Parliamentary Assembly, [The fate of critically ill detainees in Europe](#), 13 November 2015, paragraph 114

<sup>551</sup> Council of Europe Parliamentary Assembly, [The fate of critically ill detainees in Europe](#), 13 November 2015, paragraphs 115-118

<sup>552</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 20

<sup>553</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 21

<sup>554</sup> Human Rights Foundation of Turkey, [Alternative Report to the United Nations Committee against Torture; For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraphs 88 -90

It should be noted that as reported by Amnesty International, the National Human Rights Institution was abolished in April 2016, leaving no independent human rights monitors with access to detention facilities in Turkey.<sup>555</sup>

In April 2016 the Daily Sabah reported that “Turkey also faces a prison capacity shortage with some prisons already working beyond their capacity, with inmates forced to stay in three-bed bunks and beds on the floor”.<sup>556</sup>

In June 2016 the Committee Against Torture concluded with regards to conditions of detention:

While welcoming the efforts made by the State party to improve conditions of detention in prisons, the Committee is concerned that overcrowding and inadequate health-care services remain a problem in the prison system and that the State party has taken insufficient measures to mitigate the dramatic increase in its prison population through the use of alternative measures to deprivation of liberty. It is also concerned at reported arbitrary practices such as cell raids at any hour of the day, illegal searches and denial of phone calls, in particular in the Tekirdag F-type prisons. In addition, the Committee notes with concern that solitary confinement may be imposed for up to 20 consecutive days (arts. 2, 11 and 16). [...]

The Committee regrets the lack of complete information on suicides and other sudden deaths in detention facilities during the period under review (arts. 2, 11 and 16). [...]

The Committee is concerned that, contrary to the information provided by the State party, human rights non-governmental organizations have reported that they are still not allowed to visit prison detention facilities to conduct monitoring activities.<sup>557</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following the coup attempt, Amnesty International reported in July 2016 that it had “credible reports that Turkish police in Ankara and Istanbul are holding detainees in stress positions for up to 48 hours, denying them food, water and medical treatment, and verbally abusing and threatening them. In the worst cases some have been subjected to severe beatings and torture, including rape”.<sup>558</sup> Furthermore, “The organization heard multiple reports of detainees being held in unofficial locations such as sports centres and a stable. Some detainees, including at least three judges, were held in the corridors of courthouses. [...] Interviewees also said that based on what detainees told them police deprived them of food for up to three days and water for up to two days. [...] One lawyer working at the Caglayan Courthouse in Istanbul said that some of the detainees she saw there were in extreme emotional distress, with one detainee attempting to throw himself out of a sixth story window and another repeatedly slamming his head against the wall”.<sup>559</sup>

In August 2016 a lawyer told Hurriyet Daily News that there were six people staying in cells built for three people, noting “They are sleeping in bunk beds in turns. The prison is already overcrowded.

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<sup>555</sup> Amnesty International, [Turkey crackdown by the numbers: Statistics on brutal backlash after failed coup](#), 26 July 2016

<sup>556</sup> Daily Sabah, [Plea bargain in the works to speed up Turkey's judicial system](#), 3 April 2016

<sup>557</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraphs 31, 33 and 37

<sup>558</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>559</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

Instead of taking steps to solve the situation, the state plans to jail more people via opening more prisons”.<sup>560</sup>

The Business Insider reported in August 2016 that “The government says the situation is under control, but pictures of some alleged coup plotters handcuffed, stripped to their underpants and detained in sweltering rooms have raised concern among rights groups. There are reports that some jails are so crowded that prisoners have to sleep in shifts” and “The Silivri prison west of Istanbul was so crowded that prisoners were being housed in its sports facilities”.<sup>561</sup> Furthermore:

"Jails had already exceeded capacity before July 15, with prisoners sleeping in corridors and by toilets," said Veli Agbaba, the deputy head of the main opposition, the secular Republican People's Party (CHP), who has made hundreds of prison visits in the last five years for his work on a CHP commission investigating conditions in jails.

The overcrowding was such that prisoners were sleeping in shifts and in response new beds were being brought in, Agbaba said. The rooms are so crammed with beds that there is no floor space for walking, he said. "The severity of the prison problem is not one that can be solved by sending in new beds," he said.

The pro-government Yeni Safak newspaper reported that authorities at Sincan prison in Ankara set up a large tent on the prison grounds to house coup-related detainees. The government has rejected the report, with a justice ministry official saying all suspects were held in prison buildings.

Rights groups say the overcrowding is another form of torture for the prisoners, some of whom have been shown in photos and television footage with bandages and bruises since their incarceration.<sup>562</sup>

In August 2016 Justice Minister Bekir Bozdag announced that Turkey would grant early release to around 38,000 prisoners on parole who committed crimes before July 1 2016, given prison overcrowding following the attempted coup.<sup>563</sup> The Independent newspaper reported that on 1 September 2016 “33,838 prisoners convicted before 1 July who had demonstrated ‘good behaviour’ were released”, and that “those who had served half their sentence were eligible, with crimes such as murder and rape excluded from the scheme”.<sup>564</sup> The Justice Ministry also announced in August 2016 that over 170 jails will be built over the next five years in Turkey, increasing capacity by 100,182 convicts in order to “meet the unanticipated increase in the number of convicts”.<sup>565</sup>

In August 2016 the OHCHR reported that “allegations of torture and poor detention conditions have been raised following legislative provisions that enable wide and indiscriminate administrative powers that affect core human rights”.<sup>566</sup>

Reporters Sans Frontières reported in September 2016 with regards to those held under the state of emergency decrees that “Those detained are held for several days without charge, often without access to a lawyer or their family. There are worrying reports of poor conditions in detention,

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<sup>560</sup> Hurriyet Daily News, [174 jails to be built in Turkey](#), 5 August 2016

<sup>561</sup> Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

<sup>562</sup> Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

<sup>563</sup> France 24, [Turkey to release 38,000 from prison, frees space for coup plotters](#), 18 August 2016

<sup>564</sup> The Independent, [Turkey releases almost 34,000 prisoners 'to make space for more coup plotters'](#), 2 September 2016

<sup>565</sup> Hurriyet Daily News, [174 jails to be built in Turkey](#), 5 August 2016

<sup>566</sup> OHCHR, [UN experts urge turkey to adhere to its human rights obligations even in time of declared emergency](#), 19 August 2016



including beatings, severe overcrowding, and a lack of access to essential medicines”.<sup>567</sup> Another September 2016 report from the same source provided further details:

Turkey had carried out significant improvements to the conditions of detainees in the past decade, motivated in large part by a desire to advance accession negotiations with the European Union. This progress has unfortunately been swept away by the state of emergency and the thousands of arrests carried out in the wake of the coup attempt. As arbitrary methods have gained sway and a spirit of revenge has taken hold at the highest government levels, the situation in prisons has declined rapidly and several journalists have been mistreated”.<sup>568</sup>

In September 2016 Hurriyet Daily News reported that according to Gülseren Yoleri, lawyer of the Human Rights Association, “Notorious former prison torture methods have reemerged during the state of emergency declared after the July 15 failed coup attempt”.<sup>569</sup> The same source noted that “Being detained for 30 days and getting no help from lawyers is torture in itself. [...] There are preventions regarding [medical] treatment. They are saying, ‘We can’t take you to hospitals due to the state of emergency.’ The prison is also full beyond its capacity. Inmates are having to sleeping in turns due to lack of space. [...] Yoleri also noted that inmates crammed into small cells had to take turns at windows in order to get fresh air”.<sup>570</sup>

Human Rights Watch considered in an October 2016 report that “Police behavior and pressure from the authorities have also undermined the integrity of medical examinations for those in police custody and detention by often requiring that medical examinations take place in detention facilities and in the presence of police officers, Human Rights Watch research shows. In addition, the authorities have repeatedly denied detainees and their lawyers access to detainees’ medical reports that could substantiate allegations of ill-treatment during arrest or detention, citing secrecy of the investigation”.<sup>571</sup> The report focused on the period of police detention, noting that “Expert human rights monitoring bodies have repeatedly emphasized that this is the period when detainees are likely to be most vulnerable to abuse”.<sup>572</sup>

In October 2016 Turkey Purge reported that “Arrested when she was in the 16th week of her pregnancy, an anonymous judge says she is being forced to carry the pregnancy to term in prison”.<sup>573</sup> In a further October 2016 article the same source noted that “In yet another example of disproportionate punishment imposed on people targeted in Turkey’s post-coup witch-hunt, an English-language teacher was put behind bars along with her 36-day-old baby in Mersin province”.<sup>574</sup>

In October 2016 Turkey Purge cited Human Rights Association (İHD) as reporting that there were nearly 220,000 people in Turkey’s prisons, more than 20 percent of the 183,000 capacity.<sup>575</sup> Furthermore, “The reports and photos in the media show that there are serious concerns concerning torture

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<sup>567</sup> Reporters Sans Frontières, [Turkey: International civil society condemn crackdown on freedom of expression](#), 06 September 2016

<sup>568</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.7

<sup>569</sup> Hurriyet Daily News, [Former torture methods reemerge in Turkish prisons: Human Rights Association](#), 14 September 2016

<sup>570</sup> Hurriyet Daily News, [Former torture methods reemerge in Turkish prisons: Human Rights Association](#), 14 September 2016

<sup>571</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, Summary p.3

<sup>572</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, Summary p.3

<sup>573</sup> Turkey Purge, [Judge says was 16-weeks pregnant when arrested over Gülen links](#), 9 October 2016

<sup>574</sup> Turkey Purge, [Female teacher with 36-day-old baby arrested over Gülen links](#), 9 October 2016

<sup>575</sup> Turkey Purge, [İHD: Turkish prisons at 120 percent capacity after post-coup arrests](#), 22 October 2016

and maltreating in Turkish prisons as people were kept in cold sport complexes naked and handcuffed. They are left without food and water. And also they are beaten,” İHD report said”.<sup>576</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership noted that “Following the July coup attempt, a large number of suspects were detained in irregular locations without appropriate detention conditions and serious impediments to their procedural rights according to European standards were reported. There was a sharp rise in the prison population and prison overcrowding reached very worrying limits. A Law Decree amending the Law on Enforcement of Sentences in August resulted in the release on probation of around 40 000 inmates in order to create room in prison facilities to deal with detained and sentenced persons suspect of implication in the coup attempt. Following their release, there were 192 181 people for some 180 000 places in the penal institutions, of which 59 819 are detained and 132 362 convicted as of 9 September 2016. The prison population rate has grown to over 200 per 100 000 inhabitants which is a high figure among Council of Europe states”.<sup>577</sup>

Bianet reported that the November 2016 Statutory Decree No.667 has removed the right of prisoners to take exams.<sup>578</sup> Reportedly, ‘There are as many as 400 university students in prisons and most of them are charged with “[illegal] organization membership’, according to a data by Arrested Students Solidarity Network”.<sup>579</sup>

On the 9 November 2016 Turkey Purge reported that “A total of 20 people, among which are police officers, prosecutors and teachers, have been found dead in Turkish prisons since the failed coup attempt of July 15, causing serious concern about the fate of thousands of civilians who have been kept in jail in very poor conditions across the country. The relatives of most of them claim that the detainees are not the kind of people to commit suicide, shedding doubt on the official narrative. Rumors also have it that some of the detainees were killed after being subjected to torture under custody”.<sup>580</sup>

In November 2016 Turkey Purge noted that “The father of former Turkish football legend Hakan Şükür, Selmet Şükür, who was arrested on Aug. 12 in an investigation into a failed coup attempt on July 15, has reportedly been denied food and water, therefore losing 40 kilograms in three months, the Aktifhaber news portal reported”.<sup>581</sup> Also in November 2016 Turkey Purge reported that a letter it received from the wife of a former Ankara chief prosecutor claimed “My husband has cancer and needs special treatment. It is unlikely that he can get that under his current poor prison conditions. Please hear my voice. Anyone who has a conscience! Please help me and my husband. Please help us before it’s too late!”<sup>582</sup> The same source noted in a further November 2016 report that “Buket Büyükçelebi, a six-months-pregnant academic with a 13-month-old child has been kept in a 33-person holding cell in a Gaziantep prison for three months, the Haberdar news portal reported”.<sup>583</sup> Moreover:

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<sup>576</sup> Turkey Purge, [İHD: Turkish prisons at 120 percent capacity after post-coup arrests](#), 22 October 2016

<sup>577</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 4.23. Chapter 23: *Judiciary and fundamental rights*, p.71

<sup>578</sup> Bianet, [Prisoners’ Right to Education Obstructed Through Statutory Decree](#), 22 November 2016

<sup>579</sup> Bianet, [Prisoners’ Right to Education Obstructed Through Statutory Decree](#), 22 November 2016

<sup>580</sup> Turkey Purge, [Turkey sees 20 suspicious deaths in Turkish prisons since July 15](#), 9 November 2016

<sup>581</sup> Turkey Purge, [Father of former football star denied food for days, loses 40 kg in prison](#), 16 November 2016

<sup>582</sup> Turkey Purge, [‘My husband has cancer, and he is slowly dying in solitary confinement,’ says wife of former Ankara chief prosecutor](#), 14 November 2016

<sup>583</sup> Turkey Purge, [6-months pregnant woman with 13-month-old child held in 33-person cell](#), 11 November 2016

Büyükçelebi was a research assistant in the department of economics of Kilis University. She was arrested by Turkish police on July 30 based on the allegations that she was involved in an abortive military coup on July 15 and sent to a prison in the Turkish province of Gaziantep.

According to a witness who asked to remain anonymous, the holding cell in which Büyükçelebi and her 13-month child are staying has only 15 beds and three toilets.

“She stays with 33 other people in a holding cell and in very poor conditions. There is no proper food for her baby so she feeds her 13-month-old child the same food everyone else eats. The cell is not warm enough and so they are cold all the time. She is pregnant but is forced to sleep on a double bunk bed. She has to climb up there every day. She was a research assistant and doing her Ph.D. at Kilis University. Now she does not even know what she is accused of,” the source told the news portal.<sup>584</sup>

In December 2016 a delegation from the Human Rights Association of Turkey (IHD) paid a series of prison visits to detained majors and People’s Democratic Party (HDP) MPs.<sup>585</sup> Following interviews with the detainees the IHD reported that at Kandıra Number 1 (Woman) F-Type Prison, “the most fundamental violation of rights that each 7 people stated was the ‘isolation’. According to this, all of the people that we interviewed with stated that they are kept alone in a cell room built for 3 people, they stay alone during the daily ventilation and no one else was let to the ventilation space; thus, they are kept alone for 24 hours and their demand on staying together was rejected by the prison administration. In addition, they stated that even though the radiators of the cell for 3 people are heated well, they are cold and they constantly wear thick clothes such as coat and jackets along the day because there aren’t enough radiators”.<sup>586</sup>

The Committee to Protect Journalists reported in December 2016 that “Three journalists from the daily Cumhuriyet--Güray Öz, Hakan Kara and Önder Çelik--were held in a prison cell without heat and with no insulation at the windows, their employer reported December 24. The journalists, who were arrested early November, are being held in Silivri prison in Istanbul. Temperatures in the city at the time were around 46F (7C)”.<sup>587</sup>

In December 2016, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Nils Melzer issued his preliminary observations and recommendations following his November 2016 visit to Turkey which stated in relation to conditions of detention:

Overall, conditions of detention in the visited places of detention were satisfactory or, at least, acceptable. The facilities we visited are purpose-built detention centres and generally adequately equipped. However, all of the police lock ups we visited in Sanliurfa and Istanbul, currently holding detainees for up to 30 days as allowed by the emergency decrees, clearly are neither designed nor adequate to detain anyone for more than 48 hours. The cells with barred doors do not allow for even the most basic degree of privacy and, in some places, are extremely narrow. Detainees reported a loss of their sense of time because of the constant bright lighting and, in one place, the freezing temperature, which had prevailed until the recent instalment of heaters. Inmates in police lock ups had no access to sunlight and fresh air during their entire detention.

A major concern is that all visited facilities, except Closed Prison Nr. 9 of the Silivri Penitentiaries Campus, were significantly overcrowded, with occupancy ranging from 125 to more than 200% of the actual capacity. [...] This overcrowding has had a significant negative impact on prompt access to medical care, as well as on recreational activities, working opportunities, training activities and the frequency of family visits. [...]

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<sup>584</sup> Turkey Purge, [6-months pregnant woman with 13-month-old child held in 33-person cell](#), 11 November 2016

<sup>585</sup> Human Rights Association of Turkey, [IHD’s Report on the Prison Visits Made to Arrested MPs and Mayors](#), 15 December 2016

<sup>586</sup> Human Rights Association of Turkey, [IHD’s Report on the Prison Visits Made to Arrested MPs and Mayors](#), 15 December 2016

<sup>587</sup> Committee to Protect Journalists, [Turkey Crackdown Chronicle](#), Week of December 25, *Poor prison conditions*

While a strict separation between male, female and juvenile inmates is maintained in all visited institutions, pre-trial detainees and convicts often have been found to be held together in the same cells and blocks. On some occasions, adolescent girls have been found to be detained in female adult blocks. Sanitary and hygienic conditions observed in the facilities are generally satisfying, but also affected by the overcrowding.

Although access to health care and dental and psychiatric support is guaranteed in principle, some improvements are required. In particular, the large facilities we visited have an insufficient number or presence time of General Practitioners compared to the number of detainees they are required to care for. This shortcoming is even more acute regarding dental care and psychological support. The supply and provision of medicines is adequate but we have noticed a lack of specific programmes for common situations in detention facilities such as contagious diseases, drug abusers and HIV/Aids. Inmates with long-term, chronic diseases including fatal diseases should be given special consideration, including potential release at an advanced stage of their illness. [...]

We have received numerous allegations of physicians refusing to confirm physical trauma in medical reports, and access to independent physicians at the request of inmates and their relatives was reportedly denied.

In my interactions with inmates, I heard consistent reports that naked body searches are conducted both on inmates and visitors. While there may be situations requiring such searches, their frequency seems to have increased significantly since the failed coup and reportedly can be administered at any time, without warning, which makes the adequacy of this measure even more questionable and, if disrespectfully conducted, may amount to degrading treatment.<sup>588</sup>

Also in December 2016 Turkey Purge reported that according to a statement issued by Justice Minister Bekir Bozdağ, amid massive detentions and arrests following the failed coup “Turkey will build 175 new prisons in 2017”.<sup>589</sup> Furthermore, “The minister stated that Turkey would shut down 157 small prisons across the country due to poor physical conditions”.<sup>590</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Hurriyet Daily News reported in February 2017 that new regulations were introduced that allowed for prison inmates with a total prison term of under 10 years to be transferred to ‘open prisons’ after one month of incarceration.<sup>591</sup> See [1.a.i.2.i. Decrees of 23 January 2017 \(KHK/682, 683, 684 and 685\)](#).

In March 2017 the Stockholm Center for Freedom issued a report on ‘Suspicious Deaths and Suicides in Turkey’. The report found that:

Following a failed coup attempt on July 15, 2016, there has been a massive increase in cases of ill-treatment and torture, along with unprecedented mass arrests and detentions in Turkey. In statements and criminal complaints made by defendants and their family members, widespread torture practices have been uncovered in detention centers and prisons. These practices range from verbal abuse and threats to physical violence that includes beatings, rape, exposure to icy water, strappado, sleep deprivation, denial of food and water, limiting access to fresh air, restricting exercise and forced alcohol and drug consumption

There have been serious allegations that many suspects died as a result of physical and psychological torture but described by authorities as suicides in what appears to be a cover-up. In some cases, where a prosecutor launched inquiries into suspicious deaths, concerns remain as to the effectiveness

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<sup>588</sup> OHCHR news, [Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016](#), 2 December 2016

<sup>589</sup> Turkey Purge, [Turkey to build 175 prisons in 2017 as existing facilities overcrowded](#), 22 December 2016

<sup>590</sup> Turkey Purge, [Turkey to build 175 prisons in 2017 as existing facilities overcrowded](#), 22 December 2016

<sup>591</sup> Hurriyet Daily News, [Some inmates to get better conditions after overpopulation in Turkish jails due to Gülen case arrests](#), 23 February 2017

of impartial and independent investigation under emergency rule, which has given the government extra powers.

[...] The Stockholm Center for Freedom (SCF) has investigated and documented 53 suspected deaths in the last six months alone.<sup>592</sup>

Al-Monitor reported in April 2017 that “Inmates have complained of strip searches, arbitrary restrictions on the time they can spend in common areas, deliberate cuts of heating and hot water, applications to prison authorities left unanswered, bad and insufficient food, overpriced and out-of-date food at prison canteens, denial of treatment to those who fall sick of that very food and denial of medical care in general. [...] On March 31, Sezgin Tanrikulu, a deputy for the main opposition Republican People’s Party (CHP), brought up a harrowing allegation about a pregnant woman who was detained in Ankara and left to deliver her baby alone in the police station”.<sup>593</sup> Furthermore, “Citing information from inmate families who had contacted him for help, Yarkadas [CHP deputy, Baris Yarkadas] said a prosecutor with both his wrists broken is held in solitary confinement in a jail near Ankara, with prison management ignoring requests to give him a cellmate who could help with his daily needs. In Istanbul, meanwhile, a woman has been incarcerated with her 8-month-old child, and the prison authorities refuse to accept even toys for the baby, he said”.<sup>594</sup> The same source cited Ahmet Ozmen, head of the Diyarbakir Bar Association, as stating that political prisoners were the main victims of rights violations and that prisons have become overcrowded, “‘A prison for 750 people, for instance, is holding about 1,700 inmates. Up to eight people stay in cells for three or four inmates, with mattresses thrown on the floor or bunk beds crammed into tiny rooms,’ Ozmen said, adding that the most common complaints were limited availability of hot water and bad and too little food”.<sup>595</sup>

According to the May 2017 World Prison Brief Turkey profile, the total prison population in Turkey was 221,607 in 277 institutions, representing an occupancy level (based on official capacity) of 109.2%.<sup>596</sup> Of these, as of November 2016, 34.5% were ‘untried’ prisoners i.e. not including remand prisoners convicted but unsentenced, 4% were female and 1.2% were juveniles.<sup>597</sup>

According to the June 2017 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey, “While the detainees he visited seemed in good health, the men held in a wing of Silivri prison which, according to the Government, houses 456 prisoners, 27 reported an initial detention process that involved days without access to information about the charges against them, or access to legal support and at least two days of sleep deprivation that culminated in a court appearance at 2 a.m. They reported limited access to counsel, books, pen and paper, or other ways to access information or communicate with the outside world. They expressed total bewilderment at the basis for their detention”.<sup>598</sup>

In June 2017 the organisation Article 19 reported that “Turkey is turning into one big prison. More than 40,000 people are languishing behind bars following the failed coup, including members of the parliamentary opposition Peoples’ Democratic Party (HDP). Allegations of torture and other ill-

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<sup>592</sup> Stockholm Center for Freedom, [Suspicious Deaths and Suicides in Turkey](#), March 2017, *SUSPICIOUS DEATHS AND SUICIDES IN TURKEY* p.6

<sup>593</sup> Al Monitor, [What’s going on in Turkey’s prisons?](#) 3 April 2017

<sup>594</sup> Al Monitor, [What’s going on in Turkey’s prisons?](#) 3 April 2017

<sup>595</sup> Al Monitor, [What’s going on in Turkey’s prisons?](#) 3 April 2017

<sup>596</sup> World Prison Brief, [Turkey country profile](#), undated but last updated May 2017 [accessed 12 September 2017]

<sup>597</sup> World Prison Brief, [Turkey country profile](#), undated but last updated May 2017 [accessed 12 September 2017]

<sup>598</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 37

treatment in police custody have spread while national human rights groups have recently published the names of 11 people who they said have disappeared. At least 8 people detained after the coup have committed suicide in prison”.<sup>599</sup>

According to Reporters Sans Frontières (RSF) reporting in July 2017, “RSF regards the prolonged isolation of Turkish detainees – including the reduction of visits to the barest minimum and a ban on correspondence – as a form of mistreatment. Its victims include Die Welt correspondent Deniz Yücel, a journalist with Turkish and German dual nationality who has been in pre-trial detention since February. [...] His lawyer, Veysel Ok, said: ‘He is in total isolation, denied contact with anyone aside from the visits from his lawyers and members of his family. With one or two exceptions, he is not allowed to send or receive letters. His indictment has still not been prepared. And we have still not been able to see his case file, because of judicial investigation confidentiality’”.<sup>600</sup>

In July 2017 the Stockholm Center for Freedom reported on the death in detention of a 61 year old businessman with alleged links to the Gülen movement, “reportedly due to cramped conditions and high temperatures in the Elbistan L-type prison”.<sup>601</sup> The same source noted that since the coup attempt, 28 individuals had been found dead in Turkish prisons.<sup>602</sup>

As of the end of August 2017, the Stockholm Center for Freedom had identified 90 suspicious deaths in detention, noting that “In most cases, authorities concluded these as suicides without any effective, independent investigation. The suspicious death has also taken place beyond the prison walls amid psychological pressure and threats of imminent imprisonment and torture, sometimes following the release of suspects or just before the detention”.<sup>603</sup>

In August 2017 Turkey Purge cited the Cumhuriyet daily as reporting that Turkey built 38 new prisons in 2016, and plans to increase prison capacity by 11,00 by the end of 2017; 76 prisons are currently under construction, 113 are ‘in process’ and 18 more are ‘planned’.<sup>604</sup> The same source cited Justice Ministry Deputy Undersecretary Basri Bağcı as informing Parliament in May 2017 that Turkish prisons are currently 9 percent over capacity and that some inmates have to sleep in shifts.<sup>605</sup>

The same source also reported in August 2017 on the hunger striker teachers Nuriye Gülmen and Semih Özakça who were on the 155th day of hunger strike and were reportedly being held under conditions of “severe confinement” in the hospital:

The educators, who were on the 76th day of a hunger strike to protest their dismissal when they were arrested on terror charges on May 23 in Ankara, were taken to the prison hospital against their will. The lawyers for Gülmen and Özakça held a press conference to give information about the situation of the teachers and said their right to have visitors and talk on the phone is being arbitrarily limited. The two are not allowed to have a companion; they have to do their own cleaning and prepare the liquids they drink. They do not have air-conditioning and have no chance of seeing any sunlight. They are being disturbed at least five or six times a night. Their right to have books is being restricted, and

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<sup>599</sup> Article 19, [Turkey: HRC must address free expression violations](#), 15 June 2017

<sup>600</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

<sup>601</sup> Stockholm Center for Freedom, [61-Year-Old Businessman Dies From Poor Conditions In Turkey’s Elbistan Prison](#), 6 July 2017

<sup>602</sup> Stockholm Center for Freedom, [61-Year-Old Businessman Dies From Poor Conditions In Turkey’s Elbistan Prison](#), 6 July 2017

<sup>603</sup> Stockholm Center for Freedom, [Suspicious Deaths And Suicides In Turkey](#), Updated List (As of August 28, 2017)

<sup>604</sup> Turkey Purge, [38 new prisons built last year, another 76 under construction: gov’t](#), 15 August 2017

<sup>605</sup> Turkey Purge, [38 new prisons built last year, another 76 under construction: gov’t](#), 15 August 2017

they are not given the books they want. The letters of Semih are seized and packages sent to Nuriye have not been given to her for 15 days, said the lawyers.<sup>606</sup>

In September 2017 an IRIN news article reported that “In total, monitors estimate that at least 220,000 people are currently imprisoned in Turkey and have documented deteriorating prison conditions that are corroborated by accounts given to IRIN. Groups like Amnesty International say conditions are unlikely to improve in the near future, as alleged violations continue to pile up without state oversight or verifiable repercussions”.<sup>607</sup> Furthermore, “The crackdown on alleged opponents of the state has given rise to hunger strikes by inmates across the country as penal institutions have become increasingly overcrowded”.<sup>608</sup> The same source further noted “In addition to prison conditions and rights violations, inmates in Turkey must also pay for water and gas usage while incarcerated. Extra food, books, phone calls, trips to the hospital, and bathroom supplies are all added to inmates’ prison bills. As a result, some women with minimal financial resources cannot afford basic hygienic items such as sanitary pads (which they are not provided), Guveren [no profile provided] said. Lawyers who spoke with IRIN were especially concerned about the frequent use of solitary confinement. They said guards discipline inmates by locking them in süngerli odalar or “sponge rooms”, cells named for the yellow foam mattresses that pad their interiors. Guveren said one of her clients was locked in such a room for 30 days. The client told her his mattress was soaked with water when he first entered and he was barred from all human contact during this period”.<sup>609</sup>

The Stockholm Center for Freedom reported on 1 September 2017 that 668 children under the age of 6 will welcome the festival of Eid al-Adha (Kurban Bayramı) in detention where they are staying with their mothers.<sup>610</sup> Reportedly there are 149 infants in detention younger than a year old.<sup>611</sup>

### **g. Enforced disappearances**

#### Pre-attempted coup situation

The Human Rights Association (HRA) submitted to the UN Committee Against Torture that “According to the HRA data, there are 455 cases of enforced disappearance between 1979 and 2004. The list of names in all of these cases was submitted to the UN Working Group on Enforced or Involuntary Disappearances. The Republic of Turkey is not a signatory to the International Convention for the Protection of all Persons from Enforced Disappearances”.<sup>612</sup>

Human Rights Watch’s annual report covering 2015 noted that “Despite thousands of killings and enforced disappearances of Kurds by security forces in the 1990s, only a handful of military personnel have faced criminal trial; in four cases in 2015, military personnel were acquitted, and in no case convicted. Turkey’s 20-year statute of limitations on the prosecution of unlawful killings remains a major obstacle to justice”.<sup>613</sup>

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<sup>606</sup> Stockholm Center for Freedom, [Turkish Hunger Strikers Held In ‘Severe Confinement’ Conditions](#), Say Lawyers, 10 August 2017

<sup>607</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

<sup>608</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

<sup>609</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

<sup>610</sup> Stockholm Center for Freedom, [668 Babies To Welcome Eid Al-Adha In Turkish Prisons](#), 1 September 2017

<sup>611</sup> Stockholm Center for Freedom, [668 Babies To Welcome Eid Al-Adha In Turkish Prisons](#), 1 September 2017

<sup>612</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 6

<sup>613</sup> Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

The 2015 U.S. Department of State report noted that “There were no reports of politically motivated disappearances during the year. Human rights organizations continued to criticize official investigations into previous disappearances, many from the early 1990s. Only a few active court cases continued. According to the HRA, 10 cases continued during the year, four of which concluded in acquittals. The HRF reported that of hundreds of reported disappearances from the 1990s, only a few cases were opened, and only after public pressure. Citing security concerns, the government moved hearings on the few continuing cases to cities distant from the scene of the alleged disappearances, making participation in the hearings difficult for victims’ families and their lawyers”.<sup>614</sup>

The Human Rights Association submitted to the UN Committee Against Torture in March 2016 that “no one has ever been sentenced for enforced disappearances in Turkey. In Turkey, there is no definition for this crime; the statute of limitations was implemented so far and a policy of impunity has been in place. [...] There are many of ECtHR decisions against Turkey on cases of enforced disappearances and it has been held that the responsible public officials should be put on trial. Despite this, there were only a few cases brought against these and in the cases opened they were acquitted”.<sup>615</sup>

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey (HRFT) considered that “there are systemic problems in the implementation of the ECtHR judgments regarding enforced disappearances. Despite the decisions on violation, the prosecution stages were handled as form of impunity. They are initiated with a limited scope. Each incident is considered as a stand-alone case and therefore the systematic, organized and widespread structure of the violations is disregarded. Moreover prosecutions initiated have been transferred to a city other than the place of the offenses, by a decision of the Ministry of Justice due to ‘security reasons’. Such transfers obstruct the relatives and lawyers of the survivors from following the proceedings properly and cause financial burdens due to transportation costs. [...] in all of these cases, perpetrators have continued to serve their duty. [...] There are visible concerns related to the impartiality of the courts. The decisions on acquittal are granted to the perpetrators”.<sup>616</sup>

In March 2016 Deutsche Welle reported that “Dozens are unaccounted for in Diyarbakir, Turkey’s largest Kurdish city, where government forces are clashing with PKK-linked militias”.<sup>617</sup> In June 2016 the Committee Against Torture concluded that “The Committee is concerned at the “almost complete lack of accountability for cases of enforced disappearance” in the State party and its “palpable lack of interest [in] seriously investigating, prosecuting and adjudicating these cases”.<sup>618</sup>

Amnesty International reported at the end of June 2016 that:

On 27 May Hurşit Külter, chair of the Kurdish Democratic Regions Party (DBP) for Şırnak, a city that has been under a 24-hour round the clock curfew since 14 March, disappeared. According to text messages he sent to his father, and chilling tweets by an unknown individual or individuals sent from

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<sup>614</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 1.b. Disappearance*

<sup>615</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, *paragraphs 6 and 7*

<sup>616</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, *paragraph 44*

<sup>617</sup> Deutsche Welle, [Families search for missing loved ones in Turkey’s embattled Kurdish capital](#), 19 March 2016

<sup>618</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, *paragraph 21*



an account that shares details of security operations and is believed to be operated by special operations police, he was detained by members of the security forces. There has been no information regarding Hurşit Külter's whereabouts since that day, although the authorities deny that he is in their custody. According to lawyers working on Hurşit Külter's case, the Turkish authorities have failed to investigate the circumstances of his disappearance, including the identification of those who sent tweets reporting his detention and the questioning of members of the security forces on duty at the time. On 23 June, almost a month after Hurşit Külter's disappearance, the Ministry of Interior announced that a civil servant from the Ministry had been instructed to inspect the incident. Amnesty International is dismayed by the apparent failure of the authorities to initiate a prompt, effective and independent investigation into the alleged enforced disappearance.<sup>619</sup>

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that:

Turkey has not come to terms with past enforced disappearances in all relevant areas, namely truth, justice, reparation, and memory of the victims. There has been no comprehensive policy to address disappearances. Many families do not know the truth about what happened to their loved ones, there has hardly been a single case of criminal responsibility or civil liability for an act of enforced disappearance, there are no reparation programmes independent from the compensation that may be awarded by a court, nor any effective and accessible social or psychological support for families, and there is no public memorial site or symbolic place for the families — and for society as a whole — to remember the victims and pay tribute to them. This lack of measures to address disappearances results from a combination of factors: mainly the lack of clear political will in all spheres to seriously tackle the issue, combined with legal and other obstacles.<sup>620</sup>

The same source noted that “The allegations filed with the Working Group mainly relate to disappearances that occurred between 1992 and 1996 in the south-east of Turkey” and that “Although during the visit the Working Group did not receive allegations of recent enforced disappearances, its experience suggests that situations such as the current one in the south-east are conducive to human rights violations, including enforced disappearances”.<sup>621</sup> It further reported that “During its visit, the Working Group heard very troubling testimonies, including of families not being able to have access to the bodies of their loved ones killed during the security operations, and of bodies being disposed of. It also heard allegations of instances of extrajudicial executions and other human rights violations”.<sup>622</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following the coup attempt, Amnesty International reported in July 2016 that it had “has gathered credible evidence that detainees in Turkey are being subjected to beatings and torture, including rape, in official and unofficial detention centres in the country” and spoken with “a relative of a high-ranking military official who was detained in Ankara. He said that family members were able to speak with the detained relative on his mobile phone on Saturday 16 July before it was confiscated by the police, but that the family has had no information about his fate or whereabouts since then. Family members made several trips to detention centres in Ankara but were consistently told the detainee was not there. The detainee has also had no access to a lawyer. Such treatment amounts to

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<sup>619</sup> Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

<sup>620</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, *Note by the Secretariat*

<sup>621</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, *paragraphs 8 and 11*

<sup>622</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, *paragraph 12*

enforced disappearance which in itself is a crime under international law. This practice places detainees outside the protection of the law and cuts them off from the outside world, putting them at very high risk of torture or even extrajudicial execution”.<sup>623</sup>

Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

The BBC reported that “Some caught up in the purge have simply disappeared. At home in Ankara, Emine Ozben broke down as she told me of her husband, Mustafa, who taught at a Gulen-linked university. On his way home in May [2017], eyewitnesses say he was bundled into a car by masked men. He hasn’t been since and the police have offered no information. Several other families have also reported similar kidnappings”.<sup>624</sup>

In June 2017 the Stockholm Center for Freedom issued a report on ‘Mass Torture and Ill-treatment in Turkey’. The report found with regards to enforced disappearances that:

In blatant violation of national laws and open defiance of its commitments under international human rights laws, the Turkish government has again started to resort to enforced disappearances and unlawful abductions, a practice that is reminiscent of the dark period of the 1990s.

The abductions appear to have been perpetrated by elements linked to the Turkish government as part of an intimidation campaign targeting critics and opponents of Turkey’s president. Most victims in the recent waves of kidnappings are believed to be affiliated with the Gülen movement. So far, eleven recent cases have been documented by Stockholm Center for Freedom.

In one case confirmed by SCF, an abductee was kept as a hostage and tortured for 42 days in an unknown location by men who identified themselves as police. Yet, he was later turned over to the police for official custody and forced to sign a confession to a crime he said he had not committed. In many cases, the evidence such as CCTV footage suggests a similar pattern in which a black Transporter Volkswagen is used in whisking away innocent people.<sup>625</sup>

In August 2017 Human Rights Watch reported in a letter to Justice Minister Abdülhamit Gül that “Turkish authorities should urgently investigate the abduction and possible enforced disappearance of at least four men in Ankara since March 2017”.<sup>626</sup> The same source further noted that “One of the abducted men, a former teacher, was located in official police custody after 42 days. At least three others were abducted in similar circumstances but their whereabouts remain unknown. The similarities between the abductions and the fact that one of the men was subsequently found in police custody are credible grounds to believe that the men may be victims of enforced disappearances by Turkish security forces or law enforcement agents”.<sup>627</sup> The former teacher, Önder Asan, “has lodged a formal complaint with the Ankara prosecutor alleging that after his abduction by people who said they were police officers, he was held in a secret location, interrogated and tortured, and finally moved to a regular police station, where he saw a lawyer”.<sup>628</sup>

Also see section [3. e. Arbitrary arrest and detention](#).

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<sup>623</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>624</sup> BBC, [Turkey's trauma after night of the tanks](#), 14 July 2017

<sup>625</sup> Stockholm Center for Freedom, [Mass Torture and Ill-treatment in Turkey](#), June 2017, 10. *Enforced disappearances*, p.24

<sup>626</sup> Human Rights Watch, [Turkey: Investigate Ankara Abductions, Disappearances](#), 3 August 2017

<sup>627</sup> Human Rights Watch, [Turkey: Investigate Ankara Abductions, Disappearances](#), 3 August 2017

<sup>628</sup> Human Rights Watch, [Turkey: Investigate Ankara Abductions, Disappearances](#), 3 August 2017

## h. Torture and other ill-treatment and abuse

This section should be read in conjunction with sections [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#), [1.a.i.2.f. Decrees of 29 October 2016 \[KHK/675 and 676\]](#) and [1.a.i.2.i. Decrees of 23 January 2017 \[KHK/682, 683, 684 and 695\]](#)

. For information on the torture of Kurds, see [7. a. i. Torture and other ill-treatment and abuse.](#)

### Pre-attempted coup situation

Human Rights Watch provides the following historical overview of torture in Turkey “Widespread and systematic torture has been a long-standing problem in Turkey’s recent past [...] From 2002, when the Justice and Development Party (AKP) first assumed office, to mid- 2015 reports of torture and ill-treatment in police custody decreased significantly. [...] With the collapse of a peace process between the Turkish state and the imprisoned leader of the armed Kurdistan Workers’ Party (PKK) in summer 2015, conflict in the mainly Kurdish southeast resumed. In the context of security operations against PKK-linked urban militia groups entrenched in cities and neighborhoods of the southeast, Human Rights Watch documented a rise once more in reports of torture and ill-treatment of detainees in police custody”.<sup>629</sup> The same source further noted that:

Methods reported to Human Rights Watch by people later released from detention in the southeast included police beating and punching them, verbally abusing them and threatening them with rape, making them kneel for many hours while handcuffed from behind, depriving them of basic needs such as water, food and sleep. For the most part, however, the reports and descriptions of such abuse came from lawyers since the majority of detainees remained imprisoned pending trial and therefore not accessible to human rights groups.

Even before the coup attempt lawyers in the southeast also reported some relaxation of the usual detention safeguards. After mass arrests, individuals were held in unofficial places of detention such as sports halls and lawyers were often barred from access to them in the midst of continuing armed clashes. Some detainees later reported to their lawyers being forced to sign papers they had not read and being coerced into identifying other suspects from lists of names and photographs

Images circulated on the internet, apparently taken by special operations police officers, appearing to show the naked and disfigured body of female PKK member Kevser Eltürk (Ekin Wan) being paraded in the streets of Varto in the eastern province of Muş, after clashes with state forces in August.<sup>630</sup>

The European Commission against Racism and Intolerance (ECRI) reported with regards to disciplinary investigations against police for torture between 2010 and July 2015 that:

According to the Turkish authorities’ statistics, between 2010 and 3 July 2015 2 975 staff of the national police were the subject of disciplinary and 3 543 of criminal investigations for excessive use of force (Article 256 CC). Disciplinary investigations for torture (Articles 94 and 95 CC) were instigated against 324 and criminal investigations for torture against 688 staff. In 148 cases of excessive use of force disciplinary measures were taken and in 4 cases a judicial fine was imposed. In the field of torture, 3 disciplinary measures were taken.

These figures are not made public and not even the Ombudsperson is informed of these statistics. Since the very limited number of disciplinary measures and judgments again points to continuing impunity, ECRI welcomes the authorities’ plan to establish a central registry for all such complaints and investigations, appoint a body to follow up these decisions, provide further training to groups of inspectors specialising in the review of human rights violations (see also §§ 95 and 96), and extend

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<sup>629</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Torture in Turkey* p.14-15

<sup>630</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Torture in Turkey* p.15

human rights training for police officers. At the same time, ECRI considers that additional activities are needed to re-establish and increase the trust of vulnerable groups in the police.<sup>631</sup>

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, found that “deaths in custody continue to occur, the majority after instances of torture or ill-treatment” and that “The Special Rapporteur continues to receive reports of reprisal action being taken against complainants of torture or ill-treatment”.<sup>632</sup>

The 2015 U.S. Department of State report noted that “Human rights organizations continued to report allegations of torture and abuse, especially of persons who were in police custody but not in a place of detention, and during demonstrations and transfers to prison, where such practices were more difficult to document. [...] Human rights groups alleged that although torture and mistreatment in police custody decreased following installation of closed-circuit cameras in 2012, police continued to abuse detainees outside police stations. [...] Human rights organizations documented cases of prison guards beating inmates and maintained those arrested for ordinary crimes were as likely to suffer torture and mistreatment as those arrested for political offenses, such as speaking out against the government”.<sup>633</sup>

Reporting with regards to investigations for allegations of torture committed by the security forces the same source noted that:

Prosecutors investigated allegations of abuse and torture by security forces during the year but rarely indicted accused offenders. The National Human Rights Institution (NHRI) is administratively responsible for investigating human rights violations, including allegations of torture, excessive use of force, or extrajudicial killings. Domestic human rights organizations claimed the NHRI’s failure to follow through in investigating potential human rights violations deterred victims of abuse from filing complaints. Authorities regularly allowed officers accused of abuse to remain on duty during their trial. [...]

Some human rights observers reported detainees often refrained from reporting torture and abuse because they feared retaliation or believed complaining to authorities would be futile. [...]

The TNP [Turkish National Police] investigated allegations of excessive use of force during the year, resulting in disciplinary actions for 30 officers in relation to 334 cases. At the end of the year, 71 cases continued. The TNP also investigated allegations of the use of torture, dismissing 34 officers in 46 investigations. Eight investigations continued at year’s end. The TNP also reported 229 criminal cases based on allegations of the use of torture during the year. There were no convictions, but prosecution continued in seven cases.<sup>634</sup>

In its annual report covering 2015 Amnesty International reported that “Reported cases of ill-treatment in detention and other inhuman or degrading treatment in the context of police or military operations against the PKK increased. Four men accused of murdering two policemen in the southeastern city of Ceylanpinar said they had been severely beaten in police custody in July and August, first when they were being transferred to Osmaniye No. 1 T-type prison in Adana province and then at the prison itself. They remained in pre-trial detention at the end of the year. Another photograph showed the body of Hacı Lokman Birlik being dragged behind an armoured police

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<sup>631</sup> Council of Europe - European Commission against Racism and Intolerance, [ECRI Report on Turkey \(fifth monitoring cycle\) \[CRI\(2016\)37\]](#), 4 October 2016, paragraph 58

<sup>632</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, paragraphs 25 and 65

<sup>633</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.c *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

<sup>634</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.c *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* and Role of the Police and Security Apparatus

vehicle in the southeastern province of Şırnak in October. The reported autopsy indicated that the man had been shot 28 times. The authorities said that investigations into both incidents were continuing”.<sup>635</sup>

The November 2015 European Commission Turkey progress report on EU membership found that:

The situation regarding prevention of torture and ill-treatment has improved over the past several years but a number of problems remain. There have been frequent reports of use of excessive force against demonstrators and cases of ill-treatment in prisons. This is an issue of serious concern give the lack of clear and binding rules on the proportionate use of force, especially in demonstrations. The NHRI's national preventive mechanism is not yet functional. There are no effective civilian arrangements to investigate alleged violations of conscripts' rights and cases of ill-treatment. Significant obstacles remain to securing justice for victims of serious human rights abuses by law enforcement officials.<sup>636</sup>

The Human Rights Association (IHD) submitted to the UN Committee Against Torture in March 2016 that “According to the IHD data, the figures of torture and ill-treatment cases in prison as follows: 583 people in 2012, 843 people in 2013, 213 people in 2014 and 215 in 2015. In addition to these torture and ill-treatment cases, there are cases of forced transfer from one prison to another one, naked body check/search, medical treatment while handcuffed, naked body check/search of new prisoners, at least 1-day isolation for prisoners who are accused of terrorist activities, and isolation punishment and ban on family visits in F-Type prisons. These are the most problematic issues as regards to torture and ill-treatment in prisons”.<sup>637</sup>

The London Legal Group submitted to the UN Committee Against Torture that “more recent information was published by the Human Rights Association (HRA) and the Human Rights Foundation of Turkey (HRFT) according to which, in the first 11 months of 2015, 560 people applied to HRFT, 347 of whom claiming to have been subjected to torture or ill-treatment. In the first 11 months of 2015, 1433 were reported to be tortured while under custody but outside detention centres according to the additional data released by HRA”.<sup>638</sup> The same source further considered that “Excessive use of force by police officers and prison guards continues to be extensively practiced in Turkey. In Turkey's detention facilities, overcrowding and poor living conditions remain unresolved, and torture and ill-treatment of inmates, including beatings, sexual and psychological harassment, and rapes, are still common. [...] Torture and ill-treatment at the hands of law enforcement officials also occurs during demonstrations and protests, particularly in the Kurdish region or during demonstrations related to minority rights across the country”.<sup>639</sup>

Hurriyet Daily News cited Republican People's Party (CHP) Istanbul deputy Sezgin Tanrikulu as stating that “If we look closely, in the last two years, the AKP has followed policies which gave rise to a horrible increase in the number of torture incidents. The torture cases, which were around 900 when the AKP came to power, reached a horrible figure like 5,671 in 2015”.<sup>640</sup>

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<sup>635</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>636</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.62

<sup>637</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 19

<sup>638</sup> London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.9-10

<sup>639</sup> London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p. 4

<sup>640</sup> Hurriyet Daily News, [CHP report on prisoners highlights mistreatment and mischarges in post-coup attempt probes](#), 7 September 2016

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey (HRFT) considered that “There has been a significant increase in cases of torture and other forms of ill treatment in places described as unofficial places of detention experienced in Turkey as police vehicles, home, workplace, confined areas, streets, areas of demonstrations and so forth since the Committee’s last Concluding Observations. [...] In 2015, there have been serious violations of human rights, including acts of sexual torture against women”.<sup>641</sup>

It should be noted that as reported by Amnesty International, the National Human Rights Institution was abolished in April 2016, leaving no independent human rights monitors with access to detention facilities in Turkey.<sup>642</sup>

In its April 2016 submission to the UN Committee Against Torture, Human Rights Watch reported that it “is concerned to report an increase in allegations of police torture or ill-treatment of detainees, including children, in southeast Turkey over the past nine months, and over the past five years a pattern of widespread police ill-treatment of demonstrators and excessive use of force to disperse protests. [...] The increase in allegations of ill-treatment and torture of detainees includes reports of ill-treatment at the moment of apprehension as well as in transit to and in formal places of detention. The increase in reports mainly concern individuals detained during or after security operations against PKK-affiliated groups or following armed clashes”.<sup>643</sup>

In May 2016 the United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein announced that he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in south-east Turkey over the past few months”, including “allegations of arbitrary arrests, and of torture and other forms of ill-treatment, as well as reports that in some situations ambulances and medical staff were prevented from reaching the wounded”.<sup>644</sup>

The International Rehabilitation Council for Torture Victims reported in May 2016 that “As part of the [UN Committee against Torture’s] hearings, IRCT member the Human Rights Foundation of Turkey (HRFT) travelled to Geneva to brief the Committee on its key concerns. These concerns related to torture in unofficial places of detention, torture during the curfews in the south-east of the country, lack of independent institutions to investigate and monitor torture and ill-treatment and the deliberate targeting of individuals and organisations working to support victims of torture and ill-treatment”.<sup>645</sup> Moreover “HRFT was recently fined because of its provisions of rehabilitation to persons who were tortured during the Gezi Park protests”.<sup>646</sup>

In a June 2016 report on ‘Security operations in south-east Turkey’, Amnesty International noted that “On 26 May, 42 people, comprising 26 men, 11 women and 10 children (five girls and five boys) were detained by security forces. All of the individuals reported being ill-treated and having been hooded during detention. Lawyers representing some of those detained told Amnesty International that the individuals showed injuries consistent with those sustained during beatings and that one 16

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<sup>641</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraphs 5 and 29

<sup>642</sup> Amnesty International, [Turkey crackdown by the numbers: Statistics on brutal backlash after failed coup](#), 26 July 2016

<sup>643</sup> Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

<sup>644</sup> UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

<sup>645</sup> International Rehabilitation Council for Torture Victims, [Committee against Torture urges Turkey to take serious action to end torture and stop crackdown on civil society](#), 17 May 2016

<sup>646</sup> International Rehabilitation Council for Torture Victims, [Committee against Torture urges Turkey to take serious action to end torture and stop crackdown on civil society](#), 17 May 2016

year-old boy reported his finger had been broken after he refused to sign a statement he was not allowed to read and that his eye had been damaged during a beating by police officers while in police custody. [...] Those who have been remanded in pretrial detention on anti-terrorism charges have not received the medical care they need in prison”.<sup>647</sup>

In June 2016 the Committee Against Torture concluded that:

The Committee is seriously concerned about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of detainees while responding to perceived and alleged security threats in the south-eastern part of the country [...]. The Committee is further concerned at the reported impunity enjoyed by the perpetrators of such acts (arts. 2, 4, 12, 13 and 16). [...] The Committee is concerned that allegations of excessive use of force against demonstrators have increased dramatically during the period under review.<sup>648</sup>

With regards to impunity for torture the same source noted that:

The Committee is concerned that, despite the fact that the State party has amended its law to the effect that torture is no longer subject to a statute of limitations, it has not received sufficient information on prosecutions for torture, including in the context of cases involving allegations of torture that have been the subject of decisions of the European Court of Human Rights. The Committee is also concerned that there is a significant disparity between the high number of allegations of torture reported by non-governmental organizations and the data provided by the State party in its periodic report [...], suggesting that not all allegations of torture have been investigated during the reporting period. Further, while the State party has undertaken many investigations into allegations of ill-treatment and excessive use of force by its officials, these have resulted in relatively few cases of disciplinary sanctions, and in fines and imprisonment in only a small number of cases. [...] The Committee further regrets [...] that the State party has not yet created an independent State body to investigate complaints of torture and ill-treatment against law enforcement officers (arts. 2, 4, 12 and 13 and 16).<sup>649</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following the attempted coup, in July 2016 the International Rehabilitation Council for Torture Victims expressed its concern over “the mass arrests and allegations of torture and ill treatment of detainees”.<sup>650</sup> It also reported that “Images have recently surfaced, showing dozens of detainees huddled together naked and handcuffed on the floor. According to HRFT [Human Rights Foundation of Turkey], the images suggest that the detainees have also been subjected to torture and ill treatment”.<sup>651</sup>

Amnesty International reported in July 2016 that it “has credible reports that Turkish police in Ankara and Istanbul are holding detainees in stress positions for up to 48 hours, denying them food, water and medical treatment, and verbally abusing and threatening them. In the worst cases some have been subjected to severe beatings and torture, including rape. ‘Reports of abuse including beatings and rape in detention are extremely alarming, especially given the scale of detentions that

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<sup>647</sup> Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

<sup>648</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraphs 11, 15

<sup>649</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraph 9

<sup>650</sup> International Rehabilitation Council for Torture Victims, [IRCT member in Turkey warns of torture in the aftermath of failed coup](#), 21 July 2016

<sup>651</sup> International Rehabilitation Council for Torture Victims, [IRCT member in Turkey warns of torture in the aftermath of failed coup](#), 21 July 2016

we have seen in the past week. The grim details that we have documented are just a snapshot of the abuses that might be happening in places of detention,' said Amnesty International's Europe director John Dalhuisen".<sup>652</sup> Furthermore:

The organization heard extremely alarming accounts of torture and other ill-treatment of detainees, particularly at the Ankara Police Headquarters sports hall, Ankara Başkent sports hall and the riding club stables there. [...]

Two lawyers in Ankara working on behalf of detainees told Amnesty International that detainees said they witnessed senior military officers in detention being raped with a truncheon or finger by police officers. A person on duty at the Ankara Police Headquarters sports hall saw a detainee with severe wounds consistent with having been beaten, including a large swelling on his head. The detainee could not stand up or focus his eyes and he eventually lost consciousness. While in some cases detainees were afforded limited medical assistance, police refused to allow this detainee essential medical treatment despite his severe injuries. The interviewee heard one police doctor on duty say: "Let him die. We will say he came to us dead." [...]

The same interviewee said 650-800 male soldiers were being held in the Ankara police headquarters sports hall. At least 300 of the detainees showed signs of having been beaten. Some detainees had visible bruises, cuts, or broken bones. Around 40 were so badly injured they could not walk. Two were unable to stand. One woman who was also detained in a separate facility there had bruising on her face and torso.

In general, it appears that the worst treatment in detention was reserved for higher-ranking military officers.

Many of the detainees in the sports hall and other facilities were handcuffed behind their backs with plastic zip-ties and forced to kneel for hours. Interviewees reported that zip-ties were often fastened too tight and left wounds on the arms of detainees. In some cases detainees were also blindfolded throughout their detention.

Lawyers described how people were brought before prosecutors for interrogation with their shirts covered in blood.<sup>653</sup>

The Business Insider reported in August 2016 that "pictures of some alleged coup plotters handcuffed, stripped to their underpants and detained in sweltering rooms have raised concern among rights groups".<sup>654</sup> Moreover, "'Footage clearly shows those soldiers were beaten when they were under custody. This is torture. You don't even need to go and investigate,' said Ozturk Turkdogan, head of the Turkish Human Rights Association. 'This is such a vengeful mentality and it should be abandoned'".<sup>655</sup>

In August 2016 the OHCHR reported that "allegations of torture and poor detention conditions have been raised following legislative provisions that enable wide and indiscriminate administrative powers that affect core human rights".<sup>656</sup>

In September 2016 Reporters Sans Frontières noted that:

Turkey had carried out significant improvements to the conditions of detainees in the past decade, motivated in large part by a desire to advance accession negotiations with the European Union. This

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<sup>652</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>653</sup> Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

<sup>654</sup> Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

<sup>655</sup> Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

<sup>656</sup> OHCHR, [UN experts urge turkey to adhere to its human rights obligations even in time of declared emergency](#), 19 August 2016



progress has unfortunately been swept away by the state of emergency and the thousands of arrests carried out in the wake of the coup attempt. As arbitrary methods have gained sway and a spirit of revenge has taken hold at the highest government levels, the situation in prisons has declined rapidly and several journalists have been mistreated.<sup>657</sup>

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc visit to Turkey from 29 August to 6 September 2016 and explained that "The purpose of the visit was to examine the treatment and conditions of detention of persons who have been detained in connection with the recent military coup attempt. To this end, the delegation interviewed in private several hundred persons in various prisons and police establishments in the Ankara, Istanbul and Izmir areas".<sup>658</sup>

Welcoming the Council of Europe's visit, Amnesty International reported in September 2016 that:

Amnesty International had called on the CPT and other international bodies to monitor the conditions of detention in Turkey, after collecting credible evidence of detainees being subjected to beatings and torture in official and unofficial places of detention in the aftermath of the coup attempt on 15 July 2016. Allegations of abuses continue to surface, including in prison as well as police detention facilities and against persons not held in connection to the coup attempt. Restrictions to detainees' access to lawyers, the refusal to provide detainees' lawyers with medical reports and the climate of fear among doctors, lawyers and activists make it difficult for independent monitors to verify these allegations. The reported lack of timely notification to family members and lawyers regarding detentions and the presence of police officers while medical checks are being conducted increase the risk of torture and other ill-treatment taking place.<sup>659</sup>

In September 2016 Hurriyet Daily News reported that "A recent report prepared by the main opposition Republican People's Party (CHP) on its deputies' observations on inmates in Turkish prisons has highlighted mistreatment during their time behind the bars, while also serving as means for the interviewed prisoners to convey their belief that they had been subjected to mischarges with mounting probes into both Gülenists and the outlawed Kurdistan Workers' Party (PKK)".<sup>660</sup>

In October 2016 the Council of Europe issued a 'Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey' which found in relation to torture that:

As regards on-going criminal proceedings, among the most immediate human rights concerns are consistent reports of allegations of torture and ill-treatment. The Commissioner does not automatically give credence to such allegations, but observes that the extension of the custody period to 30 days, practical changes to procedures for obtaining medical reports, and drastic restrictions to access to lawyers, as well as limitations on the confidentiality of the client-lawyer relationship, contributed to the persistence of such allegations. The fact that there is currently no functioning National Preventive Mechanism in Turkey and that the existing prison monitoring boards have been disbanded and reappointed during such a crucial period only exacerbated the risks inherent in this situation.<sup>661</sup>

An October 2016 Human Rights Watch report on torture which focused on the period of police detention, noted that "Lawyers, medical personnel, recently released detainees and family members

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<sup>657</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.7

<sup>658</sup> Council of Europe, [Council of Europe anti-torture Committee visits Turkey](#), 7 September 2016

<sup>659</sup> Amnesty International, [Turkey: Amnesty International welcomes the ad-hoc visit by the Committee for the Prevention of Torture](#), 9 September 2016

<sup>660</sup> Hurriyet Daily News, [CHP report on prisoners highlights mistreatment and mischarges in post-coup attempt probes](#), 7 September 2016

<sup>661</sup> Council of Europe, [Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, CommDH(2016)35, paragraph 15

of detainees described to Human Rights Watch 13 cases of torture and ill-treatment of detainees to varying degrees of severity. The cases of abuse documented by Human Rights Watch include allegations of the use of methods ranging from stress positions and sleep deprivation to severe beating, sexual abuse and threat of rape. Eight of the cases describe abuse that took place in the immediate aftermath of the failed coup attempt before the emergency decrees were published. In five cases the alleged abuse took place after the adoption of the emergency decrees".<sup>662</sup>

Furthermore, it considered that "Emergency decree provisions and post-coup detention practices have made it difficult to document ill-treatment and torture. Most of those detained after the coup attempt were still in detention during the research for this report and mostly unable to speak freely to their lawyers and family. Several lawyers also told Human Rights Watch that clients released from detention were too afraid to speak about their detention conditions".<sup>663</sup> The same report further noted "Other measures also call into question the government's commitment to prevent torture and ill-treatment. A provision in the emergency decrees absolves government officials of any responsibility for duties carried out in the context of the decrees, which cannot but facilitate torture and ill-treatment. In addition, the government postponed a visit by the United Nations Special Rapporteur on Torture to the country, scheduled to take place from October 10 to 14, 2016".<sup>664</sup> The report also found with regards to when torture is carried out that "Lawyers, medical personnel and former detainees recounted to Human Rights Watch allegations of torture and ill-treatment in police detention, that is, the period before an individual is brought before a judge".<sup>665</sup> With regards to impunity for torture, the same source noted that:

In a very troubling provision, emergency decree 667 states that "individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial or criminal responsibility for those duties performed." This sends a clear signal to police officers and other officials that they can abuse detainees and violate their rights without fear of legal or other consequences. It also is a clear breach of Turkey's non-derogable duty under international law to prevent and punish acts of torture and ill-treatment.

Responding to allegations of torture and ill-treatment after the coup attempt Turkish government officials, including President Erdoğan, has said that Turkey has zero tolerance for torture. However, officials have also often dismissed allegations of torture and ill-treatment as lies and propaganda, failing to adequately respond to the allegations.<sup>666</sup>

The Daily Sabah reported that in response to the Human Rights Watch report "the head of Turkish parliament's human rights commission, Mustafa Yeneroğlu, urged [...] that defamation against Turkey through false allegations of torture in prisons must not be used as a political tool and warned about its possibility of being exercised to cause ideological conflicts".<sup>667</sup>

In October 2016 the Human Rights Association of Turkey reported that "Keeping detainees naked and handcuffed behind the back in gymnasiums, leaving without food and water, broadcasting and

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<sup>662</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Summary*, p.3

<sup>663</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Summary*, p.4

<sup>664</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Summary*, p.5

<sup>665</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *IV. Allegations of Ill-treatment and Torture*, p.28

<sup>666</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *V. A Climate of Impunity for Torture and Ill-treatment* p.44

<sup>667</sup> Daily Sabah, [Parliament's human rights committee head strongly criticizes HRW report on Turkey](#), 28 October 2016

publishing the images of battered people set forth that the claims of torture and maltreatment is substantially strong. However, no effective investigation has been carried out”.<sup>668</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership considered that “Many allegations of serious violations of the prohibition of torture and ill-treatment and of procedural rights were reported in the immediate aftermath of the attempted coup of 15 July”.<sup>669</sup>

Also in November 2016 the BBC described a video of alleged coup plotters “paraded in front of the cameras apparently with broken noses and severe head and ear injuries. Another video posted online, seemingly shot by a policeman, appears to show soldiers kicked and bloodied. [...] Political opponents are being targeted too. When the leaders and MPs of the pro-Kurdish opposition party, the HDP, were arrested, Cihad Saatcioglu, the son of one MP, was detained in a protest. The injuries he suffered in custody were so serious that he was admitted to hospital, where the BBC managed to visit him. He cries in pain when he's moved in bed, because of a fractured vertebra. His medical report, which was obtained by the BBC, talks of beating, head trauma, damage to the skull and lesions. A large bandage is lifted up on his back to reveal a deep red wound. ‘From the moment I was detained until I was brought to hospital I was constantly beaten, he says’. ‘It was endless - slapping, kicking, banging our heads against the wall. When I got to hospital, they tried to pressure the doctors but the medical reports confirmed what had happened so the police ran off and were replaced by others’”.<sup>670</sup>

In its December 2016 report the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States reported that “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>671</sup>

In December 2016 Turkey Purge reported that “A lawyer for two imprisoned police chiefs claimed [...] that the two men, who had been privy to the secrets of President Recep Tayyip Erdoğan, were interrogated under the influence of drugs and torture, denying the accuracy of their statements”.<sup>672</sup>

Also in December 2016, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Nils Melzer issued his preliminary observations and recommendations following his November 2016 visit to Turkey which found that “For certain phases of detention, we also received numerous allegations of torture and other ill-treatment [...]. The forensic expert who accompanied me throughout the visit, conducted a number of medical examinations of inmates, some of which confirmed physical injuries consistent with the testimonies we received”.<sup>673</sup> He further noted that:

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<sup>668</sup> Human Rights Association of Turkey, [Balance Sheet of Violations of Rights Occurred during 15 July Coup Attempt and State of Emergency](#), 27 October 2016

<sup>669</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.4. *Human rights and the protection of minorities Overall situation p.24*

<sup>670</sup> BBC, [Turkey torture claims in wake of failed coup](#), 28 November 2016

<sup>671</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, *para. 15*

<sup>672</sup> Turkey Purge, [‘Police chiefs interrogated under influence of drugs, torture,’ tweets lawyer](#), 4 December 2016

<sup>673</sup> OHCHR news, [Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016](#), 2 December 2016

Testimonies received from inmates and their lawyers suggest that, in the days and weeks following the failed coup, torture and other forms of ill-treatment were widespread, particularly at the time of the arrest by police and gendarmerie officials or military forces and subsequent detention in police or gendarmerie lock-ups as well as in unofficial detention locations. Many of my interlocutors reported that law enforcement officials felt free to harass, intimidate and insult anyone perceived as opposing the Government or its authority, in all impunity. After this initial phase marked by arbitrariness, however, the ill-treatment appears to have ceased. Apart from occasional verbal threats, my team received no allegations and collected no evidence of currently ongoing torture or ill-treatment with respect to those inmates, male or female, who were arrested for reasons related to the attempted coup.

The majority of those reporting previously to have been subjected to torture or ill-treatment said that they did not file complaints to the authorities for fear of retaliation against them or their families and because of a deep distrust in the independence of the prosecution and the judiciary and, consequently, in their willingness or ability to adequately investigate and adjudicate their claims.<sup>674</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In April 2017 the Stockholm Center for Freedom reported “Kadir Eyce, a 33-year-old police officer who was jailed due to alleged links to the Gülen movement, has died several weeks after he was released from prison due to health problems. According to photos and tweets posted by family members on Twitter, Eyce had been denied food and water in jail, thereby losing 45 kilograms in three months”.<sup>675</sup>

In May 2017 Human Rights Watch reported that it “has also documented a pattern of police torture and ill-treatment of detainees since the coup. Human Rights Watch continues to receive allegations that some detainees have been beaten, threatened with rape or threatened with the rape of members of their family, and generally coerced into confessing crimes in violation of Turkey’s own laws and international human rights law”.<sup>676</sup>

AI Monitor reported in May 2017 that Turkey’s Human Rights Association (IHD) had received an application from a police officer alleging torture against a group of detainees.<sup>677</sup> Furthermore, “The police officer, who has requested anonymity, said that groups of 15 detainees were kept in 6-square-meter (64-square-foot) rooms in the police’s financial crimes unit rather than in the anti-terror department. Late at night, when most of the staff was gone, policemen would come and take the detainees one by one to a special room for interrogation, stripping them naked, hooding them with plastic bags and threatening sexual assault with bottles, according to the account. Two detainees who got sick kept vomiting for days, but were denied medical treatment, the officer claimed”.<sup>678</sup>

In June 2017 the Stockholm Center for Freedom issued a report on ‘Mass Torture and Ill-treatment in Turkey’. The report documents 29 cases of torture and found that:

Stockholm Center for Freedom (SCF) has received numerous and credible reports of torture and abuse at the hands of Turkish officials who work for the security and intelligence branches of the

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<sup>674</sup> OHCHR news, [Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016](#), 2 December 2016

<sup>675</sup> Stockholm Center for Freedom, [Paralyzed By Ill-Treatment In Sivas Prison, Turkish Police Officer Dies At 33](#), 11 April 2017

<sup>676</sup> Human Rights Watch, [EU/Turkey: Make Rights Central to Erdoğan Meeting](#), 23 May 2017

<sup>677</sup> AI Monitor, [Police officers become victims of torture in Turkey](#), 15 May 2017

<sup>678</sup> AI Monitor, [Police officers become victims of torture in Turkey](#), 15 May 2017

government. In some cases, torture has resulted in the death of detainees, while in other cases it has led to serious health complications and caused life-long medical conditions. The government has kept large number of victims in unofficial detention centers such as sporting halls, stables and old mill buildings and denied or restricted their rights to see lawyers and family members. [...] Reported practices of torture include beatings, waterboarding, sleep deprivation, keeping in stress positions, rape, sexual harassment, verbal and physical abuse, denial of food and water, limiting or denying access to medications or hospital services, unwarranted strip searches and other forms of ill treatment.<sup>679</sup>

In August 2017 Turkey Purge cited Republican People's Party (CHP) deputy Şafak Pavey as stating following her visits to some well-known prisons in Turkey that "there is widespread maltreatment, insult and torture of inmates in the prisons".<sup>680</sup> Furthermore:

"From what I have seen [during prison visits], I am of the belief that there has not been any period in Turkey when heavier rights violations of inmates and convicts took place. Social, administrative and illegitimate pressure [on prisoners] is at unprecedented levels. Different from what happened in other [state of emergency] periods, human rights violations have been institutionalized during this period, and they have been made to gain legitimacy not only politically but also socially".<sup>681</sup>

In September 2017 an IRIN news article reported that "Allegations of torture and mistreatment in prisons have also increased over the last year. Prisoners have reported being held in stress positions over prolonged periods, while also being subjected to sleep deprivation, beatings, sexual abuse, and threats of rape. Bilmez [a lawyer representing political prisoners in Turkey] said his clients told him of beatings inside their prisons following the coup attempt. [...] Political prisoners are also regularly denied access to doctors and medical examinations, which rights groups have claimed is a deliberate effort to stop the verification of torture allegations".<sup>682</sup> The same source further noted "A range of interviews conducted by IRIN revealed that inmates were regularly disciplined through physical violence but that the most frequent use of force occurs during transfers between prisons".<sup>683</sup>

In September 2017 the Stockholm Center for Freedom cited Professor Şebnem Korur Fincancı, Founding President of the Turkish Human Rights Foundation (TİHV) as stating that "some Turkish prison guards who refused to follow orders from their supervisors to torture inmates were threatened with imprisonment over links to the faith-based Gülen movement".<sup>684</sup>

In September 2017 Amnesty International published its submission to the UN Human Rights Council in which it argued that "There has been an increase in allegations of torture and ill-treatment of those in police detention, partially facilitated by legal amendments introduced through the state of emergency which suspend key safeguards that protect detainees from torture and other ill-treatment".<sup>685</sup> The same source further noted that "In the aftermath of the coup attempt, Amnesty International gathered evidence of beatings and torture in official and unofficial places of detention. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey in August 2016 and reported to the Turkish authorities in November. The Turkish authorities have not given permission for the CPT report to be made public.

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<sup>679</sup> Stockholm Center for Freedom, [Mass Torture and Ill-treatment in Turkey](#), June 2017, *Introduction* p.5

<sup>680</sup> Turkey Purge, [38 new prisons built last year, another 76 under construction: gov't](#), 15 August 2017

<sup>681</sup> Turkey Purge, [38 new prisons built last year, another 76 under construction: gov't](#), 15 August 2017

<sup>682</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

<sup>683</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

<sup>684</sup> Stockholm Center for Freedom, [Rights Group: Turkish Prison Guards Threatened With Jail When They Refuse To Torture Inmates](#), 4 September 2017

<sup>685</sup> Amnesty International, [Turkey: Deterioration of human rights situation must be addressed by the Human Rights Council - Written Statement to the 36th session of the Human Rights Council](#) [IOR 40/7043/2017], 4 September 2017

The UN Special Rapporteur on Torture carried out a visit to Turkey in November 2016, during which he was granted unrestricted access to a limited number of detention facilities. The report on his visit is due to be presented at the Human Rights Council in March 2018".<sup>686</sup>

### **i. Extrajudicial and targeted killings, unlawful use of violence and harassment**

N.B. The information included relates to the attempted coup and does not address non-state agent perpetrated violence (e.g. activities by IS, PKK or TAK) or the security situation and abuses in south-east Turkey.

#### Pre-attempted coup situation

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, found that "During the period under review, killings due to excessive use of force by security officers and killings of members of vulnerable groups persisted. Some measures taken by the State, including a draft law that would increase the powers of the police to use force, appear to take regressive steps. [...] The excessive use of force by law enforcement officers during assemblies and arrest remains a serious concern, as does the use of tear gas and pepper spray. [...] Incorrect or excessive use of "less-lethal" weapons has resulted in serious and permanent disability of a number of civilians in Turkey".<sup>687</sup> The same source also "expressed concern about the unnecessarily slow pace of investigations and prosecutions of law enforcement officials, which seems to continue despite the concerns that have been raised".<sup>688</sup>

In August 2015, Human Rights Watch documented "allegations of police repeatedly beating, humiliating and issuing death threats to detainees in Silopi, a town in the southeastern Şırnak province, and Silvan, a town in Diyarbakir province".<sup>689</sup>

The November 2015 European Commission Turkey progress report on EU membership found that "There is no comprehensive approach to missing persons or the exhumation of mass graves. Independent investigation of all alleged cases of extrajudicial killing by security and law enforcement officers is also lacking".<sup>690</sup> Furthermore, it found that "Freedom of assembly is overly restricted, in law and practice, in particular through disproportionate use of force in policing demonstrations and a lack of sanctions for law enforcement officers".<sup>691</sup>

In its annual report covering 2015, the U.S. Department of State noted that "There were credible allegations that the government or its agents committed arbitrary or unlawful killings. Many of these alleged killings stemmed from the renewal of violent clashes between government security forces and the PKK, a terrorist organization, during the second half of the year. [...] The Human Rights Association (HRA), a domestic NGO, maintained security officers killed nine civilians and injured 22

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<sup>686</sup> Amnesty International, [Turkey: Deterioration of human rights situation must be addressed by the Human Rights Council - Written Statement to the 36th session of the Human Rights Council](#) [IOR 40/7043/2017], 4 September 2017

<sup>687</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, *Summary and paragraphs 13 and 14*

<sup>688</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, *paragraph 61*

<sup>689</sup> Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

<sup>690</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, *p.62*

<sup>691</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, *p.22*

at government checkpoints in the first nine months of the year. [...] Security officers reacted with force to some protests and demonstrations. According to human rights groups, this response may have contributed to civilian deaths in the Southeast. [...] The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, often using excessive force”.<sup>692</sup>

In its 2015 report Amnesty International reported with regards to the ‘Excessive use of force’ that:

Allegations of excessive use of force at demonstrations dramatically increased. Lethal force was used by security forces during anti-terrorism operations, many involving armed clashes with the YDG-H. In many cases, conflicting accounts and the absence of effective investigations prevented the facts from being established. In March, legislative amendments in the Domestic Security Package conflicted with international standards on the use of force.

In January, 12-year-old Nihat Kazanhan was shot dead by a police officer in the southeastern city of Cizre. The authorities first denied the involvement of police, but video evidence emerged showing Nihat Kazanhan and other children throwing stones at police officers and, in separate footage, showing a police officer firing a rifle towards the children. Nihat Kazanhan was killed by a single bullet to the head. The trial of five police officers continued.

Local authorities imposed extended round-the-clock curfews during police operations targeting the YDG-H in cities in the southeast. During the curfews, a total ban on residents leaving their homes was imposed, water, electricity and communications were cut and outside observers banned from entering.<sup>693</sup>

In its annual report covering 2015 the Institute for Economics & Peace reported that “In 2015 Turkey suffered from a deepening of its internal security woes, a continued hard-line approach by the government of Recep Tayyip Erdoğan and spillovers from the conflict in neighbouring Syria. The main trigger for the deterioration in the domestic situation was the resurgence of conflict between the state and the Kurdistan Workers’ Party (PKK), as well as a rise in terrorist activity, mostly on the part of ISIL. The intensity of and the number of deaths from internal conflict have both deteriorated”.<sup>694</sup>

In February 2016 “The International Rehabilitation Council for Torture Victims (IRCT), the Independent Forensic Expert Group, together with other leading health-based organisations, have expressed their concern about the credible reports that, in the course of their operations, Turkish security forces are killing unarmed civilians and blocking access to urgent medical care for the sick and wounded”.<sup>695</sup>

The London Legal Group noted in its submission to the UN Committee Against Torture that “Between January and September 2015, it is reported that 74 disproportionate interventions by Turkish security forces during public demonstrations, as well as 1,975 house raids took place in the Kurdish region of Turkey. As a consequence of such raids, 3,564 people were detained and among them 788 were remanded in custody”.<sup>696</sup>

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<sup>692</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. a. *Arbitrary or Unlawful Deprivation of Life and 2. b Freedom of Assembly*

<sup>693</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>694</sup> Institute for Economics & Peace, [Global Peace Index 2016](#), 2016, Turkey p.20

<sup>695</sup> International Rehabilitation Council for Torture Victims, [Turkey must respect the right to health and life of civilians in the Southeast – Open letter to Prime Minister Davutoğlu and the Turkish government](#), 9 February 2016

<sup>696</sup> London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.25

The Human Rights Association submitted to the UN Committee Against Torture in March 2016 with regards to the curfews imposed in response to the armed conflicts relating to the ‘Kurdish issue’ that “between 16 August 2015 and 31 December 2015, 126 civilians lost their life under the curfews, or more precisely the martial law and the picture is getting worse. Only in Cizre district, approximately 300 civilians died between 14 December 2015 and 2 March 2016”.<sup>697</sup>

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey considered that “During the reporting period State hasn’t taken any measures to effectively investigate the allegations of extrajudicial killings. Indeed as mentioned before, more the authority of law enforcement officials expanded, the less investigations were launched”.<sup>698</sup>

In its April 2016 submission to the UN Committee Against Torture, Human Rights Watch considered that “The breakdown in 2015 of the government-initiated peace process with Abdullah Öcalan, the imprisoned leader of the armed Kurdistan Workers’ Party (PKK), has been accompanied by an increase in violent attacks, armed clashes, and serious human rights violations since summer 2015. [...] The past eight months have seen hundreds of security personnel, Kurdish armed fighters and civilians killed, with almost no government acknowledgement of the civilian death toll estimated at between 200 and 300 in this period”.<sup>699</sup>

In May 2016 the United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein announced that he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in south-east Turkey over the past few months”, and “had received reports of unarmed civilians – including women and children – being deliberately shot by snipers, or by gunfire from tanks and other military vehicles” and that “There also appears to have been massive, and seemingly highly disproportionate, destruction of property and key communal infrastructure – including buildings hit by mortar or shellfire, and damage inflicted on the contents of individual apartments and houses taken over by security forces”.<sup>700</sup> Furthermore, “‘Most disturbing of all,’ the High Commissioner said, ‘are the reports quoting witnesses and relatives in Cizre which suggest that more than 100 people were burned to death as they sheltered in three different basements that had been surrounded by security forces’.”<sup>701</sup> Also in May 2016 the Council of Europe Committee on Legal Affairs and Human Rights reported that “The list of peaceful protests being brutally dispersed in Turkey seems to be constantly growing”.<sup>702</sup>

In June 2016 the Committee Against Torture concluded with regards to ‘Allegations of extrajudicial killings and ill-treatment in the course of counter-terrorism operations’ that:

the Committee is concerned at reports it has received concerning the commission of extrajudicial killings of civilians by the State party’s authorities in the course of carrying out counter-terrorism operations in the south-eastern part of the country.<sup>703</sup>

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<sup>697</sup> Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 43

<sup>698</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 114

<sup>699</sup> Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

<sup>700</sup> UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

<sup>701</sup> UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

<sup>702</sup> Council of Europe Parliamentary Assembly, [Urgent need to prevent human rights violations during peaceful Protests](#), 10 May 2016, paragraph 38

<sup>703</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraph 13



In a June 2016 report on ‘Security operations in south-east Turkey’, Amnesty International noted that it “maintains that 24 hour round the clock curfews and accompanying restrictions are disproportionate limitations on the rights of residents in areas under curfew, and amount to collective punishment. The organization has also expressed concerns regarding the use of heavy weaponry, which should never be deployed in populated urban areas, and, more broadly, regarding the use of force by security forces, which has been disproportionate, unlawful and has endangered the lives of unarmed residents. Furthermore, Amnesty International has found no evidence that effective investigations have been conducted into killings occurring under curfew since September 2015”.<sup>704</sup>

In July 2016 Human Rights Watch reported that “the Turkish government is blocking access for independent investigations into alleged mass abuses against civilians across southeast Turkey. [...] The alleged abuses include unlawful killings of civilians, mass forced civilian displacement, and widespread unlawful destruction of private property”.<sup>705</sup>

It should also be noted that the International Crisis Group reported on 20 July 2016, the first-year anniversary of resumption of violence in Turkey's PKK conflict, more than 1,700 people have been killed, according to the organisation's interactive, open-source database of the casualties.<sup>706</sup> Between 20 July 2015 and 19 July 2016, Crisis Group confirmed the deaths of at least:

- 307 civilians
- 582 security force members
- 653 PKK militants
- 219 “youth of unknown affiliation”.<sup>707</sup>

The same source further noted that “Since August 2015, security forces have imposed a total of 85 curfews of different durations in 33 majority Kurdish south-eastern districts to ensure government control over areas where members of the Kurdish political movement have declared self rule, and where PKK militant presence grew significantly. The Turkish military and PKK both maintain their own count of the overall casualties during the last escalation cycle. The Turkish military on 24 May 2016 claimed that since July 2015, 4,949 PKK militants have been killed. The HPG [People's Defence Forces], the military wing of the PKK, claimed on 2 May to have killed a total of 1,557 police and soldiers since July 2015, while for the same period Crisis Group confirmed a total of 465 security force members dead”.<sup>708</sup> The Human Rights Association announced in its ‘Research Report of the Human Right Violations That Took Place in the Conflict Zones Between July 24, 2015-July 24, 2016’ that 552 people lost their lives, of which 320 were extrajudicial executions, 75 of which were children.<sup>709</sup>

Physicians for Human Rights published a report in August 2016 on the situation in South East Turkey following their May 2016 fact-finding mission which noted:

Even before the failed coup, the government punished any individuals or organizations that challenged the government's use of harsh military tactics to quell an armed uprising by Kurdish youth in the southeast. [...]

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<sup>704</sup> Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

<sup>705</sup> Human Rights Watch, [State Blocks Probes of Southeast Killings](#), 11 July 2016

<sup>706</sup> International Crisis Group, [Turkey's PKK Conflict: The Death Toll](#), 20 July 2016

<sup>707</sup> International Crisis Group, [Turkey's PKK Conflict: The Death Toll](#), 20 July 2016

<sup>708</sup> International Crisis Group, [Turkey's PKK Conflict: The Death Toll](#), 20 July 2016

<sup>709</sup> Bianet, [Human Rights Association: 320 Civilians Including 75 Children Killed in Operations](#), 31 August 2016

Since July 2015, the Turkish authorities have waged a campaign against the population of southeastern Turkey, imposing a succession of 24-hour sieges, known as curfews, which have blocked access to health care – including emergency medical treatment for life-threatening injuries or illnesses – cut off water, food, and electricity to whole cities, and resulted in thousands of deaths. [...] During 11 months of curfews in the southeast, Turkish security forces deliberately and illegally obstructed access to health care by using state hospitals for military purposes, preventing the free movement of emergency medical vehicles, and punishing health professionals for delivering treatment to the wounded and sick. Several emergency medical personnel came under active fire, as security forces did not respect their neutrality and status as humanitarian workers. Local residents were shot at, and some were killed, for attempting to move their wounded family members to safety. [...] In one case, in the southeastern city of Cizre, more than 100 people with injuries were trapped in three basements for several weeks between January and February 2016 without access to care. [...] Turkish authorities also refused to investigate the deaths and disappearances of those trapped in the basements even after the curfew ended on March 2. [...]

Health professionals working in the emergency rooms of hospitals across the southeast testified that, during the curfews, security forces used hospitals as dormitories and offices and barred health professionals from entering certain areas of the hospitals or health centers they worked in – effectively militarizing hospitals, in violation of international law.

Turkish security forces and armed opposition groups have both interfered with medical transport units through the use of blockades and checkpoints, failed to provide adequate protection to emergency transport vehicles, and failed to prevent the targeting of emergency response vehicles. [...] Family members and their lawyers told PHR that local prosecutors consistently refused to open investigations into reports of unlawful killings.<sup>710</sup>

Further information on the situation in south-east Turkey can be found in sections [7.a. Kurds](#) and [8. Change in situation of or treatment of IDPs since the attempted Coup d'état](#).

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Human Rights Watch reported that “On July 15-16, 2016, elements of the military attempted a coup d'état against the elected government of Turkey, which led to at least 241 deaths among citizens and security personnel. The attempted coup included the use of tanks in Istanbul and Ankara, fighter jets that bombed the parliament in Ankara, and helicopters that opened fire on people who took to the street to oppose the coup attempt”.<sup>711</sup>

Amnesty International reported in July 2016 that “Although exact figures are unclear, Turkish authorities report that 208 people were killed and more than 1,400 injured across Istanbul and Ankara on Friday night when a faction of the military attempted to seize power, raiding TV stations and firing on the parliament and presidential buildings. Those killed include 24 people described by authorities as ‘coup plotters’, some of whom were reportedly lynched while unarmed and trying to surrender. Civilians were also killed when they took to the streets following a call for protest from President Tayyip Erdogan, facing down tanks and helicopters”.<sup>712</sup>

By the end of October 2016 the Turkish Human Rights Association (IHD) reported that 241 people in total were killed of which 67 were police/soldiers and 174 were civilians, and a further 2,144 people

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<sup>710</sup> Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Summary*, p 4-7

<sup>711</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Background* p.10

<sup>712</sup> Amnesty International, [Turkey: Human rights in grave danger following coup attempt and subsequent crackdown](#), 18 July 2016

were injured during the attempted coup.<sup>713</sup> In comparison, the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States put the figures at 248 people dead and 2, 200 injured.<sup>714</sup>

In an August 2016 article Amnesty International reported that police are using emergency powers to “look at text and social media messages on people’s phones”.<sup>715</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership noted that “There continues to be a need to ensure prompt impartial and effective investigation of all cases of alleged extrajudicial killings by security and law enforcement officers, including in the context of counter-terrorism operations in the south-east. Impunity remains one of the core problems”.<sup>716</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Al Monitor reported that “On May 22, Turkish social media was rocked by a picture of a woman being kicked and dragged on the street by police officers. The woman was the mother of scholar Veli Sacilik, who was standing in solidarity with Nuriye Gulmen and Semih Ozakca, teachers who are on hunger strike”.<sup>717</sup> Furthermore, “On May 19, Sacilik, Gulmen and Ozakca’s mothers were brutally attacked and taken into custody at a sit-in at Yuksel Street. They all had pants and tennis shoes on, anticipating this could happen. One seasoned female activist told Al-Monitor, “The police are attacking women by dragging them by their hair, kicking them in their crotch, pushing on their breasts. These are women who are simply here to say ‘hi,’ to say ‘we support you’ or to give a flower”.<sup>718</sup>

Also in May 2017 the Stockholm Center for Freedom reported that “Newly emerged video footage shows the moment Turkish police, who detained at least 20 protestors on Friday night, used excessive force against a group of protestors who were standing vigil in solidarity with Nuriye Gülmen and Semih Özakça, two educators who have been on a hunger strike for 66 days in order to protest their dismissals under post-coup emergency rule”.<sup>719</sup>

In July 2017 the Stockholm Center for Freedom noted that Turkish police “detained 47 people including 22 women in Ankara protesting the arrest of Nuriye Gülmen and Semih Özakça, two dismissed educators who have been on a hunger strike for 137 days, Cumhuriyet daily reported. A video shows police breaking the arm of one protester while trying to take him into custody along with many others in Ankara’s Güvenpark. Police used water canon and tear gas to disperse the demonstration”.<sup>720</sup>

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<sup>713</sup> Human Rights Association (IHD), [Balance Sheet of Violations of Rights Occurred during 15 July Coup Attempt and State of Emergency](#), 27 October 2016

<sup>714</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, para. 2

<sup>715</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

<sup>716</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 4.23. Chapter 23: *Judiciary and fundamental rights*, p.70

<sup>717</sup> Al Monitor, [Turkish mothers take up civil disobedience](#), 26 May 2017

<sup>718</sup> Al Monitor, [Turkish mothers take up civil disobedience](#), 26 May 2017

<sup>719</sup> Stockholm Center for Freedom, [Ankara Police Assault Group Protesting In Solidarity With Hunger Strike Academics, Detain Over 20](#), 13 May 2017

<sup>720</sup> Stockholm Center for Freedom, [Turkish Police Break Man’s Arm While Detaining 47 Protesters In Ankara](#), 23 July 2017

In August 2017 the World Organisation Against Torture reported on the arbitrary arrest of Ms. Gülseren Yoleri, President of the Istanbul Branch of the Human Rights Association (İnsan Hakları Derneği – İHD) and Executive Committee member of İHD, and Mr. Dogan Ozkan, member of the İHD Istanbul executive board along with at least 39 demonstrators who were held for 3 days. Reporting on the treatment of the detainees the source noted that, “Ms. Gülseren Yoleri, President of the Istanbul Branch of the Human Rights Association (İnsan Hakları Derneği – İHD) and Executive Committee member of İHD, and Mr. Dogan Ozkan, member of the İHD Istanbul executive board”.<sup>721</sup> The same source further recorded that:

Ms. Gülseren Yoleri and Mr. Dogan Ozkan and other demonstrators were victims of ill-treatment during the arrest. Ms. Gülseren Yoleri was beaten at the police station and Mr. Dogan Ozkan was handcuffed and beaten during his arrest and at the police station. Another imprisoned protester, Ms. Barkin Timtik, a lawyer, was also beaten after she refused to give her finger prints at the police station.

Furthermore, the arrested protesters were denied proper access to their lawyers, who were allowed a limited contact with their clients. The Public Prosecutor rejected meeting requests of the lawyers without providing grounds.<sup>722</sup>

For further information on the excessive use of force at protests, see [9. Change in the situation of or treatment of diverse individuals of sexual orientation and gender identity since the attempted Coup d'état.](#)

For information on suspicious deaths in custody, see [3.f. Prison conditions.](#)

## **j. Death penalty**

This section should be read in conjunction with [1.a.5. 16<sup>th</sup> April 2017: Constitutional Referendum.](#)

The Hands off Cain country profile on Turkey explains that “The death penalty has been fully abolished by a package of constitutional and legislative amendments. Constitutional amendments of May 7, 2004 removed all reference to the death penalty from the Constitution. In addition, legislative amendments of July 21, 2004 abolished the death penalty in all circumstances”.<sup>723</sup> It further noted that “On October 6, 2005, Turkey’s Parliament passed the Protocol No. 13 to the ECHR, concerning the abolition of the death penalty in all circumstances. The last execution in Turkey took place in October 1984 and provoked an international outcry. Hidir Aslan, aged 28, was executed after being convicted of belonging to an illegal organization. He had not been convicted of any killings”.<sup>724</sup>

The BBC explains that “In Turkey, reinstating the death penalty would require a change in the constitution, which would need the approval of 367 MPs in the parliament”.<sup>725</sup> The BBC further reported that in July 2016 at a funeral held in Istanbul of those killed during the coup, President Recep Tayyip Erdogan was interrupted whilst giving a speech by chants from the crowd shouting ‘We

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<sup>721</sup> World Organisation Against Torture (OMCT), [Turkey: Arbitrary arrest and conditional release of Ms. Gülseren Yoleri and Mr. Dogan Ozkan](#), 9 August 2017

<sup>722</sup> World Organisation Against Torture (OMCT), [Turkey: Arbitrary arrest and conditional release of Ms. Gülseren Yoleri and Mr. Dogan Ozkan](#), 9 August 2017

<sup>723</sup> Hands off Cain, [Turkey country profile](#), undated [accessed 27 September 2017]

<sup>724</sup> Hands off Cain, [Turkey country profile](#), undated [accessed 27 September 2017]

<sup>725</sup> BBC, [Will Turkey's failed coup mean a return to the death penalty?](#) 19 July 2016

want the death penalty'.<sup>726</sup> Reportedly in response he stated that "In democracies, people's demands cannot be set aside. [...] Those who attempt a coup must pay a price".<sup>727</sup>

Daily Sabah cited Prime Minister Binali Yıldırım on the same day as stating "'Turkey is a state of law, we engage in politics for our people', but added that it is not wise to rush to a decision on capital punishment while the developments are still recent. 'These issues will be extensively discussed, as it requires constitutional reform. We cannot either accept or reject this demand outright'".<sup>728</sup>

According to the BBC, President Recep Tayyip Erdoğan has said "he would approve the change if parliament backed it and declared the attempted coup a 'clear crime of treason'. However the main opposition CHP party [Republican People's Party] and the pro-Kurdish HDP [Peoples' Democratic Party] have already stated they would not support it".<sup>729</sup>

On 25 July 2016 EU Commission President Jean-Claude Juncker "reiterated other EU leaders' statements that all negotiations for Turkey to join the European Union will stop immediately if it reintroduces the death penalty".<sup>730</sup>

An August 2016 International Federation for Human Rights article stated that "The discussion over the reintroduction of the death penalty for alleged coup plotters and the project to amend the constitution are another source of concern for the future of human rights in Turkey".<sup>731</sup>

In October 2016 Middle East Eye reported that "Turkish President Recep Tayyip Erdoğan [...] said his government would ask parliament to consider reintroducing the death penalty as a punishment for the plotters behind the July coup bid. 'Our government will take this to parliament. I am convinced that parliament will approve it, and when it comes back to me, I will ratify it'".<sup>732</sup> In November 2016 Turkey Purge quoted Turkish President Recep Tayyip Erdoğan as stating at the funeral of Muhammet Fatih Safitürk, the governor of Mardin's Derik district who was killed by Kurdistan Workers' Party's (PKK) members on Nov. 11 'I know how my nation feels about this issue [death penalty]. And therefore this issue is on the agenda of Parliament. The important thing is what my nation wants. We don't care what George or Hans say. We care about what God says'".<sup>733</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

As reported by the Carnegie Foundation, following the April 2017 Constitutional referendum:

One of the first proclamations made on the evening of April 16 was that the process to reinstate the death penalty will start immediately. There are two possible motivations behind this hasty move. One is to give a clear signal that challenging the Turkish state can lead dissenters to death row. The other is to indirectly trigger a breakup of Turkey's EU accession negotiations without Ankara formally declaring so. In other words, the "national will"—in AKP parlance—would lead to the reinstatement of the death penalty, and it would then fall on the EU to declare accession talks over. If necessary, the government could call new referenda on both the death penalty and the relationship with the EU.<sup>734</sup>

<sup>726</sup> BBC, [Will Turkey's failed coup mean a return to the death penalty?](#) 19 July 2016

<sup>727</sup> BBC, [Will Turkey's failed coup mean a return to the death penalty?](#) 19 July 2016

<sup>728</sup> Daily Sabah, [Turkish military penal code allows capital punishment for putschist soldiers](#), 19 July 2016

<sup>729</sup> BBC, [Will Turkey's failed coup mean a return to the death penalty?](#) 19 July 2016

<sup>730</sup> Radio Free Europe/Radio Liberty, [Turkey Issues Arrest Warrants For 42 Journalists](#), 25 July 2016

<sup>731</sup> International Federation for Human Rights, [Rights groups express deep worries over the state of emergency declared in Turkey](#), 5 August 2016

<sup>732</sup> Middle East Eye, [Turkey parliament to consider death penalty for coup plotters: Erdoğan](#), 29 October 2016

<sup>733</sup> Turkey Purge, [Erdoğan on reintroducing death penalty: We don't care what Europe says](#), 13 November 2016

<sup>734</sup> Carnegie Foundation, [Dealing With Turkey's Absolute Ruler](#), 18 April 2017

In May 2017 the trial of 221 suspects accused of being amongst the ringleaders of the attempted coup began.<sup>735</sup> Radio Free Europe/Radio Liberty reported that “The suspects were brought into the courtroom by security forces in front of television cameras. Security was tight, with a drone flying overhead and armored vehicles at the site. Dozens of demonstrators holding Turkish flags booed at the suspects, shouting ‘we want the death penalty’ and holding placards saying: ‘For the martyrs and veterans of July 15, we want the death penalty’”.<sup>736</sup>

Politico reported in July 2017 that “bringing back capital punishment would also spell the end of Turkey’s long-stalled accession talks with the EU, remove its obligations to comply with the European Convention on Human Rights and cut off access to the institution that Turkish lawyers have come to regard as the last remaining avenue for justice: the European Court of Human Rights”.<sup>737</sup>

#### **4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d’état**

This section should be read in conjunction with section [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#).

For up-to date information on the extent of the post-coup purge, including statistics, see [www.turkeypurge.com](http://www.turkeypurge.com), which according to its founders, is a “small group of young journalists”, which was established “with the aim of tracking the extensive witch-hunt in Turkey”.<sup>738</sup> Similarly, the [Stockholm Center for Freedom](#), set up by “a group of journalists who have been forced to live in self-exile in Sweden” provides “a reference source which provides a broad and accurate perspective on rights violations in Turkey, monitoring daily developments through the lens of fact-based investigative journalism, and documenting individual cases of infringement of fundamental rights and liberties”.<sup>739</sup> The same source further provides updated lists on i) jailed and wanted journalists, ii) suspicious deaths and suicides, and iii) enforced disappearances.<sup>740</sup>

For a more historical perspective on the use of hate speech against the Gulen movement, its sympathisers, supporters and members between 21 December 2013 and 20 May 2017 see:

- Stockholm Center for Freedom, [Erdogan’s campaign of hate speech: Case of targeting the GÜlen Movement 2013 – 2017](#), May 2017

#### *Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017*

This section should be read in conjunction with section [7.a.ii. Treatment of political opponents](#).

Carnegie Europe noted in its article of July 2017 that:

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<sup>735</sup> Radio Free Europe/Radio Liberty, [Trial Of Alleged Turkey Coup Ringleaders Begins Amid Criticism From Rights Group](#), 22 May 2017

<sup>736</sup> Radio Free Europe/Radio Liberty, [Trial Of Alleged Turkey Coup Ringleaders Begins Amid Criticism From Rights Group](#), 22 May 2017

<sup>737</sup> Politico, [Turkish detainees could lose right to European appeal](#), 13 July 2017

<sup>738</sup> See TurkeyPurge, [Who We Are](#), Undated [Accessed: 1 December 2016]

<sup>739</sup> See Stockholm Center for Freedom, [About Stockholm Center for Freedom](#), Undated [Accessed: 14 September 2017]

<sup>740</sup> See Stockholm Center for Freedom, [Homepage](#), Undated [Accessed: 14 September 2017]

The government initially attributed the coup solely to the movement of preacher Fethullah Gülen. But there is a new tendency to lump together three organizations labeled as “terrorist” under Turkey’s current state of emergency—the Gülenists, the insurgent Kurdistan Workers’ Party (PKK), and the self-proclaimed Islamic State—although it is hard to identify structural links between these three entities.<sup>741</sup>

### a. The Gulen movement – an overview

Note that the Gulen movement has been declared a terrorist organisation by the Turkish government in March 2016<sup>742</sup> and as noted by Human Rights Watch, it refers to it also as the “‘Fethullahist terrorist organization’ (also known by the abbreviation FETO)”<sup>743</sup>.

In July 2016, the BBC News provided the following overview on the Gulen movement:

A well-organised community of people - not a political party - named after the US-based Islamic cleric Fethullah Gulen.

He is regarded by followers as a spiritual leader and sometimes described as Turkey's second most powerful man.

The imam promotes a tolerant Islam which emphasises altruism, modesty, hard work and education.

He is also a recluse with a heart condition and diabetes who lives in a country estate in the US state of Pennsylvania.

The movement - known in Turkey as Hizmet, or service - runs schools all over Turkey and around the world, including in Turkic former Soviet Republics, Muslim countries such as Pakistan and Western nations including Romania and the US, where it runs more than 100 schools.

Followers are said to be numerous in Turkey, possibly in the millions, and are believed to hold influential positions in institutions from the police and secret services to the judiciary and Mr Erdogan's ruling AK Party itself.<sup>744</sup>

According to BBC News, the Turkish President Recep Tayyip Erdogan blames US-based cleric Fethullah Gulen for the attempted coup.<sup>745</sup> Human Rights Watch reported on 18 July 2016 that “President Erdogan has publicly blamed the coup attempt on military supporters of the US-based cleric Fethullah Gülen, a former ally and now critic of the president who leads a powerful social movement. Followers of Gülen in the Turkish civil, judiciary, and police have been repeatedly purged over the past two and a half years”<sup>746</sup>.

On 16 August 2016 Radio Free Europe/Radio Liberty reported that the “Turkish prosecutors have filed a 2,527-page indictment against self-exiled cleric Fethullah Gulen for his alleged involvement in a coup attempt last month that left some 240 people dead. The indictment filed on August 16 calls for Gulen to be given two life sentences and an additional 1,900 years in prison for ‘attempting to destroy the constitutional order by force’ and ‘forming and running an armed terrorist group’”<sup>747</sup>.

The Guardian reported on 24 August 2016 that the US confirmed it had received a formal extradition request from Turkey for “the Turkish cleric Fethullah Gülen, but not over the July coup attempt the

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<sup>741</sup> Carnegie Foundation, [Turkey One Year After the Failed Coup](#), 11 July 2017

<sup>742</sup> BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

<sup>743</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Background*, page 11

<sup>744</sup> BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

<sup>745</sup> BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

<sup>746</sup> Human Rights Watch, [Turkey: Protect Rights, Law After Coup Attempt: Mass Arrests, Website Shutdowns Raise Grave Concerns](#), 18 July 2016

<sup>747</sup> Radio Free Europe/Radio Liberty, [Turkish Prosecutors Seek 2,000-Year Term For Gulen](#), 16 August 2016

Turkish authorities has accused Gülen of orchestrating [...] but was for other issues for which Gülen was being sought by authorities in Ankara”, which were not specified.<sup>748</sup>

According to the German Federal Office for Migration and Refugees, the Turkish Justice Ministry officially requested the US to arrest the cleric Fethullah Gülen.<sup>749</sup> Radio Free Europe/Radio Liberty reported that the written appeal to the US government is based on Gülen’s “ordering and leading the coup attempt”.<sup>750</sup>

On 7<sup>th</sup> October 2016, the Middle East Eye<sup>751</sup> reported that a Turkish parliamentary inquiry, which was “set up to investigate the events surrounding the 15 July coup attempt” will “seek to travel to the US to communicate with Gülen himself”.<sup>752</sup>

More background information on Fethullah Gülen and the Gülen Movement can be found amongst the following sources [note that this list is non-exhaustive]:

- BBC News, [Profile: Fethullah Gülen's Hizmet movement](#), 13 December 2013
- BBC News, [Fethullah Gülen: Powerful but reclusive Turkish cleric](#), 27 January 2014
- Center for Security Policy, [THE GÜLEN MOVEMENT Turkey's Islamic Supremacist Cult and its Contributions to the Civilization Jihad](#), 10 December 2015
- The Guardian, [Fethullah Gülen: who is the man Turkey's president blames for coup attempt?](#), 16 July 2016
- BBC News, [Turkey coup: What is Gülen movement and what does it want?](#), 21 July 2016
- Radio Free Europe/Radio Liberty, [The Gülen Movement's Collision Course With The Turkish State](#), 24 July 2016
- BBC News, [Turkey failed coup: Who are the Gülenists?](#), 29 July 2016
- The Washington Post, [He's 77, frail and lives in Pennsylvania. Turkey says he's a coup mastermind](#), 3 August 2016

## **b. Perceived or actual members or associates of the Gülen movement**

This section should be read in conjunction with the information contained in section [5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdoğan and their family members since the attempted Coup d'état](#) and [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état](#).

### Pre-attempted coup situation

The Council of Europe issued a report in June 2016 on the ‘functioning of democratic institutions in Turkey’ and found that “in 2014 the fight against terrorism was extended to the Gülen Movement (the so-called “parallel State structure”), a former ally of the AKP. The purge to clear the State institutions of alleged Gülenist followers raises question in respect of procedural guarantees. This

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<sup>748</sup> The Guardian, [Turkey requests extradition of Fethullah Gülen but not for coup attempt, says US](#), 24 August 2016

<sup>749</sup> BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 19.09.2016](#), 19 September 2016

<sup>750</sup> Radio Free Europe/Radio Liberty, [Turkey Makes Formal Request To U.S. For Cleric's Arrest](#), 13 September 2016

<sup>751</sup> According to its ‘About us’ webpage the Middle East Eye (MME) “is an independently funded online news organisation that was founded in February 2014. We aim to be the primary portal of Middle East news and our target audience are all those communities of readers living in and around the region that care deeply for its fate”. See Middle East Eye, [About Middle East Eye](#), Undated [Last accessed: 2 November 2016]

<sup>752</sup> Middle East Eye, [Turkish coup inquiry may speak directly to Fethullah Gülen: Report](#), 7 October 2016



move particularly affected the judicial system, where the large number of transfers, arrests and detentions of judges and prosecutors could have a deterrent effect on the members of the judiciary”.<sup>753</sup>

In its annual report covering 2015 Human Rights Watch stated that “Prosecutions of journalists, judges, prosecutors, and police for membership of an alleged ‘Fethullah Gülen Terrorist Organization; were ongoing at time of writing, although there is no evidence to date [January 2016] that the Gülen movement has engaged in violence or other activities that could reasonably be described as terrorism”.<sup>754</sup> The same report further noted that “The AKP government in 2015 continued efforts to purge the police and judiciary of alleged supporters of the Gülen movement. During 2015, prosecutors, judges, and police officers with perceived links to the Gülen movement were jailed and charged with plotting against the government and membership of a terrorist organization. The main evidence being cited against judges and prosecutors at time of writing was decisions taken in the course of their professional duties rather than any evidence of criminal activity”.<sup>755</sup>

Similarly, Amnesty International in its annual report covering 2015 found “Prosecutions were commenced of individuals accused of membership of the “Fethullah Gülen Terrorist Organization”, including US based cleric and former AK Party ally Fethullah Gülen”.<sup>756</sup>

Publishing an article on these prosecutions, which are known as falling under the ‘Ergenekon’ case, the Daily Sabah summarised:

The Supreme Court of Appeals yesterday [20 April 2016] overturned convictions of hundreds in the Ergenekon case, one of the biggest trials in Turkey’s history that saw a circle of generals, academics and journalists imprisoned on charges of plotting a coup, allegedly in a scheme by the judiciary officials and police chiefs linked to the shadowy Gülen Movement.

Ergenekon, an infamous case where hundreds were tried and jailed on allegations of scheming to plot to overthrow the government, nearly came to a conclusion yesterday after a Supreme Court of Appeals ruling. The country’s highest legal authority overturned the convictions of 275 people, ranging from the former head of the Turkish Armed Forces to lower-ranking military officers, journalists and academics in the case that was allegedly a plot to imprison all involved by the shady Gülen Movement through its infiltrators within the judiciary and police. The court said in its ruling that convictions by a local court were invalid, as it lacked concrete evidence pointing to the existence of the “Ergenekon terrorist organization,” and cited a number of violations in the case such as illegal wiretapping, dubious statements of secret witnesses and unlawful searches.<sup>757</sup>

The following additional background was provided on the case:

The case, which began with the discovery of a large arms cache at the home of a noncommissioned officer in an Istanbul slum in 2007, has revealed that the country’s military brass, in cooperation with prominent figures such as journalists and academics, was planning to incite strife in the country and eventually seize power. The coup plotters were members of the Ergenekon gang, named after the mythical land of early Turkic tribes, and were linked to several criminal cases such as the killing of three high-ranking members of the judiciary in the past. This was what the prosecutors said, and the allegations made it to the courts, which eventually sentenced Ergenekon suspects to life terms after a lengthy trial that began in 2008. Former military chief Başbuğ and 18 other defendants were sentenced to life in 2013. The defendants repeatedly pleaded not guilty and claimed they were

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<sup>753</sup> The Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, A. Draft resolution, paragraph 31, p. 7

<sup>754</sup> Human Rights Watch, [World Report 2016: Turkey, Events of 2015](#), 27 January 2016, *Freedom of Expression, Association, and Assembly*

<sup>755</sup> Human Rights Watch, [World Report 2016: Turkey, Events of 2015](#), 27 January 2016, *Judicial Independence*

<sup>756</sup> Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background*, p. 370

<sup>757</sup> Daily Sabah, [Court overturns verdicts in coup case allegedly tied to Gülenists](#), 21 April 2016

imprisoned over insufficient and false evidence, denying the charges they faced. A majority of the public, except staunchly pro-military circles, found little reason to disbelieve the case as Turkey has already experienced three military coups and witnessed multiple coup attempts since 1960. According to the court's ruling, Ergenekon was "a terrorist organization."

The suspects, held in pretrial detention for years without tangible evidence, were released in 2014 after new legal amendments limited such detentions. The trial was reportedly the joint work of infiltrators of the controversial Gülen Movement in the judiciary and police, conducted to stifle opposition to the ubiquitous group that evolved into a politically motivated juggernaut from a simple religious congregation. They filed lawsuits against judges and prosecutors, claiming they were imprisoned on forged and fabricated evidence.<sup>758</sup>

On 15 June 2016 Hurriyet Daily News reported that 21 people were detained as part of a wider investigation into the fraud allegations concerning a 2010 nationwide civil service recruitment exam and charged with "being a member of an organization with felonious intent, forgery of official documents, fraud against state institutions, removing evidence and professional misconduct".<sup>759</sup> The same source further reported that "Police investigating the fraud have allegedly found evidence of involvement by members of the 'parallel state' a term widely used to refer to the followers of U.S.-based Islamic scholar Fethullah Gülen, who has been accused of attempting to undermine the government".<sup>760</sup>

Radio Free Europe/Radio Liberty reported on 25 June 2016 that "28 people over allegations of funding the movement of U.S.-based Muslim cleric Fethullah Gulen" were detained, with "simultaneous raids [...] in several cities including Istanbul as well as Konya and Kayseri in central Anatolia".<sup>761</sup>

The Council of Europe issued a report in June 2016 on the 'functioning of democratic institutions in Turkey' and found with regards to the alleged set-up of a 'parallel state structure' by the Gulen movement that:

We were also informed by various authorities that the State continued to "purge" the system of alleged members of the Gülen Movement [...]

This affects in particular the police and the judiciary and has led to a number of prosecutions, transfer of personnel, and disciplinary procedures against these alleged members, which leaves us with a number of questions.

The Commissioner for Human Rights pointed out that the fight against this presumed terrorist organisation within the judiciary may have weakened its independence. "In this respect, we had worrisome information from Yarsav that 680 judges are currently being investigated for their alleged links to the 'parallel State structure', based on the decisions they took as judges and prosecutors" (see for example the suspension and arrest of Judge Özçelik and Judge Başer, supra). "Fifty-three judges were standing trial due to their activity and 300 judges and prosecutors were being investigated on the basis of comments posted on social media." Yarsav also pointed out that 6 000 judges and prosecutors had been transferred these past two years, while the Platform for Unity in the Judiciary (a government-sponsored platform created in 2014 before the elections of the elected members of the HSYK, which won the majority of the seats) recalled that 1 500 judges and prosecutors are usually moved on a yearly basis.<sup>762</sup>

In July 2016 the International Commission of Jurists published a report analysing the judicial system in Turkey in light of the increased government control of the Turkish judiciary, including the High

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<sup>758</sup> Daily Sabah, [Court overturns verdicts in coup case allegedly tied to Gülenists](#), 21 April 2016

<sup>759</sup> Hurriyet Daily News, [Police detain 21 in probe into civil service exam 'fraud'](#), 15 June 2016

<sup>760</sup> Hurriyet Daily News, [Police detain 21 in probe into civil service exam 'fraud'](#), 15 June 2016

<sup>761</sup> Radio Free Europe/Radio Liberty, [Turkey Detains 28 Over Alleged Links To Erdogan Foe](#), 25 June 2016

<sup>762</sup> The Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, 5. *Functioning of the judiciary, paragraphs 64 and 65, p. 23*

Council for Judges and Prosecutors (HSYK), and arrests and dismissals of judges.<sup>763</sup> The report found further:

Politically, the move towards undue executive influence over the judiciary and prosecution is grounded in the ruling Justice and Development Party's (AKP) battle with the Gülen movement, a religious-based organization led by Fethullah Gülen, which was, until 2013, closely allied with the AKP party. Following its split with the Gülen movement, President Erdogan alleged that the movement has been seeking to seize power in Turkey by forming a "parallel State", infiltrating State institutions, including the judiciary, prosecution and law enforcement authorities, with its representatives.

The Government, as well as prosecutors in cases concerning the Gülen movement, have labelled it as a criminal and even a terrorist organization, and the reorganization of the institutions of the judiciary as well as measures against individual judges and prosecutors have been driven by the perceived need to purge the judiciary of Gülenist influence. Control or undue influence of the judiciary by a political or religious movement that distorts individual judges' decision making would indeed be a cause for great concern. However, whether or not fears of Gülenist capture of the judiciary are correct, they appear to have opened the door to the danger of dominance of the judiciary by the executive, and to wider purges of all those not seen as loyal to government interests.<sup>764</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

BBC News noted early October 2016 that "Since the failed coup, the government has cracked down on any individuals or groups believed to have links to Fethullah Gulen".<sup>765</sup>

On 24 July 2016 Radio Free Europe/Radio Liberty reported that "Hail Hanci, described as Gulen's 'right-hand man,' was detained on July 23 [2016] in the province of Trabzon" and that Muhammed Sait Gulen, a nephew of Fethullah Gulen's had also been detained.<sup>766</sup> Basing its report on the state-run news agency Anadolu, Al Arabiya noted that Muhammed Sait Gulen's arrest was also linked over "the leak of questions from 2010 civil service exams".<sup>767</sup>

The Guardian reported on 24 July 2016 that "Police [...] detained a female Turkish fighter pilot, Kerime Kurmas, in the region of Yalova south of Istanbul for alleged involvement in the coup" accusing her and two additional male pilots being detained "of flying seized F-16 jets over Istanbul on the night of the coup. Other Turkish media reports said she was the only female fighter pilot in the country".<sup>768</sup>

Reuters reported on 25 July 2016 that "Turkey's state-run Turkish Airlines [...] had fired 211 employees [...] due to operational necessity, inefficiency, poor performance as well as providing support to the movement of U.S.- based cleric Fethullah Gulen".<sup>769</sup> Deutsche Welle reported on 26 July 2016 that "State-run Turkish Airlines [...] had terminated the contracts of 221 employees for problems, including conduct contrary to the national interest, such as 'sponsoring' the movement of US-exiled Muslim cleric Fethullah Gulen".<sup>770</sup>

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<sup>763</sup> International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016

<sup>764</sup> International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016, 1. Introduction, *National Context*

<sup>765</sup> BBC News, [Turkey detains brother of Fethullah Gulen in coup crackdown](#), 2 October 2016

<sup>766</sup> Radio Free Europe/Radio Liberty, [Turkey Says Top Gulen Insider Detained](#), 24 July 2016

<sup>767</sup> Al Arabiya, [Turkey detains nephew of powerful US-based cleric](#), 23 July 2016

<sup>768</sup> The Guardian, [Turkey has detained senior aide to Fethullah Gülen, official says](#), 24 July 2016

<sup>769</sup> Reuters, [Turkish Airlines sacks 211 employees after failed coup attempt](#), 25 July 2016

<sup>770</sup> Deutsche Welle, [Hundreds sacked at Turkish Airlines as post-coup purges continue](#), 26 July 2016

The Washington Post reported on 2 August 2016 that “Turkey’s soccer federation [...] has sacked 94 members of the association, including a number of referees. The Turkish Football Federation said the action was taken as a ‘necessity’ without saying whether those dismissed were suspected of links to U.S.-based Muslim cleric Fethullah Gulen”.<sup>771</sup> The same source further noted that “The decision came days after the federation said all members of all of its committees had tendered their resignations to help the investigation into Gulen’s movement”.<sup>772</sup>

Human Rights Watch’s Benjamin Ward, Deputy Director of the Europe and Central Asia Division, noted in early August 2016 that:

Whatever the merits of the government’s claims about the movement’s role in the coup, which Gulen himself denies, the speed and scale of the dismissals make it clear that many of those affected by the purge are caught up in it not because there is clear evidence of their involvement in the coup but merely because of their perceived association with the Gulen movement.

The EU enlargement commissioner Johannes Hahn commented on July 18 that it appears that at least some of the lists the government used had been prepared before the attempted coup even took place.<sup>773</sup>

Similarly, in a 15 August 2016 Amnesty International article reported that “Anyone with any perceived link to the movement of U.S.-based cleric, Fethullah Gülen, accused of orchestrating the coup, has been targeted. Soldiers, police, judges, lawyers, academics, journalists, teachers, doctors and even football referees. Seemingly no one is immune.”<sup>774</sup>

Radio Free Europe/Radio Liberty reported on 18 August 2016 that Turkish President Recep Tayyip Erdogan “has warned that the ‘viruses’, as he calls Gulen supporters, ‘are everywhere’. He has called on everyone to report them to prosecutors and security agencies ‘even if they are your friends’”.<sup>775</sup> The same source further stated that “Anybody suspected of having even talked positively about Gulen in the past is being reported and eventually suspended or detained. Some have reported that occasionally even friends of Gulen supporters were detained. There are also claims that some people spy on others and report them as ‘Gulenists’ to the security services just to take their jobs or businesses”.<sup>776</sup>

Assisting to identify those targeted for arrest, the Middle East Eye reported that:

Turkey intercepted encrypted messages sent by followers of US-based Fethullah Gulen well before the July 15 coup attempt, giving Ankara names of tens of thousands within the preacher's network, a senior government official said on Saturday. [...]

The Turkish official - speaking on condition of anonymity - said Turkey's National Intelligence Organisation, known as MIT, began decrypting messages sent on the app ByLock in May last year.

The official did not provide any of the messages as evidence.

Almost 40,000 names of Gulen followers, including 600 ranking military personnel, were identified by MIT through the intercepted messages.

The official added that "a large number of people identified via ByLock were directly involved in the coup attempt".

The official said that since December 2013, Gulen followers used encrypted messaging apps to communicate securely, and had started using ByLock in 2014.<sup>777</sup>

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<sup>771</sup> The Washington Post, [Turkish soccer federation sacks 94 staff, including referees](#), 2 August 2016

<sup>772</sup> The Washington Post, [Turkish soccer federation sacks 94 staff, including referees](#), 2 August 2016

<sup>773</sup> Human Rights Watch, [The Government Response to Turkey's Coup Is an Affront to Democracy](#), 3 August 2016

<sup>774</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

<sup>775</sup> Radio Free Europe/Radio Liberty, [Turkey's Anti-Gulen Clampdown Rages Out Of Control](#), 18 August 2016

<sup>776</sup> Radio Free Europe/Radio Liberty, [Turkey's Anti-Gulen Clampdown Rages Out Of Control](#), 18 August 2016

<sup>777</sup> Middle East Eye, [Turkey 'tracked thousands of Gulenists via encrypted messages'](#), 30 July 2016

Similarly, BBC reported that “Thousands of people accused of taking part in an attempted coup have been traced via a messaging app, a senior Turkish official has told Reuters. Having been cracked by the authorities, ByLock had been abandoned by members of the dissident Gulen movement before the coup attempt, the news agency heard. But some 40,000 undercover operatives, including 600 ranking military personnel, had already been identified. Experts told Reuters ByLock appeared to be the work of amateur developers”.<sup>778</sup>

In a further move Turkish President Recep Tayyip Erdogan has reportedly “accused followers of a US-based Islamic cleric he blames for last month’s coup attempt of being complicit in attacks by Kurdish militants in Turkey’s southeast” with “his linking of PKK militants to those suspected of being behind the July 15 coup attempt” coming “as authorities arrest or dismiss tens of thousands in a post-coup purge that some Western allies worry Erdogan is using to target broader dissent”, reported Al Arabiya on 18 August 2016.<sup>779</sup>

Al Monitor reported on 29 August 2016 that “Turkish drivers with license plates bearing the ‘FG’ letters have recently fallen under suspicion of being members of a terrorist organization for the simple reason that the two letters signify the initials of Fethullah Gulen”, a move which the author of the article described as a “witch hunt [...] spiraling [sic] out of control into hysterical proportions”.<sup>780</sup>

The same source further noted further arrests of individuals perceived to be or associated with the Gulen movement, including family members:

The FETO probe has extended to a popular comedian and former soccer stars known to be close to Gulen’s congregation. Chief among them is Hakan Sukur, the internationally acclaimed former scorer of Galatasaray and the national team. His Gulenist affiliation was never a secret and was not an obstacle in winning a parliamentary seat on the AKP ticket in 2011, when the ruling party and Gulen’s congregation were still allies. After the alliance collapsed and devolved into an open war in late 2013, Sukur quit the AKP and two years later moved to the United States. On Aug. 16, an Istanbul court decided that Sukur’s social media posts constituted a reason to suspect he belonged to ‘an armed terrorist organization’ and issued an apprehension warrant to question him. Three days earlier, the judicial authorities had arrested the soccer player’s father, Selmet Sukur, and ordered the seizure of all his assets, using powers made available by the state of emergency.

As this article was being written, news broke of detention orders for three other former Galatasaray players with Gulenist affiliation — Arif Erdem, Ugur Tutuneker and Ismail Demiriz — again for suspected membership in FETO.

Popular comedian Atalay Demirci, meanwhile, was detained earlier this month after ‘his correspondence with Hakan Sukur was exposed.’ He was then jailed pending trial on charges of FETO membership.

Another troubling practice has been the roundup of relatives of suspected fugitives. A striking example is the Aug. 22 detention of 12 relatives, including brothers, nephews and a brother-in-law, of US-based Cevdet Turkeyolu, said to be a ‘super imam’ or a top leader in the Gulenist network.

The brother of Bulent Kenes, the wanted former editor-in-chief of the now-defunct daily Today’s Zaman, and the wife of Bulent Korucu, another fugitive Gulenist journalist, have also landed behind bars.<sup>781</sup>

Hurriyet Daily News reported on 2 September 2016 that “The mother-in-law of one of the prime suspects wanted for his alleged role in the July 15 coup attempt, has been arrested, while the

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<sup>778</sup> BBC News, [Turkey coup accused 'traced via messaging app'](#), 4 August 2016

<sup>779</sup> Al Arabiya, [Turkey's Erdogan links coup suspects, PKK to bomb attacks](#), 18 August 2016

<sup>780</sup> Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

<sup>781</sup> Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

whereabouts of Adil Öksüz himself, referred to as the Gülen movement's 'imam of the Air Force', are still unknown".<sup>782</sup>

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights found that "A series of measures of particular concern to the Commissioner are those which target directly or are liable to affect family members of suspects in an automatic fashion. In addition to the evictions, termination of lease agreements and freezing of assets of the said suspects, which are likely to create unnecessary hardship and victimisation for family members, the Commissioner notes other measures of an administrative nature, such as the possibility for annulling passports of spouses of suspects who are themselves not under investigation and the unlimited access by administrative authorities to the personal data of family members of suspects. This approach raises extremely serious concerns with regard to Article 8 of the ECHR. The Commissioner is worried that such measures will inevitably fuel the impression of "guilt by association", already voiced by many of his interlocutors. In the opinion of the Commissioner, any measure treating family members of a suspect also as potential suspects should not exist in a democratic society, even during a state of emergency."<sup>783</sup>

On 3 September 2016 "Singer Atilla Taş [...was] among 12 persons detained in several provinces in connection with a "Gülenist Movement terror organisation FETÖ/PDY" investigation".<sup>784</sup>

The Economist stated in its article published 10 September 2016 that the latest arrests "include a pop singer arrested for publishing columns in a Gulenist newspaper and a dancer sacked by the national ballet for allegedly selling his home through a Gulenist bank (which he denies)".<sup>785</sup>

Radio Free Europe/Radio Liberty reported on 27 September 2016 that "Ankara issued arrest warrants for 121 employees of a Gulen-connected aid organization, Kimse Yok Mu, which was closed down in July".<sup>786</sup>

BBC News reported early October 2016 that "a brother of US-based Turkish cleric Fethullah Gulen has been detained by police in western Turkey".<sup>787</sup>

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights stressed the need:

when criminalising membership and support of this organisation [FETÖ/PDY = Gulen movement], to distinguish between persons who engaged in illegal activities and those who were sympathisers or supporters of, or members of legally established entities affiliated with the movement, without being aware of its readiness to engage in violence [...] Given the vagueness of the basis for some of the administrative measures provided for in the emergency decrees and the fact that some administrative sanctions could be seen as displaying a criminal character [...] many people are justifiably afraid of facing sanctions while not having committed any illegal acts themselves. The Commissioner therefore urges the authorities to dispel these fears by communicating very clearly that mere membership or contacts with a legally established and operating organisation, even if it was affiliated with the

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<sup>782</sup> Hurriyet Daily News, [Mother-in-law of prime coup attempt suspect Adil Öksüz arrested](#), 2 September 2016

<sup>783</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Sanctions affecting persons other than the suspects, paragraph 41, p. 8*

<sup>784</sup> Human Rights Foundation of Turkey, [1-6 September HRFT Daily Human Rights Report](#), 6 December 2016

<sup>785</sup> The Economist, [A conspiracy so immense](#), 10 September 2016

<sup>786</sup> Radio Free Europe/Radio Liberty, [Turkey Targets Security Agency In Anti-Gulen Crackdown](#), 27 September 2016

<sup>787</sup> BBC News, [Turkey detains brother of Fethullah Gulen in coup crackdown](#), 2 October 2016

Fethullah Gülen movement, is not sufficient to establish criminal liability and to ensure that charges for terrorism are not applied retroactively to actions which would have been legal before 15 July.<sup>788</sup>

On 17 October 2016 TurkeyPurge reported that “According to TR724 news platform, [Finance] minister Ağbal has ordered tax offices to deny tax clearance certificates to people implicated in anti-movement investigations and to those who are publicly known as supporter of the movement”.<sup>789</sup>

TurkeyPurge reported on 22 October 2016 that “Aladdin Demir, the mukhtar (head) of the Çukur neighborhood in Gaziantep, hung two banners on the side of his office stating that sympathizers of the Gülen movement are not allowed in the area and that people can call him to report any transgressor via a 7/24 hotline [...] Top government officials previously called on people to lend a hand in its all-out war against Hizmet volunteers, a call that seems to have resonated with some segments of society. Several stores across Turkey that sell Gülen books were earlier reported to have been looted by angry mobs”.<sup>790</sup>

TurkeyPurge reported on 8 December 2016 that “A three-year-old child with high fever has been denied treatment at a hospital since his father was arrested over alleged links to the Gülen movement, leading a suspension in the kid’s subscription to the nation-wide social security system”.<sup>791</sup>

On 15 December 2016 TurkeyPurge reported that “Turkey’s Justice Ministry has handed out pages of forms to its personnel asking if they know any colleague linked to terrorist organizations or the government’s perceived enemies, particularly the Gülen movement, according to a social media post. With the documents still lacking confirmation from any source, similar leaks in the aftermath of the July 15 coup attempt increase their credibility.”<sup>792</sup>

TurkeyPurge reported on 17 December 2016 that “Discrimination in post-coup Turkey has reached a new level with companies discriminating against those who have lost their jobs in investigations targeting the government’s perceived enemies. Seramik Dünyası, a building materials seller in the Aegean province of Manisa, posted a job offer for salesperson position at its office in downtown [...] It is not the first time that local business owners joined the government in its discriminative approach against certain target groups. “People affiliated with the Fethullahist Terrorist Organization [a derogatory term coined by the government] are not allowed to shop here,” a Konya stallholder hung a banner on his sales booth in late August. A Denizli restaurant hung another banner on its walls: “Traitors, putschists and paralells not are allowed in the aftermath of the July 15 coup attempt”.<sup>793</sup>

On 27 December 2016 TurkeyPurge reported that “A man in a small Aegean district of Turkey turned his girlfriend in to the police, alleging she is a Gülen movement sympathizer, after she rejected his

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<sup>788</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Criminal law aspects, paragraphs 21 and 22, pages 4 and 5*

<sup>789</sup> TurkeyPurge, [Gov’t reportedly excludes Gülen followers from across-the-board debt restructuring](#), 17 October 2016

<sup>790</sup> TurkeyPurge, [Mukhtar bans Gülen followers from neighborhood, sets up 24/7 informant hotline](#), 22 October 2016

<sup>791</sup> TurkeyPurge, [3-year-old child with fever denied treatment as father under arrest over Gülen links](#), 8 December 2016

<sup>792</sup> TurkeyPurge, [Turkey’s Justice Ministry asks personnel to spy on colleagues: leaked doc](#), 15 December 2016

<sup>793</sup> TurkeyPurge, [Turkish firm discriminates against purge victims in controversial job posting](#), 17 December 2016

proposal of marriage”.<sup>794</sup> The same source further noted that “In Turkey, being an alleged sympathizer of the Gülen movement is grounds for becoming the subject of an investigation, detained or even arrested since the movement is labeled as a terrorist organization and accused of plotting an abortive coup on July 15”.<sup>795</sup>

On 31 December 2016 TurkeyPurge noted that “a total of 37 people, including businessmen and civil servants, were detained as part of an investigation into the Gulen movement”.<sup>796</sup>

TurkeyPurge reported on 2 January 2017 that “Turkish prosecutors are seeking 15-year jail sentences for a Turkish dentist who reportedly provided dental treatment for Islamic scholar Fethullah Gülen several times in the past”.<sup>797</sup>

On 3 January 2017 TurkeyPurge reported that “Turkish police on Tuesday carried out simultaneous operations in 18 Turkish provinces and detained a total of 30 civilians as part of an investigation into the Gülen movement [...] According to the Doğan news agency, the operations were conducted in line with an investigation pursued by the Batman Chief Public Prosecutor’s Office, and detainees are accused of ‘membership in an armed terrorist organization’ and ‘attempting to destroy the unity of the state and nation’”.<sup>798</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

BBC News reported in April 2017 that “Police have arrested 1,000 people alleged to have been part of a movement blamed for the failed 2016 coup. Another 2,200 were being sought as authorities targeted what they said was a secret structure within Turkey’s police force”.<sup>799</sup> The same source further noted that “A list of 3,224 people had been compiled by police in an operation across Turkey’s 81 provinces, reports said. In Istanbul alone, 390 suspects were being sought”.<sup>800</sup>

Also reporting in April 2017, The New York Times Magazine noted in relation to being accused of belonging or supporting the Gulen movement that “At present, several pieces of evidence can suggest that you may be a member of FETO, including having had an account at Bank Asya, which was founded by Gulenists; running the ByLock encrypted communication app on your phone (thought to have facilitated planning for the coup attempt); possessing those F-series dollar bills; sending your children to a school associated with Gulen; working at a Gulen-affiliated institution (a university, say, or a hospital); having subscribed to the Gulen newspaper Zaman; or having Gulen’s books in your house”.<sup>801</sup> The same source further noted that it has become a common feature that freedom of movement i.e. trying to leave Turkey, has been curtailed:

People become aware of their imminent detention or arrest and try to catch a foreign flight, only to have their passports seized or canceled before they can board the plane. Even those who have not been labeled members of a terrorist organization or been accused of trying to kill Erdogan have arrived at the passport line and been made to wait while a clerk calls someone and reads their Turkish ID number over the phone to confirm that they are allowed to leave the country.<sup>802</sup>

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<sup>794</sup> TurkeyPurge, [Man reports girlfriend to police as ‘Gulenist’ after marriage proposal rejected](#), 27 December 2016

<sup>795</sup> TurkeyPurge, [Man reports girlfriend to police as ‘Gulenist’ after marriage proposal rejected](#), 27 December 2016

<sup>796</sup> TurkeyPurge, [37 detained in simultaneous operations in 8 provinces over coup charges](#), 31 December 2016

<sup>797</sup> TurkeyPurge, [Prosecutor seeks 15-year jail term for Fethullah Gülen’s dentist](#), 2 January 2017

<sup>798</sup> TurkeyPurge, [Police carry out operations in 18 provinces, detain 30 over coup charges](#), 3 January 2017

<sup>799</sup> BBC News, [Turkey arrests 1,000 in raids targeting Gulen suspects](#), 26 April 2017

<sup>800</sup> BBC News, [Turkey arrests 1,000 in raids targeting Gulen suspects](#), 26 April 2017

<sup>801</sup> The New York Times Magazine, [Inside Turkey’s Purge](#), 13 April 2017

<sup>802</sup> The New York Times Magazine, [Inside Turkey’s Purge](#), 13 April 2017



The Middle East Eye reported in May 2017 that 57 people were arrested in Turkey “in an operation against the Istanbul stock exchange as part of the investigation into the failed 15 July coup, state media said, as authorities detained the editor of an opposition newspaper. The 57 were arrested in six different provinces, with over 100 arrest warrants issued, the state-run Anadolu news agency said [...] The Haberturk daily said on its website that those held were former employees of the stock exchange suspected of using an encrypted messaging application called Bylock which Turkey claims was especially created for Gulen supporters”.<sup>803</sup>

Also in May 2017, BBC reported that “An NBA basketball player from Turkey, Enes Kanter, has been stopped at a Romanian airport, after Turkey cancelled his passport” due to his political views and being a supported of the Gulen movement.<sup>804</sup>

In June 2017 Stockholm Center for Freedom reported that President Erdogan has called on “people to inform on activities of Gülen followers, saying that if they fail to do so, they will be held responsible”.<sup>805</sup>

Middle East Eye reported in July 2017 that “Dozens of people are being rounded up all over Turkey for wearing white T-shirts with the word "hero" printed in English across the front. No official data on the number of those detained or arrested has been released but at least 25 cases have been reported by local media [...] The arrests are being carried out based on the suspicion that the wearers are sympathisers and supporters of Fethullah Gulen” as the suspect in the assassination plot against President Erdogan wore the same T-shirt in court.<sup>806</sup>

Also reporting in July 2017 Reuters reported that Turkish authorities had detained 1,098 people for suspected links to militant groups or last year’s failed coup attempt of which 831 were detained for suspected ties to the Gulen movement.<sup>807</sup>

The Stockholm Center for Freedom reported in July 2017 that “Turkish police have seized 4,806 passports and detained 132 people at İstanbul Atatürk Airport as part of investigations into alleged followers of the faith-based Gülen movement”.<sup>808</sup> The same report further noted that “the Turkish government has also been attempting to confiscate over 50,000 passports including those held by the relatives of journalists living in exile”.<sup>809</sup>

### **c. Business owners/company executives**

This section should be read in conjunction with sections [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#) and [1.a.i.2.k Decree of 9 February 2017 \(KHK/687\)](#).

#### Pre-attempted coup situation

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<sup>803</sup> Middle East Eye, [Turkey arrests 57 in raids against Istanbul stock exchange](#), 12 May 2017

<sup>804</sup> BBC News, [NBA star Enes Kanter's passport cancelled by native Turkey](#), 20 May 2017

<sup>805</sup> Stockholm Center for Freedom, [Turkey's Erdoğan Calls For Expanded Witch Hunt Against Gülen Followers](#), 26 June 2017

<sup>806</sup> Middle East Eye, [What not to wear: Turkish 'hero' T-shirts land dozens in jail](#), 24 July 2017

<sup>807</sup> Reuters, [Turkey says detains more than 1,000 in latest anti-terror raids](#), 31 July 2017

<sup>808</sup> Stockholm Center for Freedom, [4,806 Passports Owned By Alleged Gülen Followers Seized At İstanbul Airport In One Year](#), 10 July 2017

<sup>809</sup> Stockholm Center for Freedom, [4,806 Passports Owned By Alleged Gülen Followers Seized At İstanbul Airport In One Year](#), 10 July 2017

Reuters reported that already before the attempted coup “the Turkish authorities had already seized Islamic lender Bank Asya, taken over or closed several media companies and detained businessmen on allegations of funding the cleric's [Gulen's] movement”.<sup>810</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

On 5 August 2016 “Turkish President Tayyip Erdogan vowed [...] to choke off businesses linked to the U.S.-based cleric he blames for an attempted coup, describing his schools, firms and charities as “nests of terrorism” and promising no mercy in rooting them out”.<sup>811</sup> According to the same source President Tayyip Erdogan further stated: “The business world is where they are the strongest. We will cut off all business links, all revenues of Gulen-linked business. We are not going to show anyone any mercy”.<sup>812</sup>

Indicative of such views, already on 29 July 2016 Hurriyet Daily News reported that Turkish authorities detained “three major businessmen [...] the chairman of the family-owned Boydak Holding company, Mustafa Boydak, and two other top executives [...] Şükrü and Halit Boydak”.<sup>813</sup>

Reuters exemplified in an article published on 5 August 2016 that “The head of research at a brokerage had his license revoked over a report to investors analyzing the coup plot”, while “the chairman and several executives from Boydak Holding, a prominent family-run conglomerate with interests from furniture to energy, have also been detained, as has the chief of Turkey's biggest petrochemicals firm Petkim”.<sup>814</sup>

BBC News reported on 16 August 2016 that “Turkish police have raided 44 companies and are seeking the arrest of 120 company executives, as part of the investigation into last month's failed coup”.<sup>815</sup>

On 18 August 2016 Reuters reported that “Turkish authorities ordered the detention of nearly 200 people, including leading businessmen, and seized their assets as an investigation into suspects in last month's failed military rebellion shifted to the private sector”.<sup>816</sup> The same source further noted that “Among the businesses targeted were two Fortune 500 companies [...] naming clothing makers Aydinli Group and Eroglu Holding, which both run large retail chains”.<sup>817</sup> Reuters reported also that “Earlier this week, police searched the offices of a nationwide retail chain and a healthcare and technology company, and detained key executives. Turkey authorities said 4,262 companies and institutions with links to Gulen had been shut”.<sup>818</sup>

Al Monitor reported on 29 August 2016 that “The clampdown on ‘FETO’s business leg’ has been of a similarly staggering proportion. Detention warrants have been issued for 187 people, owners or managers of companies belonging to the Gulen congregation’s business organization, the Turkish Industrialists and Businessmen Confederation. Prosecutors have ordered the seizure of all of the suspects’ assets”.<sup>819</sup> The same source noted further that Turkish President Recep Tayyip Erdogan

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<sup>810</sup> Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

<sup>811</sup> Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

<sup>812</sup> Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

<sup>813</sup> Hurriyet Daily News, [Turkey detains 3 businessmen over failed coup attempt](#), 29 July 2016

<sup>814</sup> Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

<sup>815</sup> BBC News, [Turkey coup inquiry: Police raid companies and target CEOs](#), 16 August 2016

<sup>816</sup> Reuters, [Turkey seizes assets as post-coup crackdown turns to business](#), 18 August 2016

<sup>817</sup> Reuters, [Turkey seizes assets as post-coup crackdown turns to business](#), 18 August 2016

<sup>818</sup> Reuters, [Turkey seizes assets as post-coup crackdown turns to business](#), 18 August 2016

<sup>819</sup> Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

reportedly remarked on 10 August 2016 whilst addressing a group of businesspeople in his palace that, “We have to cleanse FETO from the business world, just as we are scraping them off from the armed forces, the judiciary and the bureaucracy. Some from the West are offering counsel, saying they are worried about thousands of people being dismissed. ... But we are going to do it, no matter whether [the numbers reach] 10,000, 50,000, 100,000 or 200,000”.<sup>820</sup>

According to Al Monitor “Under a Sept. 1 legislative decree, scores of companies placed under trusteeship by the courts were handed over to the Savings Deposit Insurance Fund (TMSF), that is, to direct government control”.<sup>821</sup> According to the same source “The businesses seized range from small proprietorships to large holdings with companies in various sectors, including Boydak (furniture), Koza Ipek (gold mining, tourism, media), Dumankaya (construction), Naksan (textiles and food), Akfa (tourism, construction and textiles), Kaynak (publishing and logistics) and FI Yapi (construction). Those seized also include smaller enterprises, such as hospitals, publishing houses, hotels and even pastry shops and baklava makers”.<sup>822</sup>

For further information, see section [1.a.i.2.e. Decrees of 1 September 2016 \(KHK/672, 673 and 674\)](#).

Reuters reported on 6 September 2016 that “Turkey has taken control of a bank, several media firms and other enterprises as part of a crackdown on companies it suspects of links to sympathizers of Fethullah Gulen”.<sup>823</sup> The same source further noted that “Boydak Holding, a conglomerate which features in the Fortune 500 list of top Turkish firms is among those added to the list of firms to be managed or sold by the state's Savings Deposit Insurance Fund (TMSF) after a court ordered its seizure. Turkey has appointed administrators to a series of companies which it accuses of links to what prosecutors term the Gulenist Terrorist Organisation (FETO)”.<sup>824</sup>

The Middle East Eye reported on 8 September 2016 that “A Turkish court on Thursday ordered the arrest of the chairman of a famed traditional sweet pastry manufacturer as well as more than a dozen other businessmen for their alleged links to the failed 15 July coup”.<sup>825</sup> The same day Reuters stated that a dozen of businessmen were arrested for alleged links to the Gulen movement, among them “leading clothing maker and retailer Omer Faruk Kavurmaci, the son-in-law of Istanbul's mayor, Kadir Topbas” and “Faruk Gullu, owner of a chain of shops selling baklava, a traditional sweet Turkish pastry”. The same source reported further that “Gullu's brother Nejat, who runs a rival chain of baklava shops, was among dozens who were released subject to judicial monitoring, meaning they could still face prosecution”.<sup>826</sup>

Middle East Eye further reported on 21 September 2016 that:

The post-coup crackdown has also targeted businesses suspected of having links with the Gulen movement. This has included well-known furniture manufacturers, businesses involved in gold mining and even baklava makers.

Many of these businesses are also known as the Anatolian Tigers, which played a major role in Turkey's economic growth over the past decade. The majority of these tigers are comprised of religiously conservative small and medium-sized businesses in Anatolia, away from the traditional manufacturing centres in western Turkey.

Many of these businesses are now implicated with links to Gulen.<sup>827</sup>

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<sup>820</sup> Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

<sup>821</sup> Al Monitor, [How Turkey's government became the country's top tycoon](#), 17 October 2016

<sup>822</sup> Al Monitor, [What's next for hundreds of companies seized by Turkish government?](#), 15 November 2016

<sup>823</sup> Reuters, [Turkey downplays risks from Gulen-linked companies as new firm seized](#), 6 September 2016

<sup>824</sup> Reuters, [Turkey downplays risks from Gulen-linked companies as new firm seized](#), 6 September 2016

<sup>825</sup> Middle East Eye, [Pastry magnate arrested in ongoing Turkey coup probe](#), 8 September 2016

<sup>826</sup> Reuters, [Turkey jails businessmen and academics, orders officers detained: media](#), 8 September 2016

<sup>827</sup> Middle East Eye, [Turkey takes 'risky' steps to keep economy on track](#), 22 September 2016

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights found that the scope and application of the series of decrees that allowed for the suspension or dismissal of civil servants, as well as judges and prosecutors, “have not been limited to the public sector” but have “introduced sweeping measures affecting, among others “businesses, family members of suspected terrorists, as well as a number of municipalities”.<sup>828</sup>

On 2 October 2016 Hurriyet Daily News reported that “The Turkish authorities have seized a major furniture company based in the Aegean province of İzmir” and that “4,262 companies and institutions had been shut over alleged ties to the Gülen network”.<sup>829</sup>

According to Al Monitor “On Oct. 15, the state ventured into the kebab sector after seizing Ismail’s Place, a famous roadside grill house in the Bolu Mountains, along with several other companies in Duzce. A more luxurious asset perhaps is an island in the Aegean that the construction giant FI Yapı bought for \$32 million six years ago. The company’s owner, Fikret Inan, is now behind bars and has lost more than 20 companies. Boydak Holding, headquartered in the central city of Kayseri and employer of some 15,000 people, is another giant that has seen its owners arrested”.<sup>830</sup>

Al Monitor reported on 15 November 2016 that “As of Nov. 7, the number of companies seized after the July 15 coup attempt on charges of being linked with the Gulen movement, which Turkey has declared a terrorist group, had reached 594. All told, however, the government suspects people associated with 8,000 companies of having links with the Gulen movement. This mind-boggling number was cited by a member of the Cabinet talking with Nuray Babacan of the daily Hurriyet. He outlined a three-phase investigation of suspected companies: Conduct financial audits, appoint trustees, and close or sell the companies of those found guilty. The Cabinet member, who wasn’t identified, suggested that anyone who had supported Gulenists financially could be subject to audits and investigations. What will happen to the seized companies? The government wants to earn money for the Treasury by selling them off. So far, the assets of companies placed under the jurisdiction of the government’s Savings Deposit Insurance Fund (TMSF) total about 30 billion Turkish liras (\$9 billion). Giant companies (and their subsidiaries) such as Boydak Holding, Naksan, Koza-Ipek, Dumankaya family companies, Alfemo, Yavasclar, Kadioglu and Kaynak have been taken over by the state. In addition, Minister of Environment and Urbanization Mehmet Ozhaseki said during a news conference that the state has seized hostels, schools, foundations and real estate totaling 15 billion liras. The Treasury expects to receive billions of dollars of revenues from sales of the seized companies and real estate”.<sup>831</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported on 12 December 2016 that “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>832</sup>

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<sup>828</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Introduction, paragraphs 8 and 9, p. 2*

<sup>829</sup> Hurriyet Daily News, [Major furniture firm seized in anti-Gülen probe](#), 2 October 2016

<sup>830</sup> Al Monitor, [What's next for hundreds of companies seized by Turkish government?](#), 15 November 2016

<sup>831</sup> Al Monitor, [What's next for hundreds of companies seized by Turkish government?](#), 15 November 2016

<sup>832</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, *paragraph 21*

On 5 January 2017 Reuters reported on the issuance of 380 arrest warrants against businessmen accused of providing financial support to the Gulen movement.<sup>833</sup>

Hurriyet Daily News reported on 6 January 2017 that the Istanbul Bar Association has called the detention of the “Doğan Group’s [The Doğan Group is the owner of several media companies, including Hürriyet and the Hürriyet Daily News, beside businesses in other sectors] chief judicial adviser, along with a former chief executive officer of the holding” an ‘act of intimidation by the political power’”.<sup>834</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

The report by the co-rapporteurs Ms Godsken and Ms Mikko of the Council of Europe’s Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) published in May 2017 reported that:

According to the decree laws, the assets of the dismissed persons or liquidated entities are seized and transferred to the Savings Deposit Insurance Fund (TMSF), which appoints trustees and board members to run the business. At the time of our visit, the assets of 800 companies had been transferred to the TMSF; their book value was estimated at 30 billion lira (approximately 8 billion euros at the time of our visit), while their debts were estimated at 5 billion lira. The companies seized (managed) by TMSF employ 20 000 persons, 14 000 of them belonging to a single holding. The Chairperson of the TMSF emphasised that all measures were taken in full compliance with the rule of law, and with due respect for property rights, which remained untouched when assets were transferred. If there was a ruling in a criminal case, the property would be confiscated. He said that the companies would not be sold unless the company liabilities surpassed its assets: in such cases, the company would be liquidated, and the money transferred to a bank account pending a trial, and could be ultimately sent back to the owner of the company [if proven innocent]. Our interlocutors put great emphasis on the respect of the rule of law, and stressed that the sale of assets would require the permission of the owner of the company.<sup>835</sup>

Deutsche Welle reported that since the attempted coup and up to 15<sup>th</sup> July 2017 “965 companies that allegedly had links to FETO were handed over to the Savings Deposit Insurance Fund of Turkey (TMSF), the governmental funds management and insurance institution that supervises the banking sector. According to the TMSF’s latest figures, the size of combined assets of these companies amount to around 10 billion euros (\$11.5 billion), while their equity capital is worth 4.5 billion. The future of 46,357 employees of these companies remains uncertain”.<sup>836</sup>

#### **d. Trade Union members**

##### Pre-attempted coup situation

Freedom House noted in its annual report covering 2015 that

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<sup>833</sup> Reuters, [Turkey orders detention of 380 businessmen in Gulen investigation – AA](#), 5 January 2017

<sup>834</sup> Hurriyet Daily News, [Detention of Doğan lawyer ‘intimidation’](#), 6 January 2017

<sup>835</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.2.5. Confiscation of assets, para. 63, p. 20

<sup>836</sup> Deutsche Welle, [Post-coup Turkey: Journalists, public employees under fire](#), 15 July 2017

There are four national trade union confederations. Trade unions have been active in organizing antigovernment protests. However, union activity, including the right to strike, remains limited by law and in practice, and union-busting activities by employers are common. Because of various threshold requirements, only half of union members in Turkey enjoy collective-bargaining rights, and fewer than 10 percent of workers are unionized. In January [2015], 15,000 workers in the United Metal Workers Union declared a strike, but the government banned it on national security grounds.<sup>837</sup>

On 2 May 2016 the International Trade Union Confederation (ITUC) called on the Turkish government to “cease its intensified repression of trade unions, and protested at its plan to amend labour laws to further weaken workers’ rights”.<sup>838</sup> The same source further noted that “The ITUC has [...] been informed that 1,390 union members have been placed under investigation for participating in an event calling for peace and democracy. Some 284 are in exile or have been transferred, 403 have been forced to retire, 102 placed under investigation and 97 have been charged with ‘insulting the President’”.<sup>839</sup> With regards to the proposed changes to the labour law, the source explained that “The proposed amendments to the labour law and employment agency law were pushed through parliament without proper consultation. The changes would give employers a virtually unfettered right to place workers on insecure and short-term contracts, thus avoiding legal obligations and allowing employers to prevent workers from joining trade unions”.<sup>840</sup>

ITUC reported on 17 June 2016 the arrest of Arzu Çerkezoğlu, General Secretary of the Confederation of Progressive Trade Unions of Turkey (DİSK) on charges of insulting the Turkish president Recep Tayyip Erdoğan in a speech she made on 31 August 2015.<sup>841</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Reuters reported on 23 July 2016 that the first emergency decree implemented by the Turkish authorities [KHK/667] authorized the closure of 19 trade unions over “suspected links to the Gulen movement”.<sup>842</sup>

On 26 July 2016 a joint statement by the International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC) condemned the attempted coup and noted with concern that “Plans have been announced to replace 20,000 teachers, among them thousands of trade union members”.<sup>843</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Amongst the sources consulted within this set time-frame no additional information was found in relation to the situation of trade union members.

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<sup>837</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, E. Associational and Organizational Rights: 6 / 12 (+1)

<sup>838</sup> International Trade Union Confederation (ITUC), [Turkey: Government Stepping up Repression of Unions](#), 2 May 2016

<sup>839</sup> International Trade Union Confederation (ITUC), [Turkey: Government Stepping up Repression of Unions](#), 2 May 2016

<sup>840</sup> International Trade Union Confederation (ITUC), [Turkey: Government Stepping up Repression of Unions](#), 2 May 2016

<sup>841</sup> International Trade Union Confederation (ITUC), [Turkey: European and International Trade Unions Demand Immediate release of DISK General Secretary](#), 17 June 2016

<sup>842</sup> Reuters, [Turkey's Erdogan shuts schools, charities in first state of emergency decree](#), 23 July 2016

<sup>843</sup> International Trade Union Confederation (ITUC) and European Trade Union Confederation (ETUC), [Turkey: ITUC and ETUC Deeply Concerned at Government Purge](#), 26 July 2016

## e. Armed forces/soldiers

This section should be read in conjunction with sections [1.a.i.2.m. Decrees of 29 April 2017 \(KHK/689 and 690\)](#), [1.a.i.2.n. Decree of 22 June 2017 \(KHK/691\)](#), [1.a.i.2.o. Decree of 14 July 2017 \(KHK/692\)](#) and [1.a.1.2.p. Decrees of 25 August 2017 \(KHK/693 and 694\)](#).

### Pre-attempted coup situation

In March 2015 the Wall Street Journal reported that “A Turkish court acquitted scores of active and retired military officers previously convicted of plotting to overthrow the government of then-Prime Minister Recep Tayyip Erdogan. It was a stunning reversal in a landmark case [also referred to as the ‘Sledgehammer’ case] that had helped his Islamist-rooted government tame the once-paramount military”.<sup>844</sup>

Middle East Eye provided the following background summary regarding this case:

A court in Turkey acquitted 236 former military personnel in the infamous Sledgehammer (Balyoz) case last week. Charged with making preparations to topple the Justice and Development Party (AKP) government as early as 2003, some of the former top military personnel of the Turkish Armed Forces were sentenced in 2012.

The "coup plan" was discovered in a briefcase that was presented by anonymous individuals to Turkish daily Taraf newspaper in 2010. The briefcase contained plans to stir chaos in Turkey to justify a military coup by bombing mosques and accusing Greece over shooting down a Turkish plane over the Aegean Sea.

A total of 365 suspects were found guilty in 2012, mostly on the basis of the documents in the briefcase. The defendants appealed against the decision and the Turkish Constitutional Court concluded that the lower court "violated their right to a fair trial" and released them in June 2014 for a retrial.<sup>845</sup>

### Post-coup treatment up to 6<sup>th</sup> January 2017

In the wake of the attempted coup, a crackdown on the military (and the judiciary) has led to the “detention of thousands of soldiers [...] including commanders”.<sup>846</sup> The same source noted that “Justice Minister Bekir Bozdağ [...] said around 6,000 suspects, including at least 2,839 soldiers [...] have been detained as part of a wide-scale operation launched following” the attempted coup.<sup>847</sup> Amongst those detained was “the chief military assistant to Turkish President Recep Tayyip Erdoğan, Col. Ali Yazıcı; the commander of the 2nd Army, Gen. Adem Huduti; the executive officer and Malatya Garrison Commander Avni Angun; and the commander of the 3rd Army, Gen. Erdal Öztürk. Air Forces Commander Akin Öztürk was also detained on suspicion of masterminding the coup attempt, according to multiple reports. In addition, Adana İncirlik 10th Adana Tanker Base Commander Gen. Bekir Ercan was among those detained”.<sup>848</sup> Additional military personnel detained included:

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<sup>844</sup> The Wall Street Journal, [Turkish Officers Acquitted Over Coup Plot](#), 31 March 2016

<sup>845</sup> Middle East Eye, [ANALYSIS: Turkey's former generals walk free on 'coup' verdict](#), 5 April 2016

<sup>846</sup> Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

<sup>847</sup> Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

<sup>848</sup> Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

Police also detained eight Air Force generals suspected of being appointed to the top “coup command posts” if the failed attempt had succeeded, at Istanbul’s Sabiha Gökçen Airport late on July 16. In the Aegean province of İzmir, Aegean Army Deputy Commander Brig. Mamduh Hakbilken and Foça Marine Amphibious Force Brigadier Commander Commodore Halil İbrahim Yıldız were among those detained.

Meanwhile operations in Turkey’s eastern and southeastern provinces also took place, with Brig. Arif Seddar Afşar in Bitlis, Brig. Yunus Kotaman in Bingöl, Brig. Abdülkerim Ünlü in Tunceli, Brig. Ahmet Şimşek in Siirt, and Maj. Gen. Halil İbrahim Ergin in Hakkari all being detained. [...]

Eight generals, namely Brig. İrfan Can, Maj. Gen. İmdat Bahri Biber, Maj. Gen. Fethi Alpay, Maj. Gen. Haluk Sahar, Maj. Gen. Mehmet Özlü, Brig. Ahmet Biçer, Maj. Gen. Şaban Umut and Maj. Gen. Serdar Gülbaş were detained.<sup>849</sup>

Radio Free Europe/Radio Liberty reported on 20 July 2016 that “Turkey has formally charged 99 military generals for their role in the failed coup attempt”, which represents about “a third of the country’s military top brass”.<sup>850</sup>

On 21 July 2016 Radio Free Europe/Radio Liberty further reported that “The Defense Ministry is investigating all military judges and prosecutors and has suspended 262 of them, broadcaster NTV reported”.<sup>851</sup>

Radio Free Europe/Radio Liberty reported on 26 July 2016 that Turkey detained the top Turkish military generals that are serving as part of NATO forces in Afghanistan, Major General Mehmet Cahit Bakir, Commander of Turkey’s task force in Afghanistan, and Brigadier General Sener Topuc, Chief of the Appointment Department for Turkish Land Forces, on suspicion of having links to the attempted coup.<sup>852</sup>

The Guardian reported on 28 July 2016 that “Two of Turkey’s highest-ranked generals resigned on Thursday as the prime minister prepared to meet military commanders over one of the most radical shake-ups in the armed forces’ history in the wake of a failed coup. Generals İhsan Uyar and Kamil Başoğlu, who both or general - Turkey’s highest rank for a general - stepped down ahead of the meeting [...] Their resignations follow the dishonourable discharge of 149 generals over the coup”.<sup>853</sup>

The same source further noted that “Lower-ranking officers are expected to be fast-tracked to fill the gaps in the top positions. In the wake of the coup the military has already lost control of the coastguard and gendarmerie, which will now be dependent on the interior ministry”.<sup>854</sup> The Guardian further broke down the discharge of the 149 generals as follows: “Eighty-seven land army generals, 30 air force generals, and 32 admirals – a total of 149 – were dishonourably discharged over their complicity in the 15 July putsch bid, an official said, confirming a government decree. In addition, 1,099 officers and 436 junior officers have also received a dishonourable discharge” and reported that “178 generals have been detained, with 151 of them already remanded in custody, around half of the 358 serving generals”.<sup>855</sup>

The German Federal Office for Migration and Refugees reported that “On 30 July 2016 President Erdogan announced a reform of the Turkish armed forces. More soldiers were dismissed, based on

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<sup>849</sup> Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

<sup>850</sup> Radio Free Europe/Radio Liberty, [Turkey Formally Charges 99 Generals, Admirals For Coup Attempt](#), 20 July 2016

<sup>851</sup> Radio Free Europe/Radio Liberty, [More Arrests In Turkey As State Of Emergency Takes Effect](#), 21 July 2016

<sup>852</sup> Radio Free Europe/Radio Liberty, [Turkish Crackdown Nets Top Generals In NATO's Afghan Force](#), 26 July 2016

<sup>853</sup> The Guardian, [Turkish generals resign as government prepares to overhaul armed forces](#), 28 July 2016

<sup>854</sup> The Guardian, [Turkish generals resign as government prepares to overhaul armed forces](#), 28 July 2016

<sup>855</sup> The Guardian, [Turkish generals resign as government prepares to overhaul armed forces](#), 28 July 2016



an emergency decree about 1,400 were given dishonourable discharges".<sup>856</sup> On 30 July 2016 Radio Free Europe/Radio Liberty reported that over 9,000 people, mostly in the military, have been put under arrest in the aftermath of the attempted coup, whilst "in Istanbul [...] 758 out of 989 conscripts under arrest in the coup investigation were freed by the chief public prosecutor's office following a court decision. The prosecutors recommended their release on the grounds they had delivered their testimony and did not pose a flight risk. Among those released were military high-school students. Another 47 enlisted conscripts were released by a court in Ankara on similar grounds".<sup>857</sup>

A day later, on 31 July 2016 the same source reported the dismissal of 1,389 armed forces personnel for suspected links to U.S.-based Fethullah Gulen".<sup>858</sup> Amongst those Al Jazeera reported were President Recep Tayyip Erdogan's "chief military adviser, the Chief of General Staff's charge d'affaires and the defence minister's chief secretary".<sup>859</sup>

The Turkish national news agency AA noted on 1 August 2016 that "A total of 3,073 military personnel including 158 general and admirals have been dismissed from Turkish Armed Forces over links to Fetullah Terrorist Organization (FETO)".<sup>860</sup>

Al Jazeera summarised on 15 August 2016 that:

With the initial dismissal of more than 1,000 ranking officers, the state had formally discharged nearly 44 percent of land force generals, 42 percent of air force generals and 58 percent of navy admirals. By July 31, the total number of soldiers dismissed had surpassed 3,000, while the number of soldiers of various ranks detained stood at around 8,000.<sup>861</sup>

Radio Free Europe/Radio Liberty reported on 1 September 2016 about the discharging of another 820 people from the land and naval forces, "ranging from senior general to rang-and-file soldiers".<sup>862</sup>

Hurriyet Daily News reported on 5 October 2016 that "The personnel figures in the Turkish Armed Forces (TSK) have sharply fallen since the evening of the failed coup attempt on July 15, mainly due to the separation of the gendarmerie from the force, as well as large numbers of suspensions. A total of 355,212 military personnel are currently serving under the roof of the TSK, the military announced on its website on Oct. 5, revealing a dramatic decline from the 518,166 at the end of June. The June figures showed that the personnel number of the gendarmerie stood at 160,148".<sup>863</sup> The same source provided the following additional figures pre- and post-coup:

According to [...] new statement, 201 generals and admirals and 29,434 military officers are currently on duty [...]

Before the coup attempt, there were 358 generals and admirals in total, with 32 of them being in the gendarmerie.

The army added that there were 67,257 non-commissioned officers on duty. It also stated that there were 49,279 specialized sergeants and 15,869 contracted privates after the dismissals. There are also 6,072 reserve officers and 187,100 privates in the army, according to the military. According to the statement by the General Staff on July 1, there were 39,287 military officers, along

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<sup>856</sup> BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 1.08.2016](#), 1 August 2016

<sup>857</sup> Radio Free Europe/Radio Liberty, [Turkey Releases Over 800 Soldiers After Failed Coup](#), 30 July 2016

<sup>858</sup> Radio Free Europe/Radio Liberty, [Turkey Dismisses Almost 1,400 Personnel From Armed Forces](#), 31 July 2016

<sup>859</sup> Al Jazeera, [More government ministers to head Turkey's military](#), 1 August 2016

<sup>860</sup> AA, [Turkey's military restructured after failed coup bid](#), 1 August 2016

<sup>861</sup> Al Jazeera, [How will the military shake-up affect Turkey's future?](#), 15 August 2016

<sup>862</sup> Radio Free Europe/Radio Liberty, [Turkey Discharges Another 820 From Armed Forces After Failed Coup](#), 1 September 2016

<sup>863</sup> Hurriyet Daily News, [Turkish military personnel number shrinks after structural change](#), 5 October 2016

with 96,391 non-commissioned officers, 21,303 specialized gendarmerie, 76,641 specialized privates, 13,216 contracted privates, 6,477 reserve officers and 264,493 privates in the army. According to initial figures announced in early September after the coup attempt, the number of total military personnel decreased to 351,176.

There were 206 generals and admirals, 29,946 military officers, 67,646 non-commissioned officers and 48,879 specialized sergeants, along with 15,888 contracted privates, 5,827 reserve officers and 182,784 privates, according to figures released on Sept. 9.

In addition, according to the latest decision taken at the meeting of the Supreme Military Council (YAŞ) in August, a total of 586 colonels were retired from the army.

Some 470 of the retired colonels were from the Land Forces, 71 were from the Naval Forces while the other 45 were from the Air Force, the Defense Ministry announced.

However, the terms of office of 434 colonels was expanded for two years on Aug. 30, according to a decision approved by President Recep Tayyip Erdoğan.

Some 372 of the colonels whose terms were expanded were from the Land Forces, 27 were from the Naval Forces and 35 were from the Air Force.<sup>864</sup>

Al Monitor reported that on 12 October 2016 “in the fifth wave of purges, 201 ranking officers from the Turkish air force and 32 from the navy were discharged”.<sup>865</sup> The same source further noted that “A striking commonality in the latest wave of dismissals quickly attracted attention. In this group of mostly captains, majors and lieutenant colonels, the majority were highly qualified TSK officers assigned to critical transformation projects. Most had completed master’s degrees or doctoral studies in prestigious US military institutes such as the Naval Postgraduate School in Monterey, California, the Air Force Institute of Technology at Wright-Patterson Air Force Base near Dayton, Ohio, and top colleges such as Yale, Princeton and Stanford”<sup>866</sup>

The source also mentioned a special Council that was set up in the General Staff headquarters, which “serves as an expert body that helps civilian prosecutors evaluate detained officers or those under suspicion. When the council is unable to reach agreement on whether an officer is a Gulenist affiliate, the officer in question will surely be detained and expelled from the TSK. The council’s use of this bizarre reasoning, instead of coming up with solid evidence, is making life miserable and difficult for the young officers. So far, information has been tightly guarded about who serves on the experts council, how it works and what criteria it applies to inform the civilian prosecutors”.<sup>867</sup> The same source further reported that “‘The victims of this practice who suffer the most are the military attaches and officers in the TSK abroad. Today there are detention orders for about 40 military attaches.’ One Turkish air force pilot in the United States, Brig. Yavuz Celik, returned and was arrested, according to Unal. ‘Now others are hesitating and waiting,’ he added. Along with 40 attaches, about 300 officers assigned to NATO are being ordered to return to Turkey. These bright, foreign-language-speaking officers with academic backgrounds now have to decide whether to return or stay where they are and ask for asylum”.<sup>868</sup>

On 27 October 2016 Turkish prosecutors “issued arrest warrants for 73 air force pilots”, with operations focusing on “an air base in the central Turkish province of Konya [...] The latest detentions will bring to more than 300 the number of pilots dismissed or arrested as part of the coup investigation”, reported Press TV.<sup>869</sup> The same source further noted that “Last week [mid-October 2016], police detained 47 soldiers in a similar operation focused on the Konya base, of which 29 were subsequently remanded in custody, according to Dogan”.<sup>870</sup>

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<sup>864</sup> Hurriyet Daily News, [Turkish military personnel number shrinks after structural change](#), 5 October 2016

<sup>865</sup> Al Monitor, [Why US-educated Turkish officers could soon be out of their jobs](#), 18 October 2016

<sup>866</sup> Al Monitor, [Why US-educated Turkish officers could soon be out of their jobs](#), 18 October 2016

<sup>867</sup> Al Monitor, [Why US-educated Turkish officers could soon be out of their jobs](#), 18 October 2016

<sup>868</sup> Al Monitor, [Why US-educated Turkish officers could soon be out of their jobs](#), 18 October 2016

<sup>869</sup> Press TV, [Turkey orders arrest of pilots in post-coup crackdown](#), 27 October 2016

<sup>870</sup> Al Monitor, [Why US-educated Turkish officers could soon be out of their jobs](#), 18 October 2016

On 18 November 2016 the Middle East Eye reported that “Turkish military officers serving with NATO in Europe have requested asylum since the abortive coup in Turkey in July, alliance Secretary General Jens Stoltenberg said on Friday. Several of them have sought sanctuary in Germany after being stationed at the Ramstein Air Base, a US base in south-western Germany used by NATO, Germany's DPA news agency reported on Friday”.<sup>871</sup>

For further information on the treatment of Turkish nationals abroad, see section [4.g Perceived or actual members or associates of the Gulen movement and their family members living abroad](#), and for information on diplomats and military attachés, claiming asylum abroad see section [6.e.i Diplomats](#).

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported on 12 December 2016 that “The dismissal of a number of members of the Turkish armed forces resulted in a decrease, by one third, of military personnel”.<sup>872</sup>

On 30 December TurkeyPurge reported that “A total of a hundred high-ranking military officers have been arrested by a court on charges of using ByLock, a smart phone application that authorities believe is a communication tool between members of the Gülen movement. The T24 news portal reported on Friday that the İstanbul Public Prosecutor’s office had previously launched an investigation into a total of 575 officers over the use of ByLock. So far, 351 of them have been detained by police and an İstanbul court on Friday arrested 100 of them”.<sup>873</sup> On the same day an additional “Sixty-one high-ranking military officers have been arrested by a court on charges of using ByLock”.<sup>874</sup>

Deutsche Welle reported on 5 January 2017 that “The state-run Anadolu Agency reported that the court in the eastern city of Erzurum had convicted a former colonel and a former major on counts of attempting to abolish Turkey's ‘constitutional order.’ The two defendants have rejected the accusation. Both were on duty at Erzurum's gendarmerie command at the time of the failed coup on July 15”.<sup>875</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Spiegel Online reported in January 2017 that “In the wake of the coup attempt, Erdogan has been tough in cracking down on suspected conspirators [...] But no institution has been as hard hit by the purge as the military. One-third of all generals and admirals have been suspended from service and the air force has lost 265 of its around 400 fighter pilots. The repression has also been directed at Turks abroad. Erdogan has recalled at least 270 officers and military attachés at NATO bases, including those in Mons, Naples and Ramstein in Germany. NATO Supreme Commander Curtis Scaparrotti warns the dismissals have “degraded” the alliance's military capabilities”.<sup>876</sup>

With regards to Turkish military officers serving NATO worldwide, Deutsche Welle reported that:

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<sup>871</sup> Middle East Eye, [NATO officers among thousands of Turks seeking asylum in Germany](#), 18 November 2016

<sup>872</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraph 37

<sup>873</sup> TurkeyPurge, [100 high-ranking military officers arrested over use of ByLock](#), 30 December 2016

<sup>874</sup> TurkeyPurge, [61 high-ranking military officers arrested over use of ByLock](#), 30 December 2016

<sup>875</sup> Deutsche Welle, [Turkey jails two security officials for life in first ruling over coup attempt](#), 5 January 2017

<sup>876</sup> Spiegel Online, [Purges Have Weakened Once Mighty Turkish Military](#), 18 January 2017

wherever Western-educated Turks were posted, including Belgium, Germany, the Netherlands, Norway and the US. Turkish diplomatic missions received weekly lists of military personnel who were to be "purged:" stripped of their positions, salaries, benefits - their entire identities. Eventually more than two-thirds of the roughly 900 Turkish military officers serving NATO worldwide were labeled as suspects linked to Erdogan's enemy, Muslim cleric Fethullah Gulen, who lives in exile in the US.<sup>877</sup>

In mid-January 2017 Reuters reported that "Turkish prosecutors have issued arrest warrants for 243 members of the military in 54 provinces across the country".<sup>878</sup>

Radio Free Europe/Radio Liberty stated in May 2017 that "Twenty-six former generals are among the defendants in the trial [...] The former generals charged include former Air Force chief Akin Ozturk and Mehmet Disli, the brother of senior ruling party lawmaker Saban Disli. Also on trial is Colonel Ali Yazici, Erdogan's former military aide".<sup>879</sup>

In June 2017 23 soldiers were jailed for life in "first coup sentences" reported Middle East Eye.<sup>880</sup> According to the same source they were found guilty of "trying to overthrow the constitutional order" and "depriving an individual of their liberty".<sup>881</sup>

On 1<sup>st</sup> August 2017 "Nearly 500 suspects, including a number of generals and military pilots" went on trial in Turkey in addition to "7 others, including U.S.-based cleric Fethullah Gulen, [who] are being tried in absentia", accused of "leading last year's failed coup attempt and carrying out attacks from an air base in Ankara", reported CBC News.<sup>882</sup> They face "life terms in prison for crimes that include violating the constitution, murder, attempt to assassinate the president and overthrow the government".<sup>883</sup>

Hurriyet Daily News reported in September 2017 that soldiers "victimized in previous years by followers of the U.S.-based Islamic preacher Fethullah Gülen have been trying to make a living working in various different professions, while harboring hopes of returning to the Turkish Armed Forces".<sup>884</sup> According to the same source many soldiers were dismissed from the military in plots "conspired" by the Gulen movement on "spurious accusations", particularly from around 2012 to 2014, for replacement by Gulen-linked soldiers.<sup>885</sup> Many of these soldiers are continuing their legal processes at the Constitutional Court, with those who have won their case being sent to the Council of State which directs files to administrative courts, which in turn sends the "rights violation" ruling to the force command from which the soldier was dismissed.<sup>886</sup>

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<sup>877</sup> Deutsche Welle, [Turkey's purged military officers stuck in limbo one year after failed coup](#), 14 July 2017

<sup>878</sup> Reuters, [Turkey issues arrest warrants for 243 military members in post-coup probe: Anadolu](#), 18 January 2017

<sup>879</sup> Radio Free Europe/Radio Liberty, [Trial Of Alleged Turkey Coup Ringleaders Begins Amid Criticism From Rights Group](#), 22 May 2017

<sup>880</sup> Middle East Eye, [Turkey jails 23 soldiers for life in first coup sentences](#), 15 June 2017

<sup>881</sup> Middle East Eye, [Turkey jails 23 soldiers for life in first coup sentences](#), 15 June 2017

<sup>882</sup> CBC News, [Nearly 500 suspects on trial over Turkey's failed coup](#), 1 August 2017

<sup>883</sup> CBC News, [Nearly 500 suspects on trial over Turkey's failed coup](#), 1 August 2017

<sup>884</sup> Hurriyet Daily News, [Former soldiers victimized by Gülenists struggle to make a living, seek return to army](#), 4 September 2017

<sup>885</sup> Hurriyet Daily News, [Former soldiers victimized by Gülenists struggle to make a living, seek return to army](#), 4 September 2017

<sup>886</sup> Hurriyet Daily News, [Former soldiers victimized by Gülenists struggle to make a living, seek return to army](#), 4 September 2017

## f. Lawyers

### Pre-attempted coup situation

The U.S. Department of State report covering 2015 noted that “Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities [...] At times lawyers were detained when they attempted to intervene on behalf of protesters”.<sup>887</sup>

On 28 November 2015 Mr. Tahir Elçi, President of the Bar Association in south-east Diyarbakir province, a prominent lawyer and human rights defender, was killed by unidentified gunmen.<sup>888</sup> According to the World Organisation Against Torture:

The assassination of Mr. Tahir Elçi takes place against the backdrop of the deteriorating human rights situation in Turkey. The authorities have launched a strong security offensive over the past five months under the pretext of countering terrorism. However, the operation turned into a massive crackdown on some civil society organisations depicted as “terrorist networks”. This campaign has been targeting dozens of peaceful activists who have been involved in the monitoring of human rights violations resulting from anti-terrorism operations and advocating for a peaceful resolution of the Kurdish issue. These peaceful activists include human rights defenders, particularly IHD [Human Rights Association] members, lawyers, political party representatives and journalists.<sup>889</sup>

The United Nations Special Rapporteur on the independence of judges and lawyers, Mónica Pinto, condemned the killing and stated that “I am also concerned about the ‘chilling effect’ Mr. Elçi’s death may have on lawyers, their independence, and the exercise of their right to freedom of opinion and expression”.<sup>890</sup> The International Commission of Jurists (ICJ) reported that “The ICJ is concerned that insufficient steps were taken to protect the safety of Tahir Elçi, in a context where it was known that he was likely to be a target of violence and where his prosecution was likely to increase the danger to his life. It is also of concern that there appear to have been failings in the investigation into the killing which could compromise the effectiveness of the investigation and its capacity to bring the perpetrators of the killing to justice. In particular, it appears that there was no crime scene investigation for several days, and that insufficient steps were taken to secure the crime”.<sup>891</sup>

In June 2016 the International Federation for Human Rights reported that two members of the Association of Lawyers for Freedom (Ozgurlukcu Hukukcular Dernegi – OHD), Ramazan Demir and Ayse Acinikli, who had been briefly arrested in March 2016 alongside seven other OHD lawyers in anti-terrorism operation “targeting at least 89 individuals throughout the country” had been rearrested in April 2016 and detained since then under terrorism-related charges.<sup>892</sup> According to

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<sup>887</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

<sup>888</sup> World Organisation Against Torture, [Turkey: Killing of Mr. Tahir Elçi, President of the Bar Association in south-east Diyarbakir province and member of IHD](#), 1 December 2015

<sup>889</sup> World Organisation Against Torture, [Turkey: Killing of Mr. Tahir Elçi, President of the Bar Association in south-east Diyarbakir province and member of IHD](#), 1 December 2015

<sup>890</sup> UN Office of the High Commissioner for Human Rights, [Turkey: UN rights expert condemns killing of Tahir Elçi and calls for thorough, independent and transparent investigation](#), 01 December 2015

<sup>891</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers p.20-21*

<sup>892</sup> International Federation for Human Rights (FIDH), [Turkey: Trial against lawyers Ramazan Demir and Ayse Acinikli opens on June 22](#), 20 June 2016

the same source during their interrogation they were “questioned about interviews they gave in the media, complaints they lodged before the European Court of Human Rights (ECtHR) and visits to their clients”.<sup>893</sup>

The International Commission of Jurists (ICJ) reported in a June 2016 report that “Lawyers and NGOs in Turkey reported to the ICJ that other human rights defenders and lawyers, in particular those working in the south of the country, are also at risk of violence and receive threats to their lives, and that criticism of them by the government increases the danger they face. A number of lawyers are currently facing criminal charges, connected with their professional duties. [...] The ICJ is concerned that the independence and security of lawyers is under increasing threat in Turkey, with potentially serious consequences for the capacity of lawyers to play their proper role in the administration of justice, and the protection of the rule of law and human rights in the justice system”.<sup>894</sup>

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that “The situation of lawyers, including those working on cases of enforced disappearance, is particularly worrisome. The Working Group received information about the arrest, detention and prosecution on terrorism-related charges of lawyers defending individuals accused of terrorism-related crimes, mostly on the grounds of an alleged link to, or the provision of support for, their clients’ alleged criminal activities. This is inadmissible in a democratic society governed by the rule of law and is particularly concerning in the light of the increasingly broader and more vague definition of terrorism and of ‘illegal organizations’. The Working Group also received information on threats and intimidation against human rights defenders and lawyers working on enforced disappearance cases, sometimes even during hearings in courts”.<sup>895</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

The Business Insider reported in August 2016 that “Suspects are having trouble finding adequate counsel because expert lawyers are either afraid to be associated with the coup or are personally repulsed by the putsch, said Turkdogan of Turkey's Human Rights Association. In some cases, legal aid is provided, but those lawyers are often inexperienced and intimidated by the authorities, he said”.<sup>896</sup>

Human Rights Watch similarly reported in August 2016 that “Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association”.<sup>897</sup> Furthermore, the same source noted that:

Some lawyers asked to represent judges and prosecutors accused of links to the coup or Gülen movement said they felt pressure not to represent those clients or feared being associated with Gülenists if they did. Given that dozens of lawyers have been detained for alleged association with the Gülen movement in Istanbul, Konya, Izmir, and other cities, concerns about the risk of being associated with the movement are understandable. The Adana Bar Association on July 26 made a public statement referring to the “fear” and “concern” about possible reprisals felt by lawyers in Adana, the decision by some not to provide legal aid to people detained in relation to the failed coup

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<sup>893</sup> International Federation for Human Rights (FIDH), [Turkey: Trial against lawyers Ramazan Demir and Ayse Acinikli opens on June 22](#), 20 June 2016

<sup>894</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers p.20-21*

<sup>895</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, paragraph 39-40

<sup>896</sup> Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

<sup>897</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

attempt, and the negative treatment they faced from the police and prosecutors if they did represent the detainees. [...].<sup>898</sup>

Reporting with regards to the impact of emergency decree 668, a September 2016 Reporters Sans Frontières report noted that “The crackdown since the coup attempt has also targeted many judges, prosecutors and even lawyers. Lawyers have been arrested or placed under investigation or their offices have been raided. This climate of intimidation discourages both pro-Gülen movement lawyers and human rights lawyers from defending journalists who have been taken into custody”.<sup>899</sup>

In its ‘Daily Human Rights Report’ covering the period 7-9 September, the Human Rights Foundation of Turkey reported that “25 lawyers including Progressive Lawyers Association (Çağdaş Hukukçular Derneği – ÇHD) Vice-Chair Münip Ermiş, former ÇHD member Hakan Evcin and Antalya Bar Association board member Lider Tanrikulu were detained on 8 September 2016 in Antalya in connection with the “Gülenist Movement terror organisation FETÖ/PDY” investigation”.<sup>900</sup>

Human Rights Watch explained in an October 2016 report with regards to the treatment of lawyers that “Lawyers have been targeted too. The Union of Turkish Bar Associations informed Human Rights Watch that 79 bar associations had reported that in total 202 lawyers had been placed in pretrial detention on suspicion of involvement in the coup attempt or links to the Gülen movement”.<sup>901</sup>

On 16 November 2016 the Observatory for the Protection of Human Rights Defenders reported about the “provisional release of Mr. Levent Pişkin, a human rights lawyer member of the Association of Lawyers for Freedom (Ozgurlukcu Hukukcular Derneği – OHD), Lesbian, Gay, Bisexual, transexual and intersex (LGBTI) rights activist and member of the Justice Commission of the Peoples’ Democratic Party (HDP)” after his arrest in relation to “his visit to his client, Member of Parliament. Selahattin Demirtaş, HDP co-Chair, detained since November 4, 2016. Some media accused him of conveying Mr. Selahattin Demirtaş’s message to a German Magazine which could be used as propaganda”.<sup>902</sup>

The International Commission of Jurists reported in December 2016 that “More than 573 lawyers are reported to have been detained in connection with the failed coup since July, and more than 200 have been arrested, and their assets frozen. Amongst those reported to be arrested are four Presidents of regional bar associations: Orhan Öngöz, President of the Trabzon Bar; Mehmet Cemal Acar, President of the Siirt Bar; İsmail Taştan, President of the Gumushane – Bayburt Regional Bar and Fevzi Kayacan, President of the Konya Bar. The ICJ considers that many of these detentions and arrests are likely to be arbitrary”.<sup>903</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

According to an April 2017 Stockholm Center for Freedom report, “Over 1000 lawyers have been detained and 411 have been arrested during the last eight months. The accusations raised against these lawyers range from membership in certain social groups and associations to alleged complicity

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<sup>898</sup> Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

<sup>899</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6

<sup>900</sup> Human Rights Foundation of Turkey, [7-9 September HRF Daily Human Rights Report](#), 9 September 2016,

<sup>901</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, III. *Climate of Fear*, p.26

<sup>902</sup> Observatory for the Protection of Human Rights Defenders, [Turkey: Provisional release of human rights lawyer Mr. Levent Pişkin](#), 16 November 2016

<sup>903</sup> International Commission of Jurists, [Turkey: emergency measures have gravely damaged the rule of law](#), 6 December 2016

in the crimes with which their clients are charged. In some cases, they are even being questioned why they vigorously defended their clients in the courtrooms”.<sup>904</sup> Furthermore, “It has been routine practice for lawyers to be beaten in prisons when they go to visit their clients and forced to wait for hours before they can see their clients even for a brief period of time”.<sup>905</sup>

According to the June 2017 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey, “Lawyers representing detained persons reported harassment pursuant to the course of their work. The Government has launched an investigation into the tax records of a number of lawyers and many have been investigated and detained”.<sup>906</sup>

In June 2017 Amnesty International reported that “Taner Kiliç, the Chair of Amnesty International Turkey, was today detained by police along with 22 other lawyers in Izmir on suspicion of having links with the Fethullah Gülen movement”.<sup>907</sup>

The Thomson Reuters Foundation News reported in June 2017 that Turkish authorities issued detention warrants for 189 lawyers across eight provinces including Istanbul for their alleged links to the Gulen movement.<sup>908</sup> The same source further noted that “Police have so far detained 78 of the lawyers, some believed to be users of ByLock, an encrypted messaging app the government says was used by Gulen's followers”.<sup>909</sup> According to the Arrested Lawyers Initiative, as of 23 July 2017, 524 lawyers had been arrested and 1323 are ‘under prosecution’.<sup>910</sup>

The Stockholm Center for Freedom reported that in August 2017, “The Turkish Ministry of Justice has instructed high criminal court prosecutors to ban lawyers under investigation from defending suspects and convicts accused of terror offenses and plotting a controversial coup attempt last summer. [...] According to the ministry instructions, lawyers who are being investigated and prosecuted for the same charges can be prohibited from doing their jobs for up to two years”.<sup>911</sup>

Reporting in September 2017, the Stockholm Center for Freedom noted that “Lawyers and lawyers’ associations, the founders and members of which are considered to be close to the movement, appear to have been singled out in particular by the government in cracking down on opposition groups in Turkey. This clearly demonstrates the trouble with the justice system and casts serious doubts on the legitimacy of emergency rule. Criminal charges against lawyers have aimed at depriving tens of thousands of people of their fundamental rights of access to legal counsel, due process and a fair trial. [...] The Turkish government has also targeted Turkish lawyers’ right to freedom of association. Thirty-four lawyers’ societies or associations have been arbitrarily shut down in the last year alone. Following the closures, all of their assets were confiscated without

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<sup>904</sup> Stockholm Center for Freedom, [Turkey’s Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, *Lawyers under the crackdown* p.5

<sup>905</sup> Stockholm Center for Freedom, [Turkey’s Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, *Lawyers under the crackdown* p.5

<sup>906</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 74

<sup>907</sup> Amnesty International, [Chair of Amnesty International Turkey swept up in post-coup purge](#), 6 June 2017

<sup>908</sup> Thomson Reuters Foundation News, [Turkey seeks detention of 189 lawyers in post-coup probe – media](#), 14 June 2017

<sup>909</sup> Thomson Reuters Foundation News, [Turkey seeks detention of 189 lawyers in post-coup probe – media](#), 14 June 2017

<sup>910</sup> Arrested Lawyers Initiative, [Situation in Turkey, 524 lawyers have been arrested since July of 2016](#), 23 July 2017

<sup>911</sup> Stockholm Center for Freedom, [Turkish Gov’t Instructs Prosecutors To Ban Lawyers Under Investigation From Defending Suspects](#), 9 August 2017



compensation. After long pretrial detentions, the government started rushing the trials, resulting in heavy sentences for lawyers on trumped-up “terror” and “coup” charges that result in permanent disbarment”.<sup>912</sup>

For more information on the treatment of human rights defenders see [5.c. Treatment of civil society, human rights and political activists.](#)

#### **g. Perceived or actual members or associates of the Gulen movement and their family members living abroad**

This section should be read in conjunction with sections [1.a.i.2.h. Decrees of 6 January 2017 \[KHK/679, 680 and 681\]](#), [1.a.1.2.p. Decrees of 25 August 2017 \(KHK/693 and 694\)](#), [4.q.i. Closure of Gulen schools abroad](#), [5.a.ii. Treatment of political opponents abroad](#), and [6.e.i. Diplomats](#).

##### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Illustrating the extent of the crackdown, the Jamestown Foundation reported on 3 August 2016 that “Abroad, the Turkish president is leveraging Turkey’s important investments and economic influence in order to intensify his calls to close down Gülenist schools and even investigate and arrest anti-Erdoğan journalists on foreign soil. In the past several years, countries in the Western Balkans, such as Albania, Kosovo and Bosnia-Herzegovina, have felt pressure from Turkey to reject Gülenist influence in their societies. This pressure is now growing, as Turkey threatens to curtail its economic ties with these states”.<sup>913</sup>

On 20 September 2016 Turkish President Recep Tayyip Erdogan addressed the UN General Assembly in New York stating: “I would like to call on all our friends to take the necessary measures against the Fethullah Terrorist Organization in their own countries for the future of their own people and their well-being”.<sup>914</sup> Al Arabiya further noted that “Erdogan told the United Nations that the movement was present in 170 countries, posing a ‘national security threat’ to all of them. ‘This terrorist organization is in a deep mental heresy of subduing the whole world, far beyond Turkey’ he said”.<sup>915</sup>

Swedish Radio reported in July 2016, that a website linked to the ruling AK Party was asking its nationals living abroad to report people and organizations that support the Gulen movement.<sup>916</sup>

Turkish Minute noted that “The media earlier reported that sympathizers of the Gülen movement were even denied entry to mosques in Europe. At least 35 incidents this year were reported involving threats against Hizmet members in the German state of North Rhine-Westphalia (NRW) alone, Ralf Jäger, NRW’s interior minister, told Deutsche Welle in September. In the meantime, Dutch police, until early September, had investigated 150 complaints lodged by sympathizers of the movement for threats and intimidation they received on social media. A 28-year-old man of Turkish origin was also handed down a prison sentence of eight months and a fine of 23,000 euros by a French court after he attacked several institutions affiliated with the faith-based Gülen movement in the country, in September”.<sup>917</sup>

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<sup>912</sup> Stockholm Center for Freedom, [Erdogan’s Rule by Royal Decree: Turkey’s Contempt for the Rule of Law](#), September 2017, 3.7. *Lawyers associations* p.26-27

<sup>913</sup> The Jamestown Foundation, [Attack on Gülen Movement Increasingly a Cornerstone of Turkey’s Foreign Policy in the Balkans](#), Eurasia Daily Monitor Volume: 13 Issue: 141, 3 August 2016

<sup>914</sup> Al Arabiya, [Erdogan at UN urges global action against preacher](#), 20 September 2016

<sup>915</sup> Al Arabiya, [Erdogan at UN urges global action against preacher](#), 20 September 2016

<sup>916</sup> Reuters, [Turkey asking Turks abroad to report Gulen supporters whereabouts: Swedish Radio](#), 22 July 2016

<sup>917</sup> Turkish Minute, [Turkey asks imams abroad to profile Gülen-linked expatriates](#), 13 December 2016

The TurkeyPurge reported on 2 November 2016 that “Cem Küçük, a staunchly pro-government journalist who is known for his attacks on government critics on social media, has said the Justice and Development Party (AK Party) government has established a special unit to bring Gülen followers who fled the country in the wake of a government crackdown on the movement back to Turkey”.<sup>918</sup>

The Middle East Eye reported on 18 November 2016 that “Turkey’s relentless pursuit of US-based cleric Fethullah Gülen’s supporters during the past four months - both at home and abroad - has now resulted in Turkish military personnel serving at NATO bases seeking asylum, fearing persecution if they return home [...] Turkish media put the number of those seeking asylum in Germany since the failed 15 July coup attempt in Turkey at 60, which also includes family members of personnel stationed at Ramstein”.<sup>919</sup>

A document from September 2016 and published by Turkish Minute reportedly shows that Turkey’s Directorate of Religious Affairs (Diyanet) asked Turkish missions and religious representatives abroad to profile Gülen movement expatriates living in their respective foreign countries.<sup>920</sup> The document was quoted as stating:

We request that you send a detailed report about all FETÖ/PDY networks, activities, educational institutions [kindergartens, primary and secondary schools, faculties, dormitories, etc.] NGOs, aid organizations, human resources, associations that host cultural activities, etc., to [disiliskiler@diyanet.com.tr](mailto:disiliskiler@diyanet.com.tr) by Sept. 27,2016.<sup>921</sup>

Hurriyet Daily News reported on 7 December 2016 that “Turkey’s Directorate of Religious Affairs (Diyanet) has gathered intelligence via imams from 38 countries on the activities of suspected followers of the U.S.-based Islamic preacher Fethullah Gülen [...] The Diyanet briefed a parliamentary commission formed to investigate the thwarted coup and revealed its intelligence activities regarding the Gülen movement in Europe and Asia. The Diyanet said it gathered intelligence and prepared reports on Gülenists in, Abkhazia, Germany (three reports from Dusseldorf, Cologne and Munich), Albania, Australia (two reports from Melbourne and Sydney), Austria (two reports from Salzburg and Vienna), Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria (two reports from Plovdiv and Sofia), Denmark, Estonia, Finland, Georgia, the Netherlands, the United Kingdom, Sweden, Switzerland, Italy, Japan, Montenegro, Kazakhstan, Kenya, Kyrgyzstan, Kosovo, Lithuania, Macedonia, Mongolia, Mauritania, Nigeria, Norway, Poland, Romania, Saudi Arabia, Tajikistan, Tanzania, Turkmenistan and Ukraine. Photos of individuals allegedly linked to the Gülen movement were also included in some of the Diyanet’s files. Gülen-linked schools, businesses, foundations, associations and media outlets were also included in the 50 reports prepared from the intelligence gathered from mosque officials, religious coordinators and religious services counsellors”.<sup>922</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Documents obtained by Deutsche Welle in February 2017 reportedly reveal “a larger effort by Diyanet in Germany and Europe to report back to Ankara on the Gülen movement. Among the

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<sup>918</sup> TurkeyPurge, [Turkey sets up special unit to abduct Gülen followers abroad, pro-gov’t journalist claims](#), 2 November 2016

<sup>919</sup> Middle East Eye, [Turkey crackdown: Gülenists abroad are feeling the heat](#), 17 November 2016

<sup>920</sup> Turkish Minute, [Turkey asks imams abroad to profile Gülen-linked expatriates](#), 13 December 2016

<sup>921</sup> Turkish Minute, [Turkey asks imams abroad to profile Gülen-linked expatriates](#), 13 December 2016

<sup>922</sup> Hurriyet Daily News, [Diyanet gathers intelligence on suspected Gülenists via imams in 38 countries](#), 7 December 2016

reports are ones written by religious attachés at Turkish diplomatic missions in Munich, the Netherlands, Austria, Switzerland and Belgium. In all, the reports identify dozens of individuals, associations, businesses and schools with supposed affiliations to the global network of the Gulen, who denounced the coup attempt and denied any involvement. In other parts, the memos describe activities organized by the movement. One section from the Salzburg, Austria, memo describes how a Gulen-affiliated group ‘successfully infiltrated (the Turkish community) in the name of cultural integration’ by organizing swimming classes for women. Austrian authorities in 2015 awarded the organization an ‘Integration Award’ for its efforts in the field. It is unclear how the religious attachés gathered the information, or what exact role Turkish imams played. The documents from Vienna and Salzburg show Diyanet officials have worked with ATIB, a similar organization to DITIB in Austria, to monitor and counter the activities of the Gulen movement”.<sup>923</sup>

The Stockholm Center for Freedom, an organisation set up by a group of journalists forced to live in self-exile in Sweden, published a report in May 2017 accusing the Turkish government of “persecute[ing] critics abroad through government institutions as well as using NGOs as a front. As a result, rights violations including abductions, physical attacks, profiling, discrimination, threats, and hate crimes have gone beyond Turkish borders and become a problem in intergovernmental affairs”.<sup>924</sup> The same report further stated that:

In pursuit of his critics, Erdoğan and his associates in the government have instrumentalized embassies and consulates, representation offices of public institutions and state-funded and/or controlled organizations and foundations that are disguised as non-governmental organizations or independent groups. The government bodies that engage in profiling and witch-hunt activities primarily include the National Intelligence Organization (MİT), the Overseas Turks and Kin Communities Agency (YTB), the Turkish Cooperation and Development Agency (TİKA), the Religious Affairs Directorate (Diyanet), the Anadolu News Agency, the Turkish Radio and Television Corporation (TRT), the Yunus Emre Institute, and the Maarif (Education) Foundation.

A second group consists of parallel structures supported, funded, or organized by entities attached to the Turkish government and the office of President Erdoğan. Organizations such as the Union of European Turkish Democrats (UETD), the Foundation for Political, Economic and Social Research (SETA) and the Turkish Heritage Organization, among others, can be found among this group. In addition to their main areas of activities, these organizations perform such functions as advocating for the ruling party abroad, consolidating support for the AKP among Turkish expatriates and Muslim immigrant groups and occasionally working as an intelligence service to profile and collect information about Turkish dissidents or critics in their respective countries.<sup>925</sup>

The report further collected quotes from President Erdoğan spoken since the attempted coup in which he repeatedly voiced threats against those who fled and whom he considers to be part of or supportive of the Gulen movement.<sup>926</sup> The following is just an example of such a quote in October 2016:

“They are the elements of dissension inside us, like cancer cells. A comprehensive cleanup is required so that not the slightest trace of it is left behind. And that’s what we are doing right now. ... Those who fled abroad in the murky atmosphere of the coup d’état should never feel safe. ... We are currently working on a new initiative. We are calling on those who went there to return. A deadline will be given to them. If they don’t return, we will do whatever is needed. Indeed, the children of this country should return and tell whatever they know to the relevant authorities. If they don’t, they’ll

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<sup>923</sup> Deutsche Welle, [Turkish imam spy affair in Germany extends across Europe](#), 16 February 2017

<sup>924</sup> Stockholm Center for Freedom, [Erdoğan’s Long Arms: the case of Malaysi: Turkey’s With-Hunt Abductions Abroad](#), May 2017, *Introduction*, p. 3

<sup>925</sup> Stockholm Center for Freedom, [Erdoğan’s Long Arms: the case of Malaysi: Turkey’s With-Hunt Abductions Abroad](#), May 2017, *Introduction*, p. 5

<sup>926</sup> Stockholm Center for Freedom, [Erdoğan’s Long Arms: the case of Malaysi: Turkey’s With-Hunt Abductions Abroad](#), May 2017, *Introduction*, p. 6

pay for it. At any rate, we won't support them as our citizens. ... We will take due action when they are apprehended."<sup>927</sup>

In July 2017 the Stockholm Center for Freedom reported that the "Turkish government under the rule of autocratic President Recep Tayyip Erdoğan, has mobilized all state facilities to defame the Gülen movement all over the world. According to a report by state-run Anadolu news agency, Turkish diplomatic missions and government institutions abroad have made over 12,000 formal talks as part of the government's global defamation campaign targeting the Gülen movement".<sup>928</sup> Moreover, the same source in another article published in July 2017 reported that "A written instruction from the Turkish General Staff asks Turkey's military officers deployed abroad to spy on their former colleagues who were dismissed as part of a post-coup crackdown, according to German media. The request, dated June 9, 2017, addresses all Turkish military attachments and embassies abroad as well as Turkish contingents at NATO bases and other military units stationed in the US, Germany and other European countries. The order asks officials to report on what occupation ex-military officials pursue, whether they have applied for asylum, where they live, whether they are in touch with media and foreign governments".<sup>929</sup>

With regards to Turkish military officers serving NATO worldwide, Deutsche Welle reported that:

wherever Western-educated Turks were posted, including Belgium, Germany, the Netherlands, Norway and the US. Turkish diplomatic missions received weekly lists of military personnel who were to be "purged:" stripped of their positions, salaries, benefits - their entire identities. Eventually more than two-thirds of the roughly 900 Turkish military officers serving NATO worldwide were labeled as suspects linked to Erdogan's enemy, Muslim cleric Fethullah Gulen, who lives in exile in the US.<sup>930</sup>

The following country specific information is presented covering post-attempted coup until 11 September 2017:

### Austria

Deutsche Welle reported in February 2017 that "An Austrian, Green party lawmaker this week claimed that Turkish diplomats were enlisting Turkish religious organizations in Austria to undermine Gulen supporters there. Parliamentarian Peter Pilz said his team was working on documents to show the practice was even more widespread, spanning some 30 countries across Europe, Africa and Asia".<sup>931</sup>

### Azerbaijan

On 21 August 2016 Al Arabiya reported that "Azerbaijan has detained a senior opposition figure [Faig Amirov, an aide to Ali Kerimli, the leader of the Popular Front opposition party] for allegedly possessing books by US-based preacher Fethullah Gulen" and has been arrested "on suspicion of inciting religious hatred and faces up to five years in jail, his lawyer Agil Layijev told AFP".<sup>932</sup>

### Belgium

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<sup>927</sup> Stockholm Center for Freedom, [Erdogan's Long Arms: the case of Malaysi: Turkey's With-Hunt Abductions Abroad](#), May 2017, Introduction, p. 6

<sup>928</sup> Stockholm Center for Freedom, [Turkish Gov't Makes Over 12,000 Talks Abroad To Defame Gülen Movement](#), 14 July 2017

<sup>929</sup> Stockholm Center for Freedom, [Turkish Soldiers Abroad Ordered To Spy On Dismissed Colleagues](#), 6 July 2017

<sup>930</sup> Deutsche Welle, [Turkey's purged military officers stuck in limbo one year after failed coup](#), 14 July 2017

<sup>931</sup> Deutsche Welle, [Germany investigates possible anti-Gulen spies](#), 15 February 2017

<sup>932</sup> Al Arabiya, [Azerbaijan detains dissident over books by Erdogan's foe](#), 21 August 2016

With regards to Belgium TurkeyPurge reported that “Belgian Justice Minister Koen Geens has announced that he has ordered security and intelligence units in the country to closely monitor mosques operated by the Turkish Religious Affairs Directorate, or Diyanet, amid reports that the Diyanet asked imams to spy and inform on Belgians of Turkish origin suspected of being active in the faith-based Gülen movement”.<sup>933</sup> TurkeyPurge reported that also in The Netherlands the “head of the Religious Affairs Directorate (Diyanet) branch in the Netherlands collected the names of people who sympathize with Turkish cleric Fethullah Gülen and passed them on to the regime of Turkish President Recep Tayyip Erdoğan”.<sup>934</sup>

### Burma

Human Rights Watch reported in June 2017 about the forced removal of Turkish asylum seeker, Muhammet Furkan Sokman via Thailand.<sup>935</sup> The same source explained that Burmese officials had detained Sokmen on 24<sup>th</sup> May 2017 at Yangon International Airport at the request of Turkish authorities who had canceled his passport because of alleged connections to the Gülen movement.<sup>936</sup> The article concluded that upon his arrival in Turkey “authorities placed Sökmen in detention and transported him to his home province where a criminal investigation is set to begin. Little is known about his treatment now in the custody of Turkish authorities”.<sup>937</sup> According to the same article “Sökmen is an accountant who was formerly the director of a company that managed a recently closed international school in Rangoon that was associated with the Gülen movement”.<sup>938</sup>

### France

On 16 December 2016 TurkeyPurge reported that “Following attacks and threats against Gülen movement sympathizers by Turks across Europe, a French court has handed down verdicts punishing two men for vandalizing an educational institution and sending death threats”.<sup>939</sup>

### Georgia

Radio Free Europe reported in June 2017 that “Dozens of protesters rallied in front of the Georgian government's chancellery” in the capital, Tbilisi, “to voice support for a Turkish professor who faces extradition to Turkey. Activists, NGO officers, and Black Sea University students and teachers handcuffed themselves in support of Mustafa Emre Cabuk, a teacher and manager at Demirel College in the Georgian capital [...] He is wanted by Ankara for alleged links with the movement of U.S.-based cleric Fethullah Gülen”.<sup>940</sup> In May 2017 “The Tbilisi City Court placed Cabuk under three-month preextradition detention”.<sup>941</sup> The most recent update found was an article published by the Stockholm Center for Freedom which reported at the end of August 2017 that “A Tbilisi court in Georgia has extended the imprisonment of Mustafa Emre Çabuk, who is the principal of Özel

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<sup>933</sup> TurkeyPurge, [France, Germany, Belgium go after spying, threats against Turkish citizens abroad](#), 16 December 2016

<sup>934</sup> TurkeyPurge, [Turkey's Religious Attaché in Netherlands admits spying for Erdoğan](#), 15 December 2016

<sup>935</sup> Human Rights Watch, [Burma/Thailand: Deported Turkish Man at Risk](#), 1 June 2017

<sup>936</sup> Human Rights Watch, [Burma/Thailand: Deported Turkish Man at Risk](#), 1 June 2017

<sup>937</sup> Human Rights Watch, [Burma/Thailand: Deported Turkish Man at Risk](#), 1 June 2017

<sup>938</sup> Human Rights Watch, [Burma/Thailand: Deported Turkish Man at Risk](#), 1 June 2017

<sup>939</sup> TurkeyPurge, [France, Germany, Belgium go after spying, threats against Turkish citizens abroad](#), 16 December 2016

<sup>940</sup> Radio Free Europe/Radio Liberty, [Protesters In Georgia Rally Against Extradition Of Teacher To Turkey](#), 7 June 2017

<sup>941</sup> Radio Free Europe/Radio Liberty, [Protesters In Georgia Rally Against Extradition Of Teacher To Turkey](#), 7 June 2017

Demirel College in the country, which is affiliated with the Gülen movement, for three more months [...] as the process of his deportation to Turkey is continuing”.<sup>942</sup>

### Germany

On 16 December 2016 TurkeyPurge reported that in Germany “A 31-year-old Turkish citizen has been arrested [...] on charges of spying for the National Intelligence Organization (MIT) by profiling Kurds in Germany”.<sup>943</sup> According to the same source “The German Welt am Sonntag daily recently referred to the statement of a bureaucrat who spoke on condition of anonymity, claiming that nearly 6,000 people spy on the Turkish community in Germany for Turkish intelligence. Erdoğan has often accused Germany of harboring terrorists, with the Turkish president labeling Kurds, Gülen movement sympathizers and exiled journalists who reside in Germany as terrorists and traitors”.<sup>944</sup>

Deutsche Welle reported in January 2017 that “Imams in Germany have informed Turkish authorities of alleged supporters of cleric Fethullah Gulen, according to reports” in particular “imams at one of Germany's largest Islamic organizations have gathered intelligence at the behest of Turkey's official religious authorities”.<sup>945</sup> According to documents obtained by Deutsche Welle “13 imams and a ‘deputy coordinator’ in the two states provided information to the Turkish religious attaché at the consulate in Cologne on at least 14 Gulen affiliated institutions and 45 people with alleged ties to the Gulen movement. NRW's ministry of education has identified five people on the list as state-employed teachers”.<sup>946</sup> In February 2017 German police raided apartments of four men, “said to be clerics”, suspected of carrying out espionage on behalf of the Turkish government on alleged Gulen supporters.<sup>947</sup> In April 2017 Deutsche Welle reported that “the German Interior Ministry said [...] it is questioning 20 individuals for allegedly spying on followers of an exiled preacher accused of being responsible for the attempted coup in Turkey in 2016”.<sup>948</sup>

In January 2017 Politico reported that “German federal and regional justice ministers agreed to stop cooperating with Turkish judicial authorities on criminal matters over concerns the country is misusing the process for political means, a spokeswoman for the Federal Ministry of Justice confirmed to local media”.<sup>949</sup> The same source further elaborated that “Ankara has used the pact [a 1974 agreement between Germany and Turkey] to prosecute Turkish citizens living in Germany who have insulted the president, with German courts hearing testimony from the suspect and witnesses on Turkey's orders”.<sup>950</sup>

In February 2017 Middle East Eye reported that “Turkish diplomats in Germany have been accused by a union of urging school pupils from the diaspora to film their teachers and report any critical comments they make about President Recep Tayyip Erdoğan”.<sup>951</sup>

Carnegie Europe's visiting scholar Marc Pierini noted in his article of August 2017 that:

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<sup>942</sup> Stockholm Center for Freedom, [Georgian Court Extends Imprisonment Of Turkish Educator Mustafa Emre Cabuk For 3 Months](#), 23 August 2017

<sup>943</sup> TurkeyPurge, [France, Germany, Belgium go after spying, threats against Turkish citizens abroad](#), 16 December 2016

<sup>944</sup> TurkeyPurge, [France, Germany, Belgium go after spying, threats against Turkish citizens abroad](#), 16 December 2016

<sup>945</sup> Deutsche Welle, [Turkish imams spied on teachers at German state schools](#), 25 January 2017

<sup>946</sup> Deutsche Welle, [Turkish imam spy affair in Germany extends across Europe](#), 16 February 2017

<sup>947</sup> Deutsche Welle, [Germany investigates possible anti-Gulen spies](#), 15 February 2017

<sup>948</sup> Deutsche Welle, [Germany investigating 20 alleged Turkish spies](#), 7 April 2017

<sup>949</sup> Politico, [Germany to stop cooperating with Turkey's judiciary](#), 25 January 2017

<sup>950</sup> Politico, [Germany to stop cooperating with Turkey's judiciary](#), 25 January 2017

<sup>951</sup> Middle East Eye, [Turkey asks German pupils to spy on Erdogan critics, says union](#), 23 February 2017

With Germany, Ankara tried to prevent members of the Bundestag from visiting German soldiers operating NATO airborne warning and control system (AWACS) surveillance aircraft, which inform Turkish authorities of dangers on the country's southern borders, from Konya air force base. Meanwhile, Ankara sent Berlin an astounding request to investigate German companies operating in Turkey for suspected links with the movement of self-exiled preacher Fethullah Gülen [...]. Much worse, amid already tense relations with the government of Chancellor Angela Merkel, the Turkish president advised German citizens of Turkish origin to vote against the Christian Democrats (CDU), the Social Democrats (SPD), and the Greens in Germany's September federal election because they were "enemies of Turkey".<sup>952</sup>

Mid August 2017 Deutsche Welle reported that "Ankara has formally requested that Berlin arrest and extradite a man suspected of playing a major role in last year's failed coup".<sup>953</sup> The man in question is Adil Oksuz, a theology academic, accused of being a follower of the Gulen movement and who Turkish media reported has been seen in German cities of Frankfurt and Ulm "and was granted a temporary residence permit in the southwestern state of Baden-Württemberg".<sup>954</sup> The same article reported that "The Turkish government says that Oksuz was a "civilian imam" for air force personnel who bombed parliament last July as part of efforts to topple the government. Oksuz was arrested near Akinci air base once the coup bid collapsed, but was released two days later by an alleged Gulenist judge. He has been on the run ever since and is one of Turkey's most wanted fugitives".<sup>955</sup>

### Indonesia

The Stockholm Center for Freedom, set up by a group of journalists who have been forced to live in self-exile in Sweden, published a report in May 2017 highlighting a case in Indonesia where consular services were refused:

The people affiliated with the [Gülen] movement have also heard news from neighboring Indonesia, where the Turkish embassy and consulates arbitrarily and unlawfully refused to provide consular services to government critics. For example, Yusuf Tanriverdi, who lives in Jakarta, the capital of Indonesia, and is a biology teacher in the Kharisma Bangsa school that is affiliated with the movement, went to the embassy for a transaction and his passport was confiscated. Despite repeated requests, the embassy replied, "The Ministry of Foreign Affairs will conduct an inquiry. If you are approved, we will return your passport." But his passport has not been returned for months even though the visa has expired. Tanriverdi, who sent his wife and children to Turkey, had to apply for refugee status with the representative office of the United Nations in Jakarta. He is able to stay in Indonesia thanks to this application. SCF has learned that there are about 15 Turkish citizens who are afraid of going to Turkey and have applied to the UN office to be able to stay in Indonesia like Tanriverdi.<sup>956</sup>

### Malaysia

The Stockholm Center for Freedom, set up by a group of journalists who have been forced to live in self-exile in Sweden, published a report in May 2017 accusing the Turkish government of kidnapping a Turkish national from Malaysia: "Several participants in the Gülen Movement have been kidnapped by Turkish government operatives from Malaysian soil, and the remaining ones were

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<sup>952</sup> Marc Pierini - Carnegie Foundation, [Turkey's Downward Spiral](#), 28 August 2017

<sup>953</sup> Deutsche Welle, [Turkey asks Germany for extradition of top coup suspect](#), 16 August 2017

<sup>954</sup> Deutsche Welle, [Turkey asks Germany for extradition of top coup suspect](#), 16 August 2017

<sup>955</sup> Deutsche Welle, [Turkey asks Germany for extradition of top coup suspect](#), 16 August 2017

<sup>956</sup> Stockholm Center for Freedom, [Erdogan's Long Arms: the case of Malaysi: Turkey's With-Hunt Abductions Abroad](#), May 2017, *TURKS IN MALAYSIA TRAUMATIZED*, p. 17

subjected to threats of abductions, forcible removals and detention on false charges. The pattern suggests the use of abduction is systematic”.<sup>957</sup> The same report found that:

The abductions victimized Turkish nationals who had maintained legal visa and residence permits in Malaysia for years. Two cases SCF has documented involve Turkish nationals identified as Alettin Duman and Tamer Tibik, who were whisked away from the street in the middle of the day by unknown armed people. They were taken to a remote wooded area, subjected to torture and abuse, and later turned over to Turkish officials to be taken back to Turkey. In a third case, a Turkish citizen named İsmet Özçelik was unlawfully detained but later released after the UN intervention with Malaysian authorities. He was re-arrested again in May.

Turgay Karaman, a school principal, is reported to have been kidnapped on May 2, 2017, by five unknown people in the parking lot of a high-rise building in Kuala Lumpur, while İhsan Aslan, a businessman, was reported missing by his wife a day before. Karaman is the principal of Time International School, which is affiliated with the Gülen Movement and Aslan is a member of the Malaysian–Turkish Chamber of Commerce and Industry, also affiliated with the movement. Following press coverage and a public outcry, without elaborating on details the Malaysian authorities admitted that both men had been detained purportedly as national security risks.

Following the abductions of Karaman and Aslan, social media accounts on Twitter close to the Turkish government hailed their abductions and claimed that Turkish intelligence was involved in their enforced disappearances. They also threatened that other Gülen movement participants will face similar abductions no matter where they live in the world. Turkey’s state-run Anadolu News Agency filed reports saying that both men were leading figures in the movement.<sup>958</sup>

The report further noted that “Other major organizations that have been targeted by Erdoğan and the Turkish government are the Malaysian–Turkish Chamber of Commerce and Industry and the Malaysian–Turkish Dialogue Society. The executives of both organizations explained to SCF that they had been profiled, threatened, and harassed by Erdoğan-supporting Turkish nationals who live in Malaysia”.<sup>959</sup>

### Morocco

Al Monitor reported that “A source close to Gulenist circles in Morocco told Al-Monitor on condition of anonymity that the Moroccan authorities have been holding four Turks captive since March [2017]. The source said that the Moroccan Court of Cassation decided to hand over two of them to the Turkish authorities, but the decision has not been implemented and awaits approval from the Moroccan government. The captives concerned are Esmat Bakay, the owner of a clothes retail company in Casablanca, and Farhat Erdogan, who has lived in Morocco since 2011 [...] The other two Turks under arrest are Mustafa Onder, a former teacher at a Gulen-affiliated school in Morocco, and Eidin Elmez, who manages a pastry shop. They await the Sept. 9 decision of the Moroccan Court of Cassation, human rights sources told Al-Monitor. They said Onder and Elmez are not hopeful and believe their verdict will be similar to their two friends’ because it is a matter of politics”.<sup>960</sup> The same source further noted that “The security authorities have asked several Moroccan religious figures who openly sympathize with the Hizmet movement to halt communication with it and keep their distance, according to sources close to these figures who spoke to Al-Monitor on condition of anonymity”.<sup>961</sup>

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<sup>957</sup> Stockholm Center for Freedom, [Erdogan’s Long Arms: the case of Malaysi: Turkey’s With-Hunt Abductions Abroad](#), May 2017, Introduction, p. 3

<sup>958</sup> Stockholm Center for Freedom, [Erdogan’s Long Arms: the case of Malaysi: Turkey’s With-Hunt Abductions Abroad](#), May 2017, Introduction, p. 3

<sup>959</sup> Stockholm Center for Freedom, [Erdogan’s Long Arms: the case of Malaysi: Turkey’s With-Hunt Abductions Abroad](#), May 2017, THE CASE OF MALAYSIA: ABDUCTIONS AND DETENTIONS ON FALSE CHARGES, p. 9

<sup>960</sup> Al Monitor, [Erdogan goes after Morocco’s Gulenists](#), 8 September 2017

<sup>961</sup> Al Monitor, [Erdogan goes after Morocco’s Gulenists](#), 8 September 2017



## The Netherlands

The Stockholm Centre for Freedom reported that in the case of The Netherlands:

Turkey's Consulate General in Rotterdam created a "spying-on" hotline for Turkish expatriates in the Netherlands in April 2016 and called on Turkish expats to report people who sent allegedly offensive e-mails or posted offensive messages on social media about president Erdogan. Turkish Imams were asked to gather intelligence on critics in Netherlands with the Turkish Embassy's Religious Affairs Attaché leading the campaign. The Turkish government news agency Anadolu publicly listed names and institutions in Netherlands, describing them as terrorists. Hundreds of complaints were filed by critics with the Dutch authorities over threats, prompting Dutch government to launch investigations into claims which resulted in detentions in several cases.<sup>962</sup>

According to the same report "attacks on scores of civil society organizations, media organizations, educational institutions, businesses, health-care facilities and individuals affiliated with the Hizmet movement have recently skyrocketed in the Netherlands".<sup>963</sup> Specifically the report highlighted that "People were forced to cancel their subscriptions to newspapers affiliated with the Hizmet movement and stop sending their children to the schools that are linked to the movement. There was increased activity of profiling, targeting and threatening people affiliated with the Hizmet movement via social media and newspapers supported by the ruling AKP and its extensions in the Netherlands"<sup>964</sup>, as well as stone throwing, violence and setting building on fires of businesses affiliated to the Gulen Movement<sup>965</sup>. A former imam and a person "close to the Hizmet movement" was attacked and badly beaten a few days after the attempted coup in Turkey in July 2016, journalists working mainly for the Zaman Hollanda newspaper and the Dutch language Zaman Vandaag newspaper were harassed and threatened, another journalist received death threats.<sup>966</sup> According to the report 175 complaints were filed with the Dutch police resulting in 4 detentions but no arrests.<sup>967</sup> It was further reported that "In December 2016, it turned out that the Religious Affairs Consultancy of Turkey's embassy in The Hague was conducting intelligence activities. This led to a number of scandals. It was understood that the Dutch Religious Affairs Foundation asked 145 mosques in the country to draw up profiling lists and sent these lists to Religious Affairs Counselor Yusuf Acar in The Hague. Some victims interviewed by SCF [Stockholm Center for Freedom] stated that based on these profiling lists, Acar banned certain people from entering mosques and that these notices were hung on the doors of mosques".<sup>968</sup>

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<sup>962</sup> Stockholm Center for Freedom, [Erdogan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *Introduction*, p. 3

<sup>963</sup> Stockholm Center for Freedom, [Erdogan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *Paving the way for hate crimes*, p. 11

<sup>964</sup> Stockholm Center for Freedom, [Erdogan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *Paving the way for hate crimes*, p. 12

<sup>965</sup> Stockholm Center for Freedom, [Erdogan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *Eight attacks on buildings in nine days*, p. 17

<sup>966</sup> Stockholm Center for Freedom, [Erdogan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *Eight attacks on buildings in nine days*, p. 17, *Accusing journalists of being 'CIA agents'*, p. 19, and *Death threat to journalist Dogan*, p. 21

<sup>967</sup> Stockholm Center for Freedom, [Erdogan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *175 complaints, 4 detentions*, p. 24/25

<sup>968</sup> Stockholm Center for Freedom, [Erdogan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *Death threats from Turkish government's official Imam*, p. 30

On 11<sup>th</sup> September 2017 a Turkish Businessmen, owner of fast food chain Halal Fried Chicken, was killed in Amsterdam over his alleged links to the Gulen movement reported the Stockholm Center for Freedom.<sup>969</sup>

### Romania

In March 2017 Romanian police seized the passport of Soner Cesur, a Turkish businessman with investments in Romania upon a demand made by the Turkish government.<sup>970</sup> The article did not clarify the reasons for the seizure.

The Stockholm Center for Freedom reported in April 2017 that “A report published by The Black Sea news website on Saturday revealed that imams from Turkey’s Religious Affairs Directorate (Diyanet) spied on people sympathetic to Turkish Islamic scholar Fethullah Gülen and the movement he inspired” in Romania including in “11 schools, kindergartens and one university that are part of the Lumina Educational Institutions, which have been active in Romania since 1994”.<sup>971</sup> The same source further stated that the report by The Black Sea news website reported that “There are tough allegations that the Turkish Embassy is blocking the release of vital documents to Turkish citizens and cancelling their passports — forcing them to stay in Romania, and ‘blackmailing’ parents into pulling their children from Gülenist schools”.<sup>972</sup>

### Spain

Reporters without Borders reported in September 2017 on the arrest of a Swedish journalist of Turkish origin, Hamza Yalçın, in August 2017 in Barcelona who after having spent 50 days in detention faces extradition to Turkey on the request from Turkey via Interpol.<sup>973</sup> The same source noted that “if extradited to Turkey, Yalçın would face a sentence of up to 22 and a half years in prison on charges of belonging to the terrorist group THKP-C and of ‘insulting’ the Turkish president in his magazine, *Odak*”.<sup>974</sup>

### Turkmenistan

In December 2016 Eurasianet reported that “Security services in Turkmenistan are taking dozens of alleged followers of Turkish cleric Fethullah Gülen into custody, according to their family and friends. ‘They take people, keep them for 30 or 40 days, and torture them until they give somebody’s name. Until you [name] somebody, they won’t let you go,’ said Azizov Nepes, a Turkmen graduate student outside of the country who personally knows several of those detained [...] Some countries, such as Kazakhstan and Kyrgyzstan, have refused to comply, but Turkmenistan appears to be susceptible to Ankara’s pressure”.<sup>975</sup>

## **i. Closure of Gulen schools abroad**

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<sup>969</sup> Stockholm Center for Freedom, [A Turkish Businessman Killed In Amsterdam Over His Alleged Links To Gülen Movement](#), 14 September 2017

<sup>970</sup> Turkish Minute, [Romanian police seize passport upon Turkey’s demand](#), 27 March 2017

<sup>971</sup> Stockholm Center for Freedom, [Diyanet Imams Spied On Gülen Sympathizers In Romania](#), 2 April 2017

<sup>972</sup> Stockholm Center for Freedom, [Diyanet Imams Spied On Gülen Sympathizers In Romania](#), 2 April 2017

<sup>973</sup> Reporters without Borders, [Journalist still held in Spain under Turkish request to Interpol](#), 21 September 2017

<sup>974</sup> Reporters without Borders, [Journalist still held in Spain under Turkish request to Interpol](#), 21 September 2017

<sup>975</sup> EurasiaNet, [Turkmenistan Cracking Down on Gülen Followers](#), 8 December 2016

In July 2016 the National noted the following in relation to the Gulen schools abroad: “Mr Gulen’s schools have been a key source of influence and revenue for his Hizmet movement. It runs about 2,000 educational establishments in 160 countries, from Afghanistan to the United States. The schools are generally well equipped, teach a secular curriculum in English, and are popular with the political and business elite, especially in poorer countries”.<sup>976</sup> BBC News reported with regards to ‘Gulen schools’ that “From extensive interviews with BBC World Service across 10 countries in three continents, it is clear that the schools have much in common but operate quite differently” and further noted that:

There is no common brand name for the schools [...]

In Pakistan they are called "Pak-Turk Lycees", in Kyrgyzstan they are known as "Sebat" (Persistence) schools, and in Kenya, "Light Academies".

Most were set up as partnerships between Turkish and local businesses and organisations, but in many countries like Indonesia and Kyrgyzstan, the Turkish partners are no longer directly involved.

Local and Turkish partners say they're admirers of Fethullah Gulen, but not connected to him formally [...]

Alp Aslandogan, who speaks on behalf of Gulen-associated schools in the United States, says there are numerous social networks within the movement. "The schools which are seen as affiliated with the movement were started by people who belong to these networks." [...]

Followers of Fethullah Gulen often refer to their movement by the name Hizmet (service), and the schools all share the same ethics. [...]

There's also a strong focus on teaching science.

From Nairobi to Kandahar, school websites show pupils in smart uniforms, studying in well-equipped science labs or computer rooms. [...]

Head teachers have told the BBC the schools are not part of a formal structure.

The head of Kyrgyzstan's 21 Sebat schools, Nurlan Kudaberdiev, says they are all connected to Fethullah Gulen informally because the schools were his idea. "But there's no direct influence or financing from his side any more," he insists. [...]

Although the schools are fee-paying and attract the children of the elite, they also offer scholarships to poorer families.

In Pakistan up to a quarter of children are on scholarships, in Afghanistan it is nearly 30%.

Quite apart from the lure of a good education, the schools also offer an opportunity to travel by way of inter-school competitions known as "Olympiads".<sup>977</sup>

### *Post-attempted coup situation up to 6<sup>th</sup> January 2017*

EurasiaNet reported on 12 September 2016 that “As part of a wide-ranging clampdown in the aftermath of the failed July coup, Turkish President Recep Tayyip Erdoğan’s administration has urged countries in Eurasia to shut down schools associated with the Muslim cleric Fethullah Gülen. But outside of Azerbaijan, the call does not seem to be swaying Eurasian governments”.<sup>978</sup>

On 14 September 2016 TurkeyPurge reported that “Turkish Education Minister İsmet Yılmaz said the Maarif Foundation, established by the government to deal with Turkish schools abroad, is planning to take over 65 schools that are linked to the Gülen movement in 15 countries”.<sup>979</sup>

BBC News reporting on 23 September 2016 on Gulen schools worldwide noted that “Turkey says the schools are part of a vast and secretive network which the Gulen movement has used to build a powerbase and infiltrate state institutions. Accusations have been levelled against schools with

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<sup>976</sup> The National, [Turkey puts pressure on foreign countries to close Gulen-linked schools](#), 30 July 2016

<sup>977</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>978</sup> EurasiaNet, [Turkey: Effort to Force Closure of Gülen Schools Falling Flat in Eurasia](#), 12 September 2016

<sup>979</sup> TurkeyPurge, [Turkey will take over 65 Gülen-linked schools abroad, says Turkish Minister](#), 14 September 2016

Turkish connections in more than a dozen countries, from Germany to Afghanistan, leaving thousands of children facing uncertainty over their education. Supporters of the schools say they are no more than a loose affiliation of institutions that share common values and are committed to academic excellence. From extensive interviews with BBC World Service across 10 countries in three continents, it is clear that the schools have much in common but operate quite differently. But all are feeling the pressure”.<sup>980</sup>

The Turkish news agency Anadolu Agency reported in December 2016 that “So far, over 80 FETO organizations operating abroad, including schools and training centers, have been shut down or transferred to the Turkish government”.<sup>981</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

The Stockholm Center for Freedom reported in April 2017 that “Turkey’s Higher Education Council (YÖK) has cancelled accreditation of 29 universities in 17 countries as such institutions are blacklisted as part of the government’s profiling activities against the Gülen movement”.<sup>982</sup> The same article expanded that “Six universities in the US, three universities in Austria, two universities in Poland, two universities in Iraq, one university in Albania and Colombia each were affected from the change. The decision also affects some universities in the following countries: Turkmenistan, Azerbaijan, Indonesia, Nigeria, Cambodia, Belgium, Romania, Kirgizstan, Kazakhstan, Georgia and Bosnia”.<sup>983</sup>

The report by the co-rapporteurs Ms Godskesen and Ms Mikko of the Council of Europe’s Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) published in May 2017 raised its concern “by the move made by the Turkish authorities, with the assistance of the newly established Maarif Foundation, to incite foreign countries to close down Gülen linked schools and institutions, and by reported cases of religious authorities allegedly spying on the Turkish community living abroad or inciting Turks to denounce alleged members of the Gülen movement”.<sup>984</sup> In June 2017 the Stockholm Center for Freedom reported that President Erdogan established the Maarif Foundation on 17<sup>th</sup> June 2016 to “take over the schools abroad opened and operated by the [Gülen] movement”.<sup>985</sup>

The following country specific information is presented covering post attempted coup until 11 September 2017:

#### Afghanistan

BBC News reported in September 2016 that there are 20 Gülen-associated schools and that the “schools [are] still open, no official call for closure but reports of deep concern from parents”.<sup>986</sup>

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<sup>980</sup> BBC News, [Turkey's post-coup crackdown hits 'Gülen schools' worldwide](#), 23 September 2016

<sup>981</sup> Anadolu Agency, [Turkish foundation takes over FETO schools in Senegal](#), 7 December 2016

<sup>982</sup> Stockholm Center for Freedom, [Turkey Refuses To Recognize 29 Int'l Universities' Diplomas Over Alleged Coup Links](#), 5 April 2017

<sup>983</sup> Stockholm Center for Freedom, [Turkey Refuses To Recognize 29 Int'l Universities' Diplomas Over Alleged Coup Links](#), 5 April 2017

<sup>984</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.2.1. *Extent of the measures taken, lack of proportionality*, para. 39, pages. 16/17

<sup>985</sup> Stockholm Center for Freedom, [Report: Maarif Foundation To Contribute Radicalism, Exacerbate Muslim-Christian Tension In African Countries](#), 4 June 2017

<sup>986</sup> BBC News, [Turkey's post-coup crackdown hits 'Gülen schools' worldwide](#), 23 September 2016

### Albania

BalkanInsight reported in August 2016 that Albania had rejected Turkey's request to close down all Gulen-associated institutions.<sup>987</sup>

### Angola

Deutsche Welle reported in February 2017 that the Angolan government "closed down the Colegio Esperanca Internacional (COESPI) in the capitol, Luanda. The decision affected some 750 students. Sixty-six people – Turkish employees of the school and their families – were forced to leave the country. A decree from President José Eduardo dos Santos stated that it was necessary to close the school in order to 'guarantee the safety and welfare of the people'. Interior Minister Angelo de Barros Veiga Tavares declined to comment on the exact reason for the closing. He simply said that, 'the Angolan government's decision was in no way influenced by pressure from other countries,' while speaking on state television. Not everyone in the country sees things that way. 'We believe that there is an obscure agenda that has led the president and his underlings to acquiesce to the caprices of the Turkish president,' Angolan legal expert, Domingos Chipilika, told DW's Portuguese department".<sup>988</sup>

### Azerbaijan

Eurasianet reported in July 2016 that "In 2014, in Azerbaijan, Turkey's strongest ally in the region, Gülen-associated schools and other educational institutions were taken over by SOCAR, the state-run energy company".<sup>989</sup>

BBC News reported in September 2016 that "In Azerbaijan, the prestigious Gulen-associated Qafqaz university, is now under new government-controlled management".<sup>990</sup>

### Benin

Daily Sabah reported in December 2016 that "President Recep Tayyip Erdoğan announced in a press conference held in Ankara on Tuesday that Turkey and Benin have agreed on shutting down three schools linked with the Gülenist Terror Group (FETÖ) operating in the West African country".<sup>991</sup>

### Bosnia-Herzegovina

According to ANSAméd reporting in October 2016 there are seven Gulen schools in Bosnia-Herzegovina.<sup>992</sup>

Balkan Insight reported in November 2016 that in July, the Turkish ambassador to Bosnia Cihad Erginay, called on Turkey's allies to take measures against all Gulen supporters in their countries and "Although he did not mention the chain of schools by name [15 private educational institutions in Bosnia run by an organization called Bosna Sema], the organisation has been targeted by local politicians who follow the Ankara line. Some members of the main Bosniak party, the Party of

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<sup>987</sup> BalkanInsight, [Macedonia May Shut Gulen-Linked Turkish Schools](#), 25 August 2016

<sup>988</sup> Deutsche Welle, [Gulen schools in Ethiopia sold](#), 4 March 2017

<sup>989</sup> Eurasianet, [Georgia: Turkey Pushes to Close "Terrorist" Gülen School](#), 18 July 2016

<sup>990</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>991</sup> Daily Sabah, [Benin to shut down FETÖ-linked schools](#), 6 December 2016

<sup>992</sup> ANSAméd, [Turkey calls for closure of Gulen schools in Serbia](#), 26 October 2016

Democratic Action, SDA, which has close ties with Erdogan, have argued for the closure of the schools”.<sup>993</sup>

The same source further noted that “In early November, Bosnian Foreign Minister Igor Crnadak was quoted in the Turkish media as saying that the Bosnian authorities were monitoring the institutions and warning parents not to send their children to them”.<sup>994</sup> The article further stated that an award offered to a Bosna Sema teacher, Ali Lafciogluu, was withdrawn by the Sarajevo City Council, reportedly justifying the decision “by saying that it was important to preserve good relations with Turkey”, prompting an outcry.<sup>995</sup> In the same month, Bosna Sema announced that “it had a new American owner, US Global Invest LLC. It had begun the process to obtain accreditation in US and establish double degree arrangements, according to Professor Samuel Henry, advisor to US Global Invest LLC, the press release said”.<sup>996</sup>

### Cambodia

BBC News reported in September 2016 that there are three Gulen-associated schools, plus one university in Cambodia, and that “all schools [are] open despite call from Turkish ambassador to Cambodia to shut them down”.<sup>997</sup>

### Chad

Daily Sabah reported in December 2016 “Turkey signed a protocol Nov. 18 with Chad for the transfer of all FETÖ-linked schools there to Turkey's Maarif Foundation”.<sup>998</sup> In another article by the same source it was clarified that the Gulen movement operated an elementary school and a secondary school in the country.<sup>999</sup>

### Colombia

Middle East Eye reported in July 2017 on “A statement from the Turkish embassy in Bogota, from 30 May” accusing “professors at the centre of Turkish studies at the Rosario university” to be part of the Gulen movement.<sup>1000</sup> However, according to the principal of Rosario the matter had been investigated but nothing was found against its staff.<sup>1001</sup> The same source further reported that email accounts from two journalists were allegedly hacked after these started reporting on the Rosario affair.<sup>1002</sup>

### Denmark

A school run by the Gulen movement has reportedly been shut down in Denmark in mid-December 2016, according to Daily Sabah.<sup>1003</sup> According to the Danish daily, Politiken, “the school Ostjylland Privatskole closed after another such school Ballerup Privatskole shut down on 2 November 2016. Also, three other FG-linked schools Nilen Privatskole, Hoje Taastrup Privatskole and Al-Salam Skolen

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<sup>993</sup> BalkanInsight, [Bosnian Schools Feel Heat From War on 'Gulenists'](#), 22 November 2016

<sup>994</sup> BalkanInsight, [Bosnian Schools Feel Heat From War on 'Gulenists'](#), 22 November 2016

<sup>995</sup> BalkanInsight, [Bosnian Schools Feel Heat From War on 'Gulenists'](#), 22 November 2016

<sup>996</sup> BalkanInsight, [Bosnian Schools Feel Heat From War on 'Gulenists'](#), 22 November 2016

<sup>997</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>998</sup> Daily Sabah, [Benin to shut down FETÖ-linked schools](#), 6 December 2016

<sup>999</sup> Daily Sabah, [Chad transfers FETÖ-operated schools to Turkish Foundation](#), 18 November 2016

<sup>1000</sup> Middle East Eye, [Gulen hunt goes global: Turkey chases 'terrorist' teachers in Colombia](#), 31 July 2017

<sup>1001</sup> Middle East Eye, [Gulen hunt goes global: Turkey chases 'terrorist' teachers in Colombia](#), 31 July 2017

<sup>1002</sup> Middle East Eye, [Gulen hunt goes global: Turkey chases 'terrorist' teachers in Colombia](#), 31 July 2017

<sup>1003</sup> Daily Sabah, [FETÖ-linked school shuts down in Denmark](#), 1 December 2016

were reportedly facing financial difficulties after students began leaving them following the July 15 defeated coup in Turkey. Sixteen FG-linked schools have reportedly been operating in Denmark”.<sup>1004</sup>

### Ethiopia

Deutsche Welle reported in March 2017 that six Nejashi Ethio-Turkish International schools were sold raising speculations that these former Gulen schools were sold due to pressure from Turkish government officials.<sup>1005</sup>

### Georgia

Eurasianet reported in July 2016 that “The Turkish consulate in Georgia’s Black Sea city of Batumi on July 18 announced that it would ask the Georgian government to close a local private school associated with Islamic cleric Fethullah Gülen [...] How the Georgian government will respond is unclear, but a demand from Ankara to close the school could put Tbilisi in an awkward situation. Turkey is a close economic and security partner for Georgia, yet, at the same time, the government can ill afford to shut the door on foreign investors without cause”.<sup>1006</sup>

### Germany

The National reported that “Authorities in Germany, which has an estimated 14 high schools with links to Mr Gulen, have also been contacted. Winfried Kretschmann, premier of the southwestern state of Baden-Wuerttemberg, said he had received a letter from the Turkish consul general asking him to examine a list of institutions such as private schools. ‘I think it is not on at all for a foreign state to interfere in our internal affairs,’ said Mr Kretschmann. ‘We are responsible for these institutions and no one else. We will judge these institutions with our own discretion and we are aware of nothing negative about these institutions’”.<sup>1007</sup>

### Guinea

Daily Sabah reported in December 2016 that arrangements had been made in Guinea to shut down schools linked to the Gulen movement.<sup>1008</sup>

### Hungary

The Hungarian government was reported to consider Turkey’s request to close down Gulen-linked institutions if a link to terrorism was proven, reported The Budapest Beacon.<sup>1009</sup>

### India

The India newspaper The Telegraph reported in August 2016 that despite demands by Turkish officials to shut school run by followers of the Gulen movement, “India is unlikely to act [...] citing inadequate evidence of any wrongdoing by these institutions”.<sup>1010</sup> According to the same article “The schools in India - which function under a group of institutions called Learnium - are in New

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<sup>1004</sup> Daily Sabah, [FETÖ-linked school shuts down in Denmark](#), 1 December 2016

<sup>1005</sup> Deutsche Welle, [Gulen schools in Ethiopia sold](#), 4 March 2017

<sup>1006</sup> Eurasianet, [Georgia: Turkey Pushes to Close “Terrorist” Gülen School](#), 18 July 2016

<sup>1007</sup> The National, [Turkey puts pressure on foreign countries to close Gulen-linked schools](#), 30 July 2016

<sup>1008</sup> Daily Sabah, [Benin to shut down FETÖ-linked schools](#), 6 December 2016

<sup>1009</sup> The Budapest Beacon, [Private school in Budapest faces possible closure in wake of Turkish coup](#), 11 August 2016

<sup>1010</sup> The Telegraph, [Action unlikely on 'coup-linked' schools](#), 16 August 2016

Delhi, Lucknow, Mumbai, Hyderabad and Calcutta and are known to view Gulenist ideas as an inspiration. But they are run by Indians and are widely viewed as offering secular education open to students from all faiths and backgrounds”.<sup>1011</sup>

### Iraq

BBC News reported in September 2016 that there were 37 Gulen-associated schools in Iraqi Kurdistan, including primary and high schools and a university, and that the “management of [the] entire network has been replaced following Turkish government request”.<sup>1012</sup> Al Araby similarly reported in October 2016 that “Schools in Iraqi Kurdistan linked to alleged Turkey ‘coup mastermind’ Fettallah Gulen have been sold at Turkey’s request. Kurdistan Regional Government seized secondary schools and colleges and sold some of them to Erbil company Khoshnaw Group, Sulaymaniyah-based website *Dohroz* reported. Others remain under KRG control”.<sup>1013</sup>

### Kazakhstan

According to The Diplomat in August 2016 “In Central Asia, where Turkey has important cultural and political connections, Kazakhstan and Kyrgyzstan are the only two states still hosting Gülen-linked institutions [...] Both Kazakhstan and Kyrgyzstan have pushed back on Turkish requests”.<sup>1014</sup>

Reuters reported also in August 2016 that “Kazakhstan announced [...] it would expel any Turkish teachers there found to have links with Gulen”.<sup>1015</sup>

### Kenya

The National reported that “In Kenya, where Mr Gulen’s Omeriye Foundation has grown from its first school in 1998 in the vast Nairobi slum of Kibera to a nationwide network of academies, the government has resisted pressure to close them down”.<sup>1016</sup>

BBC News reported in September 2016 that there are seven Gulen-associated schools and that “all schools still open, however Turkey is calling for them to be closed”.<sup>1017</sup>

### Kosovo

According to ANSAMED reporting in October 2016 there are four Gulen schools in Kosovo.<sup>1018</sup>

BalkanInsight reported in August 2016 that Kosovo had rejected Turkey’s request to close down all Gulen-associated institutions.<sup>1019</sup>

### Kyrgyzstan

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<sup>1011</sup> The Telegraph, [Action unlikely on 'coup-linked' schools](#), 16 August 2016

<sup>1012</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1013</sup> Al Araby, [Gulen schools in Iraqi Kurdistan sold at Turkey's request](#), 8 October 2016

<sup>1014</sup> The Diplomat, [Kazakhstan and Kyrgyzstan Reject Turkish Calls to Close Gülen Schools](#), 1 August 2016

<sup>1015</sup> Reuters, [Hungary weighs Turkish request to shut 'coup-linked institutions'](#), 5 August 2016

<sup>1016</sup> The National, [Turkey puts pressure on foreign countries to close Gulen-linked schools](#), 30 July 2016

<sup>1017</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1018</sup> ANSAMED, [Turkey calls for closure of Gulen schools in Serbia](#), 26 October 2016

<sup>1019</sup> BalkanInsight, [Macedonia May Shut Gulen-Linked Turkish Schools](#), 25 August 2016



According to The Diplomat in August 2016: “In Central Asia, where Turkey has important cultural and political connections, Kazakhstan and Kyrgyzstan are the only two states still hosting Gülen-linked institutions [...] Both Kazakhstan and Kyrgyzstan have pushed back on Turkish requests”.<sup>1020</sup>

BBC News reported in September 2016 that “President Almazbek Atambayev insisted the [Gülen] schools were ‘high quality educational establishments and we need them’”.<sup>1021</sup> The same source further noted that there are 21 schools.<sup>1022</sup>

### Indonesia

The National reported that authorities in Indonesia have also been approached by Turkish officials, requesting that Gülen schools be shut down.<sup>1023</sup> However, so far Indonesia was “unimpressed” reported the same source.<sup>1024</sup> BBC News reportedly similarly and added that the Turkish authorities asked that up to nine schools be ordered to shut down.<sup>1025</sup>

### Macedonia

According to ANSamed reporting in October 2016 there are 10 Gülen schools in Macedonia.<sup>1026</sup>

In August 2016 the Government of Macedonia reportedly said that it would consider Turkey's request to close down all FG-linked institutions, reported BalkanInsight.<sup>1027</sup>

### Mongolia

TurkeyPurge reported in October 2016 that at the request of Turkey, Mongolia is allegedly “bracing to shut down schools that taught Science and English to their kids for two decades” or to “transfer them to Maarif, a Turkish government-run company that seeks to emulate the Gülen movement's international school network”.<sup>1028</sup>

### Morocco

Hurriyet Daily News reported that “Morocco has ordered the closure of schools it says are linked to U.S.-based Islamic preacher that Ankara blames for a foiled coup last year, Agence France-Presse has said, citing the Moroccan interior ministry [...] The statement did not say how many schools or pupils would be affected but said the government would strive to ensure the students continued their education in other schools [sic]”.<sup>1029</sup>

Al Monitor reported that in January 2017 the Moroccan government announced it was closing “several schools” that Turkish contractors affiliated with the Gülen movement had run since 1994.<sup>1030</sup>

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<sup>1020</sup> The Diplomat, [Kazakhstan and Kyrgyzstan Reject Turkish Calls to Close Gülen Schools](#), 1 August 2016

<sup>1021</sup> BBC News, [Turkey's post-coup crackdown hits 'Gülen schools' worldwide](#), 23 September 2016

<sup>1022</sup> BBC News, [Turkey's post-coup crackdown hits 'Gülen schools' worldwide](#), 23 September 2016

<sup>1023</sup> The National, [Turkey puts pressure on foreign countries to close Gülen-linked schools](#), 30 July 2016

<sup>1024</sup> The National, [Turkey puts pressure on foreign countries to close Gülen-linked schools](#), 30 July 2016

<sup>1025</sup> BBC News, [Turkey's post-coup crackdown hits 'Gülen schools' worldwide](#), 23 September 2016

<sup>1026</sup> ANSamed, [Turkey calls for closure of Gülen schools in Serbia](#), 26 October 2016

<sup>1027</sup> BalkanInsight, [Macedonia May Shut Gülen-Linked Turkish Schools](#), 25 August 2016

<sup>1028</sup> TurkeyPurge, [Turkey Wants Mongolia To Shut Down Turkish Schools](#), 29 October 2016

<sup>1029</sup> Hurriyet Daily News, [Morocco to close schools allegedly linked to Fethullah Gülen](#), 6 January 2017

<sup>1030</sup> Al Monitor, [Erdogan goes after Morocco's Gülenists](#), 8 September 2017

### The Netherlands

BBC News reported in September 2016 that there are 11 Gulen-associated schools and that “all schools still open, however a Turkish news agency published list of people and organisations in the Netherlands which it said had links to Fetullah Gulen”.<sup>1031</sup>

The Stockholm Centre for Freedom reported in February 2017 that in the case of The Netherlands:

Erdoğan’s hate speech against the Hizmet movement had its greatest impact on educational activities in the Netherlands and other parts of the world. Turkish government affiliated groups and surrogates in Europe stepped up their attacks and pressure on schools run by the Hizmet movement. Parents and students were placed under constant pressure and in distress. Dozens of students were taken from the schools. Many teachers had to leave their jobs due to harassment. Campaigns that referred to these schools as “terror schools” or “FETÖ schools” and urged parents “not to send their children to the schools of terrorists” were launched.

Administrators of the De Roos primary school in Zaanstad filed lawsuits against certain parents over such insults. The Haarlem court handed down a decision on Sept. 16, 2016 holding that those who referred to school executives as “traitors” or the school as a “FETÖ school” or “terror school” be fined 1,000 euros for each instance of violation. Those who repeat such insults would be fined up to 10,000 euros. The school’s lawyer Marcel Dekker said in court: “The four defendant Turkish families created a WhatsApp group to prevent other parents from sending their children to the De Roos schools. They also created a Facebook page. ‘Do not send your kids to the school of traitor and terrorist Gülen,’ they wrote on that page. Therefore, our school suffered tremendous financial losses.”<sup>1032</sup>

### Nigeria

According to reporting by Deutsche Welle in August 2016, Turkey’s ambassador to Nigeria “approached the government and said the Gulen schools should be closed down. The reason he gave was the schools’ links to the Hizmet movement, which Turkey regards as a terrorist organization. The ambassador’s appeal was met by a storm of protest from the Nigerian side and it is as yet unclear how President Buhari will handle the request”.<sup>1033</sup>

BBC News reported in September 2016 that there are 17 Gulen-associated schools, plus one university, and that “all still open despite Turkish calls to close them. However, they have changed their names to remove any reference to Turkey”.<sup>1034</sup>

### Pakistan

According to reporting by Gulf News in December 2016, the Pakistani government reportedly ordered all Turkish teachers and managers, along with their families, at Gulen-linked schools in the country to leave by 20 November 2016.<sup>1035</sup> The same source further noted that PakTurk International Schools and Colleges reportedly has more than 20 branches across the country, educates more than 10,000 students, and “insist that the schools do not promote any radical religious ideas, and they praise the Turkish influence as building moral character in the young”.<sup>1036</sup> The source further reported that the expulsion orders against about 100 Turkish teachers and their

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<sup>1031</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1032</sup> Stockholm Center for Freedom, [Erdoğan's long arm in Europe: The case of The Netherlands](#), 27 February 2017, *Award of compensation for 'terrorist' tag*, p. 28

<sup>1033</sup> Deutsche Welle, [Turkey targets Gulen schools in Africa](#), 4 August 2016

<sup>1034</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1035</sup> Gulf News, [Pakistan: Expelling teachers from Turkey](#), 19 December 2016

<sup>1036</sup> Gulf News, [Pakistan: Expelling teachers from Turkey](#), 19 December 2016

families have been challenged in provincial courts, and most have reportedly been granted temporary visa extensions.<sup>1037</sup>

The Washington Post reported that despite the temporary visa extensions “all expect to be forced to leave, and some said they fear being harassed and arrested if they return to Turkey”.<sup>1038</sup> Gulf News similarly noted that “the teachers remain in limbo, suddenly jobless in Pakistan and fearful of what awaits them in Turkey. One faculty couple with two children, who asked not to be identified for fear of reprisal, said they now rarely leave the rented house they share with another Turkish family. ‘If people at home know I work here, it will be enough to send me straight to jail,’ said the husband, 30, who has taught math in PakTurk schools for the past several years”.<sup>1039</sup>

### Russia

BBC News reported in September 2016 that there were seven Gulen-associated schools and that they are “now operating under Education Ministry management in Tatarstan. Forty three shut down across the country in 2008”.<sup>1040</sup>

### Senegal

The Turkish news agency Anadolu Agency reported in December 2016 that “Six schools in Senegal linked to the Fetullah Terrorist Organization (FETO) have been taken over by a Turkish education foundation, an official told Anadolu Agency on Wednesday”.<sup>1041</sup>

### Serbia

The Turkish government has reportedly sent a formal request to the Serbian government asking it to close all of the Gulen-associated schools in the country, according to ANSAMED reporting in October 2016.<sup>1042</sup>

### Somalia

At the end of July 2016 The National reported that “Barely 12 hours after a failed coup in Turkey, Somalia’s cabinet met in Mogadishu to consider a request from Ankara to shut down two schools and a hospital linked to Fethullah Gulen [...] Such is Turkey’s sway in Somalia, where it has spearheaded international reconstruction efforts after decades of war and instability, that closing the institutions was not a difficult decision. Teachers and pupils at the two huge boarding schools run by Mr Gulen’s Nile Academy educational foundation were given seven days to pack their bags and, if they were foreign, leave the country. Almost all of them were Somali, however”.<sup>1043</sup>

Deutsche Welle reported in August 2016 that “according to the New York Times, Somalia shut down premises belonging to the [Gulen] movement within hours of the attempted coup in Turkey. Somalia has benefited greatly from Turkish development aid in the past”.<sup>1044</sup>

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<sup>1037</sup> Gulf News, [Pakistan: Expelling teachers from Turkey](#), 19 December 2016

<sup>1038</sup> The Washington Post, [Pakistan plans to expel Turkish teachers linked to opposition at home](#), 10 December 2016

<sup>1039</sup> Gulf News, [Pakistan: Expelling teachers from Turkey](#), 19 December 2016

<sup>1040</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1041</sup> Anadolu Agency, [Turkish foundation takes over FETO schools in Senegal](#), 7 December 2016

<sup>1042</sup> ANSAMED, [Turkey calls for closure of Gulen schools in Serbia](#), 26 October 2016

<sup>1043</sup> The National, [Turkey puts pressure on foreign countries to close Gulen-linked schools](#), 30 July 2016

<sup>1044</sup> Deutsche Welle, [Turkey targets Gulen schools in Africa](#), 4 August 2016

BBC News reported in September 2016 that “All three schools in Somalia were summarily shut down and the Turkish teaching staff sent home. They have now reopened under new management, with Somali teachers and Turkish embassy funding”.<sup>1045</sup>

### Sudan

Daily Sabah reported in December 2016 that arrangements had been made in Sudan to shut down schools linked to the Gulen movement.<sup>1046</sup> The Daily Pakistan reported in August 2016 that two schools were affected by this arrangement.<sup>1047</sup>

### Switzerland

Deutsche Welle reported in March 2017 that “A criminal investigation has been opened into allegations that the Ankara government has spied on expatriate Turks. Several academic events in Switzerland were reportedly filmed and photographed by unspecified agents.”<sup>1048</sup>

### Tanzania

Deutsche Welle reported in August 2016 that school operators in Tanzania are fearing Turkish intervention in their affairs: “The Feza schools on Zanzibar, the nation's semi-autonomous archipelago, have sought to distance themselves from the attempted coup in Turkey. “Our agenda is education. We have nothing to do with politics,” Abdulrahman Saloum, a deputy school director, told DW. Zanzibar, which has a Muslim majority, has maintained close ties with Turkey, but Ankara still halted aid payments to it following the abortive July 15 coup”.<sup>1049</sup>

BBC News reported in September 2016 that there are 10 Gulen-associated schools and that “no news of schools being closed, however the Turkish embassy published a letter on its Facebook page calling for the schools to be closed down”.<sup>1050</sup>

### Thailand

BBC News reported in September 2016 that there are four Gulen-associated schools and that “all schools [are] still open but Turkish embassy [are] calling for them to close”.<sup>1051</sup>

### Tajikistan

BBC News reported in September 2016 that there are 6 Gulen-associated schools and that they have been “taken over by the government and rebranded Schools for Gifted children in 2015”.<sup>1052</sup>

### USA

According to The Diplomat in August 2016: “In the United States, where there are several networks of Gülen-linked charter schools such decisions [on whether or not to close them] will fall to local

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<sup>1045</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1046</sup> Daily Sabah, [Benin to shut down FETÖ-linked schools](#), 6 December 2016

<sup>1047</sup> Daily Pakistan, [Sudan succumbs to Erdogan's pressure, closes "Gulen Schools"](#), 7 August 2016

<sup>1048</sup> Deutsche Welle, [Swiss open probe into spying on its Turkish community](#), 24 March 2017

<sup>1049</sup> Deutsche Welle, [Turkey targets Gulen schools in Africa](#), 4 August 2016

<sup>1050</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1051</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

<sup>1052</sup> BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

school boards. Texas is investigating its network of Gülen schools—the largest chain of charter schools in the state”.<sup>1053</sup>

### Uzbekistan

According to The Diplomat in August 2016: “In Uzbekistan, the movement to shut the network out predated Gülen’s fallout with Turkish President Recep Tayyip Erdoğan”.<sup>1054</sup>

## **5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan and their family members since the attempted Coup d’état**

For up-to date information on the extent of the post-coup purge, including statistics, see [www.turkeypurge.com](http://www.turkeypurge.com), which according to its founders, is a “small group of young journalists”, which was established “with the aim of tracking the extensive witch-hunt in Turkey”.<sup>1055</sup> Similarly, the [Stockholm Center for Freedom](http://StockholmCenterforFreedom.org), set up by “a group of journalists who have been forced to live in self-exile in Sweden” provides “a reference source which provides a broad and accurate perspective on rights violations in Turkey, monitoring daily developments through the lens of fact-based investigative journalism, and documenting individual cases of infringement of fundamental rights and liberties”.<sup>1056</sup> The same source further provides updated lists on i) jailed and wanted journalists, ii) suspicious deaths and suicides, and iii) enforced disappearances.<sup>1057</sup>

### **a. Treatment of political opponents**

For information on the treatment of Kurdish political activists post the attempted coup, see [Z. a. Kurds, ii. Treatment of political opponents.](#)

#### Pre-attempted coup situation

In its annual report covering 2015 Human Rights Watch stated that “Government-led restrictions on media freedom and freedom of expression in Turkey in 2015 went hand-in-hand with efforts to discredit the political opposition and prevent scrutiny of government policies in the run-up to the two general elections”.<sup>1058</sup>

Freedom House noted in its annual report covering 2015 that Turkey received a “downward trend arrow” due amongst others an “intense harassment of opposition members and media outlets by the government and its supporters ahead of November [2015] parliamentary elections”.<sup>1059</sup>

Amnesty International in its annual report covering 2015 found “Respect for freedom of expression deteriorated. Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or

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<sup>1053</sup> The Diplomat, [Kazakhstan and Kyrgyzstan Reject Turkish Calls to Close Gülen Schools](#), 1 August 2016

<sup>1054</sup> The Diplomat, [Kazakhstan and Kyrgyzstan Reject Turkish Calls to Close Gülen Schools](#), 1 August 2016

<sup>1055</sup> See TurkeyPurge, [Who We Are](#), Undated [Accessed: 1 December 2016]

<sup>1056</sup> See Stockholm Center for Freedom, [About Stockholm Center for Freedom](#), Undated [Accessed: 14 September 2017]

<sup>1057</sup> See Stockholm Center for Freedom, [Homepage](#), Undated [Accessed: 14 September 2017]

<sup>1058</sup> Human Rights Watch, [World Report 2016: Turkey, Events of 2015](#), 27 January 2016, *Freedom of Expression, Association, and Assembly*

<sup>1059</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *Trend Arrow*

government policy. Ordinary citizens were frequently brought before the courts for social media posts”.<sup>1060</sup>

The U.S. Department of State reported in its annual report covering 2015 that “Inconsistent application of the law and the appearance of overly broad application of antiterror laws remained problems. Wide leeway granted to prosecutors and judges contributed to politically motivated investigations and court verdicts that were not consistent with the law or with rulings in similar cases. Authorities applied the broad antiterror laws extensively with little transparency to arrest opposition political party members and individuals accused of association with the PKK or the Fethullah Gulen movement. Authorities continued to make arbitrary arrests, hold detainees for lengthy and indefinite periods, and conduct extended trials”.<sup>1061</sup>

The same source further noted that “Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints”.<sup>1062</sup>

Indicative of the extent of the criminalisation of perceived political opponents, Hurriyet Daily News reported on 28 October 2015 that “Two children aged 12 and 13 have been arrested on charges of ‘insulting the Turkish president’ after allegedly tearing down posters showing a photo of President Recep Tayyip Erdoğan” and face up to two years and four months in prison if indicted.<sup>1063</sup>

Freedom House’s 2016 ‘Freedom on the Net’ report covering the period of 1 June 2015 to 31 May 2016 noted that “Arrests and prosecutions for social media posts have increased in recent years, and in some cases, individuals have been imprisoned. Over the past year, hundreds of Twitter users faced charges of insulting government officials, defaming President Erdoğan, or sharing propaganda in support of terrorist organizations”.<sup>1064</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights found that the scope and application of the series of decrees that allowed for the suspension or dismissal of civil servants, as well as judges and prosecutors, “have not been limited to the public sector” but have “introduced sweeping measures affecting, among others, civil society, municipalities, private schools, universities and medical establishments, legal professionals, media, business and finance, as well as the family members of suspects. In addition, the procedures established under the decrees represent a significant deviation from ordinary procedural guarantees in the context of both administrative and criminal law. It is therefore clear that these measures created, directly or indirectly, sweeping interferences with the human rights of a very large number of persons”.<sup>1065</sup>

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<sup>1060</sup> Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Freedom of Expression*, page 370

<sup>1061</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Executive Summary*

<sup>1062</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 2. a. Freedom of Speech and Press*

<sup>1063</sup> Hurriyet Daily News, [Two children face two years in jail for tearing down Erdoğan poster](#), 28 October 2015

<sup>1064</sup> Freedom House, [Freedom on the Net 2016 - Turkey](#), November 2016

<sup>1065</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Introduction, paragraphs 8 and 9, p. 2*

In October 2016 Human Rights Watch noted that the declared state of emergency and the subsequent emergency decrees have been applied by law enforcement not only to “those accused of involvement with the coup attempt, but also to detainees accused of links with armed Kurdish and leftist groups, depriving also them of important safeguards against ill-treatment and unfair prosecution” and have created a “pervasive climate of fear where lawyers, detainees, human rights activists, medical personnel and forensic specialists told Human Rights Watch they fear that they will be next in the government’s extensive purge of alleged coup supporters”.<sup>1066</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States noted that “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. 3 MPs (Ziya Pir, Sirri Sureyya Onder and İmam Taşçier) were later released on bail. 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)’ and was criticised by the Assembly and the Venice Commission. On 7 November 2016, Hakkari deputy Nihat Akdağon 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. 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. The HDP protested against the detention conditions of the detained parliamentarians, who are in solitary confinement in remote high-security (F-type) prisons with restricted access to their lawyers. A delegation of CHP MPs visited Mr Demirtaş 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”.<sup>1067</sup>

According to Human Rights Watch, “The November 4, 2016 court decision to place the leaders and seven members of the opposition Peoples’ Democratic Party (HDP) in pretrial detention shows blatant disregard for the right to political representation and participation for millions of voters. It also demonstrates the failure of a less-than-independent judiciary to curb the illegitimate overreach of a government crackdown against its opponents”.<sup>1068</sup>

The Middle East Eye reported in November 2016 that “Turkish President Recep Tayyip Erdogan and his AKP party [...] lodged criminal complaints against the leader of the main opposition party and several of its MPs for criticising the government's post-coup crackdown. The complaint, seen by the state-run Anadolu news agency, accused CHP party [Republican People’s Party] leader Kemal Kilicdaroglu and the MPs of making a ‘heavy insult’ against the president in a statement released on Monday. The CHP's party council said the government had itself to blame for the 15 July coup attempt and was now attacking the founding values of modern Turkey”.<sup>1069</sup>

The UN Special Rapporteur on the right to freedom of opinion and expression David Kaye stated in his preliminary conclusions following his November 2016 visit to Turkey that:

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<sup>1066</sup> Human Rights Watch, [A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, *Summary*, p. 3

<sup>1067</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paras 22-25

<sup>1068</sup> Human Rights Watch, [Turkey: Opposition Party Leaders, MPs Jailed - Government Widens Crackdown on Independent Media, pro-Kurdish Opposition](#), 7 November 2016

<sup>1069</sup> Middle East Eye, [Erdogan files criminal complaint against opposition leader for 'insult'](#), 8 November 2016

Opposition voices are especially hit hard. Of immediate concern is the situation for the HDP and other opposition parties facing, or potentially facing, terrorism-related accusations. On 20 May 2016, the parliamentary immunity of members of parliament was lifted, causing serious concern that criticism of Government may be characterized as promotion of terrorism. Several HDP leaders have been imprisoned on the bases of emergency decrees, while they also face Ministry of Interior charges of making false propaganda. 117 investigations have been initiated recently in addition to 683 existing cases. 500 cases belong to HDP and members of parliament of HDP. The co-chairs of the HDP alone face 103 cases. Since the attempted coup, approximately two thousands members of the HDP have been detained.<sup>1070</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership considered that “The country is at an early stage in the area of freedom of expression, the media and the internet. In the past year, serious backsliding continued and gave rise to growing concern. [...] The trend of prosecutions of journalists, writers, social media users and other citizens, even juveniles, for insulting the President of Republic continued. Such cases often end with prison sentences, suspended sentences or punitive fines. This restrictive and intimidating environment leads to increased self-censorship and is not in line with the emerging European consensus on decriminalising defamation of heads of state or limiting this offence to the most serious forms of verbal attacks while restricting the range of sanctions to exclude imprisonment. On a positive note, in the aftermath of the coup attempt, the President and the Prime Minister have announced that they dropped a large number of cases brought for insulting them, but not those brought against HDP members”.<sup>1071</sup>

A December 2016 Carnegie Endowment for International Peace article considered that “Erdogan’s purge of political enemies, arrest of opposition politicians, and assault on political liberties, the media and civil society pose a direct and serious threat to the underpinnings of democracy. Many have also expressed their legitimate concerns about his bid to revise the constitution, concentrating powers in the presidency”.<sup>1072</sup>

Reuters reported on 13 December 2016 that “Turkey detained 235 people over alleged links to Kurdish militants in nationwide raids [...], two days after twin bombings killed 44 people and wounded about 150 outside an Istanbul soccer stadium. The interior ministry said Monday’s detentions were made across 11 provinces from northwest to southeast Turkey and that the 235 people were held on charges of ‘spreading terror group propaganda’ over social media and acting on behalf of the PKK”.<sup>1073</sup> Al Monitor reported on the same wave of arrests and noted on 14 December 2016 that “At the time of this writing, some 600 people had been detained and more arrests are expected. Two more lawmakers were added to the 10 HDP lawmakers already behind bars. The party’s co-chairs are in prison, as well”.<sup>1074</sup>

Edge Media reported at the end of December 2016 that “Turkish authorities have formally arrested 1,656 people in the past six months for allegedly supporting terrorist organizations or insulting officials on social media, and are investigating at least 10,000 others, the Interior Ministry said”.<sup>1075</sup> The same source further noted that “In a statement it said legal action had been taken against 3,710 people identified by police. Beside those arrested, 1,203 people were released on probation, 767 were released and 84 others are still in detention. Charges include provoking hatred among the people; praising terrorist organizations; disseminating terrorist propaganda; openly declaring

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<sup>1070</sup> OHCHR news, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey, 14-18 November 2016](#), 18 November 2016

<sup>1071</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.4. Human rights and the protection of minorities, Freedom of expression p.25-26

<sup>1072</sup> Carnegie Endowment for International Peace, [Is There Still Hope for Turkish Democracy?](#) 8 December 2016

<sup>1073</sup> Reuters, [Turkey detains 235 over Kurdish militant links after Istanbul blasts](#), 13 December 2016

<sup>1074</sup> Al Monitor, [Outrage over Istanbul bombing turns anti-Kurdish](#), 14 December 2016

<sup>1075</sup> Edge Media, [Turkey Arrests 1,656 Social Media Users Since Summer](#), 28 December 2016



allegiance to terrorist groups; insulting statesmen; and targeting the indivisibility of the state or safety of citizens”.<sup>1076</sup> For example, the Committee to Protect Journalists reported that “Police detained the owner of a cafeteria at the Istanbul office of the daily Cumhuriyet December 25 [2016] for allegedly ‘insulting the president,’ the BBC reported. Şenol Buran was arrested after allegedly saying he would refuse to serve tea to Recep Tayyip Erdoğan if the Turkish president visited the café”.<sup>1077</sup>

Also in December 2016, the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer issued his preliminary observations and recommendations following his November 2016 visit to Turkey which found that “The sweeping security measures taken by the Government in response to the failed coup of 15 July 2016 seem to have resulted in a general sense of intimidation and distrust in many segments of the population, preventing not only inmates and their families, but also civil society, lawyers, and doctors from initiating or participating in any procedure that may be perceived – rightly or wrongly - as opposing or criticizing the Government and its officials”.<sup>1078</sup>

BBC News reported on 27 December 2016 that “A judge [...] remanded in custody a cook who works at an opposition newspaper on a charge of insulting the president. The cook, Senol Buran, is alleged to have told police he would not serve President Erdogan a cup of tea”.<sup>1079</sup>

BBC News reported on 4 January 2017 that “A fashion designer [Barbaros Sansal] and “an outspoken critics of Turkey’s ruling Justice and Development Party] has been charged with inciting hatred on social media and imprisoned” for posting “a video on his Twitter account angrily denouncing those out celebrating ‘while there is so much filth, vileness and poverty’ in the country. He also spoke of ‘scores of journalists’ jailed in Turkey as well as abused children, corruption and bribery”.<sup>1080</sup>

In early January 2017 Turkey Purge reported that “Halkevleri organization members Ayşegül Başar and Hamit Dışkaya, who were detained [...] over a video in which they call on people to protect secularism against the government and President Recep Tayyip Erdoğan, were arrested by an İstanbul court on Tuesday for alleged ‘incitement of hatred and hostility’”.<sup>1081</sup> In a further January 2017 report the same source noted that “Ayşegül Başar, an intern reporter at Cumhuriyet newspaper was detained for an anti-government speech she delivered at an İstanbul teahouse”.<sup>1082</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January– 11<sup>th</sup> September 2017

Reporting on the narrow win for the “yes” campaign in the April 2017 Constitutional Referendum, Reuters noted that Erdoğan “faces the danger of a resurgent opposition, particularly if the People’s Republican Party (CHP) and Nationalist Action Party (MHP) can work together, as they did in the Ankara municipal election of 2014, which the ruling AKP party only held by the narrowest of margins and with significant evidence of electoral fraud. A coordinated opposition under the leadership of someone like former MHP dissident Meral Akşener could make real inroads into the AKP’s monopoly

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<sup>1076</sup> Edge Media, [Turkey Arrests 1,656 Social Media Users Since Summer](#), 28 December 2016

<sup>1077</sup> Committee to Protect Journalists, [Turkey Crackdown Chronicle](#), Week of December 25, *Arrest over no tea comment*

<sup>1078</sup> OHCHR news, [Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016](#), 2 December 2016

<sup>1079</sup> BBC News, [Turkish police in court for first Istanbul trial over coup plot](#), 27 December 2016

<sup>1080</sup> BBC, [Turkish designer Barbaros Sansal jailed after mob attacks him](#), 4 January 2017

<sup>1081</sup> Turkey Purge, [Secular activists jailed over call to protect secularism in Turkey](#), 3 January 2017

<sup>1082</sup> Turkey Purge, [Cumhuriyet daily intern detained for anti-terrorism talk at teahouse](#), 3 January 2017

on the center right and potentially remake the electoral map in important ways”.<sup>1083</sup> Furthermore, “Erdoğan is unlikely to reach out to his rivals; his instincts have consistently been to crush the opposition, not compromise with it. [...] Erdoğan will continue to use the state of emergency as a way to harass and isolate political enemies, real and perceived, trampling civil liberties along the way”.<sup>1084</sup>

For further information on the treatment of persons campaigning for a “No” vote in the Referendum and “No” voters, see section [5.a Treatment of political opponents, i. Treatment of “No” campaigners](#).

The Assessment Capacities Project (ACAPS) noted in its ‘Crisis Analysis’ on Turkey that “As of late April [2017], of the 59 HDP MPs, one has been sentenced for alleged terrorism plots, 11 MPs are under arrest warrants, and 13 MPs are pursued”.<sup>1085</sup>

With regards to the treatment of dissenting voices a May 2017 Amnesty International report noted that “In an increasingly compliant media, dissenting voices are finding it more and more difficult to be heard. Anyone expressing views seen as critical by the government risks being on the receiving end of threats, intimidation and harassment online, criminal proceedings, detention, dismissal from their post or censorship”.<sup>1086</sup>

According to the June 2017 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey, “Although the Minister of Justice must formally initiate cases, prominent officials, including the President, frequently bring criminal defamation cases against journalists, artists and academics. Reports indicate that the Ministry of Justice has initiated up to 2,000 defamation cases for ‘insult’ of the President”.<sup>1087</sup>

The BBC reported in June 2017 that “Enis Berberoglu from the Republican People's Party (CHP), the main opposition party, was sentenced to 25 years in prison for leaking ‘secret information’ to a newspaper. He is accused of handing over evidence showing Turkish intelligence services transporting arms over the border to Syria, a story which angered President Recep Tayyip Erdogan”.<sup>1088</sup> Deutsche Welle noted that he was the first lawmaker from CHP to be jailed since the government crackdown that followed last year’s attempted coup.<sup>1089</sup>

In June 2017 AI Monitor reported that during Turkey’s state of emergency, “150,000 people have been arrested and 50,000 remain behind bars, including journalists, academics, students, public servants and even shopkeepers. Absent from this long list of alleged supporters of Fethullah Gulen, the US-based cleric accused of masterminding the putsch, are political figures who made no secret of their sympathy for Gulen in the past. This has long stirred controversy and sparked accusations that the ruling Justice and Development Party (AKP) is protecting its own”.<sup>1090</sup> The same source described the following cases:

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<sup>1083</sup> Reuters, [Commentary: The real winners, and losers, in the Turkish referendum](#), 17 April 2017

<sup>1084</sup> Reuters, [Commentary: The real winners, and losers, in the Turkish referendum](#), 17 April 2017

<sup>1085</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Latest update 31 August 2017

<sup>1086</sup> Amnesty International, [Journalism is Not a Crime: Crackdown on media freedom in Turkey](#), 3 May 2017, *Introduction p.4*

<sup>1087</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 18

<sup>1088</sup> BBC, [Turkey jails UN judge in ‘breach of diplomatic immunity’](#), 15 June 2017

<sup>1089</sup> Deutsche Welle, [Turkey protests: Thousands march after court convicts opposition MP](#), 15 June 2017

<sup>1090</sup> AI Monitor, [Turkey's elite get lenient treatment in post-coup probes](#), 22 June 2017

In September 2016, two months after the coup attempt, the arrest of businessman Omer Kavurmaci — the son-in-law of Istanbul Mayor Kadir Topbas — led many to believe that the operations would extend to political quarters, since the Topbas family's sympathy for Gulen was no secret. The expectations, however, did not materialize. Moreover, the judiciary made a surprise decision in May 2017 to release Kavurmaci while pending trial, on the grounds he suffers from epilepsy and sleep apnea.

Then, in June 2017, the authorities arrested Ekrem Yeter, the son-in-law of AKP co-founder Bulent Arinc. An associate professor in medicine, Yeter was among hundreds of academics expelled from universities through legislative decrees that the government used to its advantage under the state of emergency. Yeter became a suspect because the health association that he chaired was shut down after the coup attempt for alleged affiliation with the Gulen community, which the government has since rebranded as the Fethullah Gulen Terrorist Organization.

Yeter reportedly testified that he had joined the health association after his father-in-law advised him to contribute to the association. He testified that AKP heavyweights such as Labor Minister Mehmet Muezzinoglu and Agriculture Minister Faruk Celik had attended the health association's events. Given the zeal with which prosecutors pursue alleged Gulen sympathizers, one would have expected that a testimony providing fresh names would lead to an expanded investigation. But this did not happen. Moreover, Yeter walked free after a few days in jail when a court ruled he had a permanent residence and therefore he could report to the police regularly and was not a flight risk.<sup>1091</sup>

The same source went on to explain that “The release of the two men was seen as special treatment, leading social media users to coin the term “sons-in-law law,” which politicians and journalists were quick to adopt. [...] The contrast between the treatment of different suspects was inescapable. The evidence prosecutors have against the sons-in-law and the evidence used to imprison journalists is beyond comparison. [...] The Kurdish-dominated Peoples’ Democratic Party (HDP) is also incensed, as two of its co-chairs and 11 of its lawmakers are in jail”.<sup>1092</sup>

In July 2017 Carnegie Foundation article reported on a 25 day, 450km protest sometimes referred to as the ‘March for Justice’ led by Turkey’s main opposition leader, Kemal Kiliçdaroğlu of the Republican People’s Party (CHP) in which he “urged supporters to resist the decline in democratic freedoms”.<sup>1093</sup> The article further stated that “Erdoğan’s narrow victory in April’s constitutional referendum, which granted the president sweeping new powers to dissolve Parliament, issue decrees, and unilaterally appoint judges, deepened the opposition’s resolve. But it also helped push more Turks into the opposition’s embrace. According to a Research Istanbul survey, among those who voted “no” to the referendum, 85% stood with Kiliçdaroğlu marchers. Tellingly, 7% of those who voted “yes” did as well”.<sup>1094</sup>

The Stockholm Center for Freedom noted that “Emrullah Kavuz, a local member of Turkey’s ruling Justice and Development Party (AKP) has threatened the main opposition Republican Peoples’ Party (CHP) leader Kemal Kiliçdaroğlu. In a video clip widely shared on social media on June 21 [2017], Kavuz addresses to Kiliçdaroğlu for his role in the recently organized ‘March for Justice’. ‘We are just waiting for a word from the Chief (Turkey’s autocratic President Recep Tayyip Erdoğan) to move. With just a single word, let alone walking like you, we die, we run to be killed and kill if needed,” Kavuz heard shouting in the video’.”<sup>1095</sup> Furthermore, “CHP local members in Rize province were attacked by a group of government supporters during small-scale “March for Jusstice” in the city [sic]<sup>1096</sup>.

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<sup>1091</sup> Al Monitor, [Turkey's elite get lenient treatment in post-coup probes](#), 22 June 2017

<sup>1092</sup> Al Monitor, [Turkey's elite get lenient treatment in post-coup probes](#), 22 June 2017

<sup>1093</sup> Carnegie Foundation, [Turkey's Emboldened Opposition](#), 14 July 2017

<sup>1094</sup> Carnegie Foundation, [Turkey's Emboldened Opposition](#), 14 July 2017

<sup>1095</sup> Stockholm Center for Freedom, [Turkey's Ruling AKP Member Threatens Main Opposition CHP Leader With Death](#), 23 June 2017

<sup>1096</sup> Stockholm Center for Freedom, [Turkey's Ruling AKP Member Threatens Main Opposition CHP Leader With Death](#), 23 June 2017

A further July 2017 the Carnegie Foundation reported that “the coup has offered the ruling Justice and Development Party (AKP) and the Turkish president an opportunity to forge ahead with their religious-conservative societal agenda despite substantial popular opposition, while eliminating dissent and debate from political life”.<sup>1097</sup> The same source further noted that “The government initially attributed the coup solely to the movement of preacher Fethullah Gülen. But there is a new tendency to lump together three organizations labeled as ‘terrorist’ under Turkey’s current state of emergency—the Gülenists, the insurgent Kurdistan Workers’ Party (PKK), and the self-proclaimed Islamic State—although it is hard to identify structural links between these three entities. [...] By Western standards, Turkish democracy has been shattered, and most democratic safeguards—the high election board, the constitutional court, and the parliament—have ceased to play their normal roles”.<sup>1098</sup>

In an August 2017 report the Stockholm Center for Freedom considered that “Erdoğan, who consolidated his grip on the judiciary with the constitutional amendments of April 16 that gave him the ultimate power to effectively shape the top judicial bodies, enjoys absolute immunity when using incessant hate speech against his critics and opponents. On the other hand, Erdoğan’s lawyers bring thousands of defamation cases against people who have legitimately criticized the president, slapping critics with hefty fines and jail sentences”.<sup>1099</sup>

A further article from the same source noted in August 2017 that “A 19-year-old university student has been arrested by an Edirne court over allegedly ‘insulting’ Turkey’s autocratic President Recep Tayyip Erdoğan on social media, the Diken news portal reported. The Ministry of Interior Affairs announced over the past months that 10,000 people are currently under investigation on suspicion of terrorist propaganda and insulting senior state officials on social media”.<sup>1100</sup>

In September 2017 an IRIN news article reported that “Ibrahim Bilmez, a lawyer representing political prisoners in Turkey, including Abdullah Ocalan, founder of the outlawed Kurdistan Workers’ Party (PKK), told IRIN that political prisoners are subjected to frequent strip searches both before and after conviction, as well as restrictions on family visits. Meetings with lawyers are recorded by video cameras or conducted in the presence of security personnel, inhibiting the right to a proper defense. [...] Political prisoners are also regularly denied access to doctors and medical examinations, which rights groups have claimed is a deliberate effort to stop the verification of torture allegations”.<sup>1101</sup>

For information on the ill-treatment of protestors, see section [3 i. Extrajudicial and targeted killings, unlawful use of violence and harassment](#).

### **i. Treatment of “No” campaigners**

In an April 2017 interim monitoring report, OSCE election observers noted that “The law only provides for the participation of eligible political parties in the campaign. On 11 February the SBE [Supreme Board of Elections] announced that 10 parties out of 95 registered have met the requirements; two parties that were not found to be eligible unsuccessfully appealed the decision.

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<sup>1097</sup> Carnegie Foundation, [Turkey One Year After the Failed Coup](#), 11 July 2017

<sup>1098</sup> Carnegie Foundation, [Turkey One Year After the Failed Coup](#), 11 July 2017

<sup>1099</sup> Stockholm Center for Freedom, [Hate Speech Against Christian in Erdoğan’s Turkey](#), August 2017, *Introduction* p. 7

<sup>1100</sup> Stockholm Center for Freedom, [Turkey Jails 19-Year-Old Over Allegedly ‘Insulting’ Erdoğan On Social Media](#), 24 August 2017

<sup>1101</sup> IRIN news, [Crackdown: Prison conditions worsen in post-coup Turkey](#), 6 September 2017

One civil society initiative applied for registration as a political party in order to participate in the referendum campaign, but has not yet been registered. Political parties are expected to inform voters on the amendments and their potential impact. The 'Yes' campaign is led by the ruling party and supported by a number of leading national and lower level public officials, including the president. The 'No' campaign is predominantly conducted by the main opposition parties. OSCE/ODIHR LROM noted that supporters of the 'No' campaign faced campaign bans, police interventions, and violent scuffles at their events".<sup>1102</sup>

For example the BBC reported in February 2017 that "A group campaigning for a "no" vote in the Istanbul district of Kadikoy was attacked by police. An online video shows policemen pulling a gun and using pepper spray on protesters".<sup>1103</sup> With regards to the treatment of dissenting voices Amnesty International report noted that "In an increasingly compliant media, dissenting voices are finding it more and more difficult to be heard. Anyone expressing views seen as critical by the government risks being on the receiving end of threats, intimidation and harassment online, criminal proceedings, detention, dismissal from their post or censorship. For example, in February 2017, Kanal D presenter İrfan Değirmenci was dismissed after he announced on Twitter that he intended to vote "no" in the April 2017 constitutional referendum. By contrast, Hürriyet columnist Fatih Çekirge, who announced his intention to vote "yes", kept his position. Both Kanal D and Hürriyet are owned by the Doğan Media Group".<sup>1104</sup>

In May 2017 the organisation Article 19 reported that "Restrictions reached new heights in the lead up to Turkey's contested constitutional referendum on 16 April 2017 which concentrated power in the office of the president. The campaign was marred by the authorities threatening, detaining and prosecuting individuals who voiced criticism of the proposed amendments".<sup>1105</sup>

In an April 2017 article the Stockholm Center for Freedom noted that "Ökkeş Namlı, mayor of the Düziçi Municipality in southern province of Osmaniye, has threatened to fire municipal workers if they vote "no" in a referendum, the haberdar news website reported. In a similar development, a district governor in the Tutak district of the eastern province of Ağrı has threatened to cut off agricultural subsidies granted to the residents if their villages vote against a constitutional reform package".<sup>1106</sup>

The International Institute for Strategic Studies considered in an April 2017 report that "For Erdogan, silencing opposition channels has become a non-negotiable tenet of his presidency. Many commentators have argued that this referendum failed to respect the democratic values of free speech and an independent press, and has prevented opponents from campaigning effectively. More critically, perhaps, these purges and suppression of the 'no' campaign have created an environment of self-censorship, that is likely to continue as the amendments are implemented".<sup>1107</sup>

Similarly the Brookings Institution considered in an April 2017 report that:

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<sup>1102</sup> OSCE Office for Democratic Institutions and Human Rights, [Interim Report 17 March-7 April 2017](#), 7 April 2017, *Executive Summary* p.2

<sup>1103</sup> BBC, [Turkey says 'No' to saying 'No', ahead of its referendum](#), 24 February 2017

<sup>1104</sup> Amnesty International, [Journalism is Not a Crime: Crackdown on media freedom in Turkey](#), 3 May 2017, *Introduction* p.4

<sup>1105</sup> Article 19, [Turkey: UN Human Rights Council should address continuous deterioration of freedom of expression and other human rights](#), 15 May 2017

<sup>1106</sup> The Stockholm Center for Freedom, [Days Before Critical Referendum In Turkey Oppression Targeting Naysayers Soars](#), 13 April 2017

<sup>1107</sup> International Institute for Strategic Studies, [Turkey approves constitutional amendment](#), 17 April 2017

[...] the electorate went to the polls Sunday without having had a chance to form an informed opinion about the constitutional amendments and what exactly they'd mean for Turkey's future. The government framed the reforms as a desperately needed transformation if the country is to face its many challenges, most notably recent security threats. The "no" campaigners, on the other hand, were not given a fair chance to put forward their case and explain to the electorate why the amendments risked adversely affecting Turkish democracy and governance. As *The Economist* pointed out, it was "Yes" supporters who enjoyed overwhelming access to the media, while critics—be them politicians, journalists, or others—were muzzled if not detained through the various provisions of the state of emergency rule. Notably, even the prime minister—a staunch Erdoğan loyalist—remarked that the country never had a chance to discuss the proposed amendments. The referendum was more a popularity contest for Erdoğan than a learned vote on the content of the proposals.<sup>1108</sup>

According to the Carnegie Foundation, "The referendum campaign was tense and unfair. The yes camp benefited from both the state apparatus and the massive machinery of the ruling Justice and Development Party (AKP). The jailed leadership of the pro-Kurdish Peoples' Democratic Party (HDP) could not campaign. Supporters of a no vote were routinely harassed. The state of emergency in force since the failed coup attempt in July 2016 gave the government additional means of control".<sup>1109</sup> The organisation Article 19 further reported that the referendum took place in an environment "that was far from free and fair, with people denied access to adequate and equitable information on campaigns. There were very limited opportunities for opposition and independent media to argue in favour of a 'no' vote to the proposed amendments, against a backdrop of a severe crackdown on freedom of expression".<sup>1110</sup> The same organisation further stated that "The referendum took place under a state of emergency, and was marred by widespread violations of the right to freedom of expression and other human rights" and warned that "The outcome of the referendum is likely to jeopardise guarantees for human rights in Turkey, already under sustained attack".<sup>1111</sup>

Radio Free Europe/Radio Liberty reported that following the referendum, "Thousands of people took to the streets of Istanbul and other Turkish cities to protest the results of a referendum that narrowly granted Turkish President Recep Tayyip Erdogan greater powers. At least 1,000 protesters thronged Besiktas on the European side of Istanbul late on April 17, while on the Asian side, around 2,000 demonstrators marched through Kadikoy, another secular, anti-Erdogan neighborhood. Smaller protests were held in Ankara, Izmir, and other Turkish cities. Turkish media reported that 13 people were detained in a protest in the Mediterranean city of Antalya".<sup>1112</sup>

The Council of Europe's Parliamentary Assembly 'Election observation report' published in May 2017 concluded that "The campaign framework was restrictive, and the campaign imbalanced due to the active involvement of the President and several leading national officials, as well as many local public officials, in the 'Yes' campaign. The IROM observed the obstruction of efforts of several parties and civil society organisations to support the 'No' campaign as well as the misuse of administrative resources. The campaign rhetoric was tarnished by a number of senior officials equating 'No' supporters with terrorist sympathisers. In numerous cases, 'No' supporters faced police intervention and violent scuffles at their events".<sup>1113</sup>

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<sup>1108</sup> Brookings Institution, [Referendum results risk further polarization in Turkey](#), 17 April 2017

<sup>1109</sup> Carnegie Foundation, [Dealing With Turkey's Absolute Ruler](#), 18 April 2017

<sup>1110</sup> Article 19, [Turkey: Concerns for freedom of expression deepen after referendum](#), 18 April 2017

<sup>1111</sup> Article 19, [Turkey: Concerns for freedom of expression deepen after referendum](#), 18 April 2017

<sup>1112</sup> Radio Free Europe/Radio Liberty, [Thousands In Turkey Protest Against Giving Erdogan Greater Powers](#), 18 April 2017

<sup>1113</sup> Council of Europe, Parliamentary Assembly, [Observation of the referendum on the constitutional amendments in Turkey \(16 April 2017\)](#), 29 May 2017, 7. Conclusions, para. 53, pages 7/8

In June 2017 the OSCE/ODIHR Limited Referendum Observation Mission (LROM) published its report and found that the constitutional referendum:

took place on an unlevel playing field and the two sides of the campaign did not have equal opportunities. Voters were not provided with impartial information about key aspects of the reform, and civil society organizations were not able to participate. Under the state of emergency put in place after the July 2016 failed coup attempt, fundamental freedoms essential to a genuinely democratic process were curtailed. The dismissal or detention of thousands of citizens negatively affected the political environment. One side's dominance in the coverage and restrictions on the media reduced voters' access to a plurality of views. While the technical aspects of the referendum were generally well administered and referendum day proceeded in an orderly manner, late changes in counting procedures removed an important safeguard and were contested by the opposition.<sup>1114</sup>

The International Institute for Strategic Studies predicted following the outcome of the referendum "increased human security concerns within Turkey's borders, a recalibration of Turkey's relationship with the European Union, and a strengthened narrative to knuckle down on Kurdish insurgency".<sup>1115</sup>

## ii. Treatment of political opponents abroad

This section should be read in conjunction with [4.g. Perceived or actual members or associates of the Gulen movement and their family members living abroad](#).

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Deutsche Welle reported in June 2017 that "The Turkish interior ministry on Monday announced that 130 Turks would lose their citizenship if they do not return to the country within 90 days. The group of 130 Turkish citizens includes exiled cleric Fethullah Gulen (pictured above) and two lawmakers from the pro-Kurdish Peoples' Democracy Party (HDP), Faysal Sariyildiz and Tugba Hezer".<sup>1116</sup>

In July 2017 Article 19 reported on attacks against "peaceful protesters" by Turkish security forces in Washington DC., USA.<sup>1117</sup> According to the same article: "Members of President Erdogan's private security detail charged and violently assaulted peaceful protesters [...] in Washington DC. As described by the Washington DC Police Department [...] supporters of President Recep Tayyip Erdoğan of Turkey, including his government security forces and several armed individuals, violently charged a group of protesters outside the Turkish ambassador's residence, in what the police characterised as 'a brutal attack'."<sup>1118</sup>

## b. Treatment of journalists and other media professionals

This section should be read in conjunction with sections [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#), [1.a.i.2.f. Decrees of 29 October 2016 \[KHK/675 and 676\]](#), [1.a.i.2.g. Decrees of 22 November 2016](#)

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<sup>1114</sup> OSCE/ODIHR, Republic of Turkey, [Constitutional Referendum 16 April 2017, OSCE/ODIHR Limited Referendum Observation Mission, Final Report](#), 22 June 2017, I. Executive Summary, p. 1

<sup>1115</sup> International Institute for Strategic Studies, [Turkey approves constitutional amendment](#), 17 April 2017

<sup>1116</sup> Deutsche Welle, [Turkey threatens Gulen citizenship of 130 nationals over coup plot](#), 5 June 2017

<sup>1117</sup> Article 19, [United States: Condemn attacks in peaceful protesters by Turkish security forces](#), 23 May 2017

<sup>1118</sup> Article 19, [United States: Condemn attacks in peaceful protesters by Turkish security forces](#), 23 May 2017

[\[KHK/677/678\]](#), [1.a.i.2.h. Decrees of 6 January 2017 \[KHK/679, 680 and 681\]](#), [1.a.i.2.j. Decree of 7 February 2017 \(KHK/686\)](#) and [1.a.1.2.p. Decrees of 25 August 2017 \(KHK/693 and 694\)](#).

For information on the treatment of Kurdish journalists and Kurdish media professionals post the attempted coup, see [7. a. i. Treatment of journalists and other media professionals](#).

### Pre-attempted coup situation

In its annual report covering 2015 Amnesty International considered that “Respect for freedom of expression deteriorated. Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy. Ordinary citizens were frequently brought before the courts for social media posts. The government exerted immense pressure on the media, targeting media companies and digital distribution networks, and singling out critical journalists, who were then threatened and physically attacked by often unidentified assailants. Mainstream journalists were fired after criticizing the government. News websites, including large swathes of the Kurdish press, were blocked on unclear grounds by administrative orders aided by a compliant judiciary. Journalists were harassed and assaulted by police while covering stories in the predominantly Kurdish southeast. [...] Unprecedented steps were taken to silence media linked to investigations of the “Fethullah Gülen Terrorist Organization”<sup>1119</sup>.

In its annual report covering 2015, the U.S. Department of State noted that with regards to freedom of speech and press that:

During the year many individuals, including journalists and minors, were indicted for insulting the president or prime minister; insulting the organs and institutions of the state; taking part in antigovernment plots; and being members of outlawed political groups. Some journalists were indicted for attempting to influence the judiciary (including publishing an opinion about how a pending case should be resolved or protesting in favor of a particular outcome). [...]

Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints. [...]

According to the TNP, through December 15, one newspaper, 60 magazines, one banner, 19 books, three bulletins, and eight other published materials were banned, confiscated, or removed from distribution or sale. [...]

The Alternative Media Association reported that, as of July 25, the government had blocked nearly 100 internet news sites, most of which were largely pro-Kurdish or leftist in orientation. [...]

Writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. Authorities investigated or continued court cases against myriad publications and publishers during the year. [...]

Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in at least one case, physical attack. President Erdogan and AKP members sometimes verbally attacked journalists by name in response to critical reporting. [...]

The number journalists imprisoned or detained by authorities rose in the second half of the year, largely due to the government’s antiterror operations. [...] Besides criminal charges and arrests, media faced verbal harassment, tax investigations and fines, and terrorism investigations.<sup>1120</sup>

The 2016 Freedom House ‘Freedom of the Press’ report covering events in 2015 similarly considered that “Media freedom in Turkey deteriorated at an alarming rate in 2015. The government, controlled

<sup>1119</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>1120</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *2.a. Freedom of Speech and Press*



by President Recep Tayyip Erdoğan's Justice and Development Party (AKP), aggressively used the penal code, criminal defamation legislation, and the country's antiterrorism law to punish critical reporting, and journalists faced growing violence, harassment, and intimidation from both state and nonstate actors during the year. [...] The elections, as well as volatility stemming from the Syrian conflict and the Turkish government's renewed clashes with the Kurdistan Workers' Party (PKK) militant group, contributed to a sharply polarized climate and greater political pressures on the media. The authorities continued to use financial and administrative leverage over media owners to influence coverage and silence dissent. [...] Journalists do not generally receive fair treatment in the judicial system, and the courts' handling of media-related cases in 2015 showed a lack of impartiality and independence".<sup>1121</sup>

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, "highlighted the vulnerability of journalists based on information received about the risks faced by journalists in the performance of their activities".<sup>1122</sup>

The November 2015 European Commission Turkey progress report on EU membership found that "There was significant backsliding in the areas of freedom of expression and freedom of assembly. [...] Freedom of expression is frequently challenged, in particular through arbitrary and restrictive interpretation of the legislation, political pressure, dismissals and frequent court cases against journalists which also lead to self-censorship. [...] A high number of arrests, hearings, detentions, prosecutions as well as censorship cases and layoffs occurred, as the government maintained a strong pressure on media. [...] Frequent threats and various types of intimidation from state and non-state agents against journalists and media outlets continue to be an issue of serious concern. Sporadic physical attacks against journalists have taken place, which are being investigated by the authorities".<sup>1123</sup>

The International Commission of Jurists reported that "President Recep Tayyip Erdoğan, following a decision of the Constitutional Court in February 2016 finding the detention of two journalists unconstitutional as in violation of rights to liberty and security and freedom of expression, stated that he "does not accept" and "will not abide by" the ruling of the Constitutional Court. Such comments undermine the principle of separation of powers and the independence of the judiciary, and run counter to international standards and obligations of Turkey".<sup>1124</sup>

The Inter Press Service reported 2016 that "On the evening of March 4 [2016], heavily armed police forced their way into the headquarters of the Turkish daily Zaman. The hundreds of protesters that had gathered in front of the building in an Istanbul suburb in solidarity with their newspaper were violently dispersed".<sup>1125</sup> The same source further explained that:

In spite of Davutoğlu's claims to the contrary, few observers nourish any doubts that the takeover of Zaman was a political manoeuvre by the ruling AKP, with the intention to silence one of the most vocal and influential newspapers in the country. With a circulation of about 650,000, Zaman was Turkey's biggest newspaper. This, in combination with the newspaper's close ties with the Gülen movement – a former close ally and current enemy of the AKP – made it a potential threat to the government. [...]

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<sup>1121</sup> Freedom House, [Freedom of the Press 2016 – Turkey](#), 27 April 2016

<sup>1122</sup> UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, paragraph 47

<sup>1123</sup> European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.20-23

<sup>1124</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, 3. *ISSUES OF CONCERN, Independence and politicization of the judiciary* p. 11

<sup>1125</sup> Inter Press Service, [Turkey's Crackdown on the Press](#), 14 March 2016

Just one week before the police raid of the Zaman offices, the satellite broadcast of the Istanbul-based IMC TV was pulled off the air at the request of an Ankara prosecutor on allegations of “making terrorist propaganda”. IMC TV was known for its extensive coverage of the conflict in the east.<sup>1126</sup>

Human Rights Watch reported that “The trial in Istanbul on March 25, 2016 of two prominent journalists demonstrates the huge restrictions on the media and reporters in Turkey, as well as the president and government’s determination to suppress all critical reporting, Human Rights Watch said today. Can Dündar, editor of the daily Cumhuriyet, and Erdem Gül, the newspaper’s Ankara bureau chief, are on trial in Istanbul Heavy Penal Court No. 14 on charges of obtaining and revealing state secrets for the purpose of espionage, attempting to overthrow the government, and knowingly aiding a terrorist organization. The evidence cited against them consists of a report in the newspaper about arms shipments to Syria through Turkey and their other writings”.<sup>1127</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe noted in an explanatory memorandum that “according to media organisations, 28 journalists (15 of them were convicted) and 10 media distributors were in prison in April 2016. Eighteen of these journalists and distributors are from the Kurdish media. They are charged with being affiliated to an [illegal] organisation according to the Anti-Terror Law and the Turkish Penal Code. [...] The Press for Freedom organisation reported that, in the first quarter of 2016 alone, among others, 894 journalists were dismissed from their jobs, 200 attacks were reported against journalists, including 21 against media institutions, and 12 journalists faced charges of “insulting the President” .<sup>1128</sup>

In April 2016 the Council of Europe Commissioner for Human Rights reported following a 9 day visit to Turkey that:

Recourse to an overly wide notion of terrorism to punish non-violent statements and criminalisation of any message merely coinciding with the perceived interests of a terrorist organisation were not new in Turkey, but the scale had become alarming. A similar exponential increase concerned the offence of insulting the President of the Republic, which accounted for 1845 criminal proceedings. “I have not encountered such abusive application of a similar provision in any of the other 46 member states of the Council of Europe, including those where insulting the president is still considered a separate criminal offence”. The Commissioner also pointed to the huge increase in the number of blocked websites since his predecessor’s visit in 2011, and to the fact that Turkey holds the world record for Twitter takedown requests.[...]

The takeover of newspapers and TV stations by trustees was also a very dangerous precedent according to the Commissioner: “by law, these trustees are supposed to safeguard assets, but they changed editorial policy, causing the loss of readership and ruining the market value of the companies. This is an extremely worrying precedent which has already done irreparable harm to media freedom and pluralism in Turkey, even before a final court judgment”.

According to the Commissioner, the intolerance of the executive and the judiciary to legitimate criticism had led to a very palpable chilling effect and self-censorship, and reduced the scope of democratic discussion in the country.<sup>1129</sup>

Reporters Sans Frontières noted that it was “appalled by the two-year jail sentences that an Istanbul court passed today [28 April 2016] on two journalists with the Turkish daily Cumhuriyet for reproducing the cover cartoon of the Charlie Hebdo ‘Survivors Issue’, the first issue published after

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<sup>1126</sup> Inter Press Service, [Turkey’s Crackdown on the Press](#), 14 March 2016

<sup>1127</sup> Human Rights Watch, [Turkey: Journalism on Trial](#), 25 March 2016

<sup>1128</sup> Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 34

<sup>1129</sup> Council of Europe Commissioner for Human Rights, [Turkey: security trumping human rights, free expression under threat](#), 14 April 2016

the January 2015 attack on the Paris-based magazine".<sup>1130</sup> Human Rights Watch reported that "Can Dündar, editor of the Turkish daily newspaper Cumhuriyet, and Erdem Gül, the newspaper's Ankara bureau chief, were sentenced to prison on May 6, 2016, on charges of obtaining and revealing state secrets, Human Rights Watch said today. Dündar was sentenced to five years and 10 months, and Gül was sentenced to five years. 'The decision to sentence Dündar and Gül to long prison terms for publishing the news shows how courts in Turkey comply with President Erdoğan's campaign of revenge against critics,' said Emma Sinclair-Webb, senior Turkey researcher at Human Rights Watch. 'This has been a political trial from the start and part of the ongoing crackdown on journalism and on reporting on issues the public has a right to know about'".<sup>1131</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States reported in June 2016 that:

There are concerns that changes in recent years in ownership of media companies serving business interests were motivated by, and have resulted in, significant political influence on the media. [...]

The Assembly believes that the abusive application of Article 299 (Insulting the President of the Republic) – there were about 2 000 cases in two years against journalists and academics, but also ordinary citizens – is leading to an undue restriction of freedom of expression, considering the case law of the European Court of Human Rights with respect to Article 10 of the Convention. [...]

The Assembly is deeply concerned about the prosecution of investigative journalists following their investigations into topics of general interest. The Assembly is appalled by the harsh prison sentences issued against these journalists. [...]

With regard to respect for the rule of law, the Assembly is very concerned about the recent statements made by the President of the Republic and ministers not to respect a decision of the Constitutional Court on the unlawfulness of the pretrial detention of investigative journalists, which was based on the case law of the European Convention on Human Rights.<sup>1132</sup>

The BBC reported in June 2016 that "A court in Turkey has charged three people with 'terrorist propaganda', including a representative of Reporters Without Borders (RSF). It ordered the arrest of RSF representative Erol Onderoglu, journalist Ahmet Nesin and academic Sebnem Korur Fincanci. RSF said it was 'an unbelievable low for press freedom in Turkey'. The arrests come despite the EU pressuring Ankara to stop prosecuting academics and journalists. The three had reportedly participated in a solidarity campaign in support of Ozgur Gundem, a pro-Kurdish newspaper".<sup>1133</sup>

Also in June 2016 International PEN, the International Press Institute and Reporters Sans Frontiers submitted to the UN Human Rights Council that "Across the country the authorities are increasingly intolerant of political opposition, public protest, and critical media, while government interference has undermined judicial independence and the rule of law. Media ownership has been transformed, leading to a dominance of pro-government media in the country; intimidation, firing of critical journalists and denial of accreditation to foreign reporters have further eroded independent reporting. Restrictive laws have been deployed to arrest and prosecute journalists, while media groups who criticise the government have been fined. [...] At least 14 journalists are currently imprisoned or detained with local NGOs placing the figure over 30. [...] Hundreds of journalists are currently facing charges and investigations".<sup>1134</sup>

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<sup>1130</sup> Reporters Sans Frontières, [Turkish journalists get two years for reprinting Charlie Hebdo cartoon](#), 28 April 2016

<sup>1131</sup> Human Rights Watch, [Turkey: Journalists Convicted for News Reports](#), 6 May 2016

<sup>1132</sup> Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 20-22 and 28

<sup>1133</sup> BBC, [Turkey charges press freedom activists with 'terrorist propaganda'](#), 21 June 2016

<sup>1134</sup> International PEN, the International Press Institute and Reporters Sans Frontiers, [Joint written statement\\* submitted by International PEN, the International Press Institute, Reporters Sans Frontiers, nongovernmental](#)

In June 2016 the Committee Against Torture concluded that it was “seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists and medical doctors who provide assistance to victims of torture. [...] the Committee remains concerned about the numerous reports received of arbitrary detention of journalists and human rights defenders on terrorism-related charges because of their reporting”.<sup>1135</sup> The International Commission of Jurists reported in June 2016 that “the protection of human rights and the rule of law in Turkey are being severely curtailed. Freedom of expression by the media, academia and the general public have been subject to repressive measures, apparently for the purposes of political control and suppression of dissenting or unwelcome opinion. Criticism of the ruling party, and in particular of the President, has been strongly suppressed; journalists have been arrested, and media organizations subjected to closure or deprived of independence. There has been an alarming escalation in the number of prosecutions for speech offences, in particular for ‘insult to the President’”.<sup>1136</sup>

Freedom House’s 2016 ‘Freedom on the Net’ report covering the period of 1 June 2015 to 31 May 2016 considered that “Internet freedom declined in Turkey in 2015-16 amid network shutdowns, social media blocking, lengthy prison sentences, and nationwide cyberattacks” and identified the following key developments:

- Mobile and internet connections were repeatedly suspended in Yuksekova, Cizre, Sur, Silopi, and other cities in the southeast of the country during raids by security agencies against militants [...]
- Twitter, Facebook, and YouTube were temporarily blocked on numerous occasions—typically in the aftermath of terrorist attacks—until they restricted access to specific posts or accounts [...]
- Turkey accounted for almost 90 percent of all content that was locally restricted by Twitter in the second half of 2015. Turkey’s regulator fined the company TRY 150,000 (US\$ 51,000) for refusing to remove what it termed “terrorist propaganda” from the site [...]
- Progovernment trolls have escalated their campaigns to harass opposition voices and organizations on social media through smear campaigns and fake accounts [...]
- Journalists such as Hayri Tunç, Aytakin Gezici, and Bülent Keneş received lengthy prison sentences for “insulting” public officials or spreading “terrorist propaganda” [...]
- A 14-day cyberattack brought almost 400,000 Turkish websites offline and temporarily suspended retail banking services in the country.<sup>1137</sup>

Describing the situation for the press at the time of the coup Reporters Sans Frontières considered that “Persecution of critics had already been growing in recent years in Turkey in what was the clearest sign of President Erdoğan’s authoritarian tendencies. Judicial harassment of journalists, systematic Internet censorship, curbs on pluralism and the increasingly concentrated ownership of leading media outlets in the hands of the government’s friends had already become the norm”.<sup>1138</sup>

Turkey is ranked 151st out of 180 countries in RSF’s 2016 World Press Freedom Index.<sup>1139</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

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[organizations in special consultative status Turkey: Major deterioration of the human rights situation in the country](#), 8 June 2016

<sup>1135</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraph 43

<sup>1136</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, Introduction p.3

<sup>1137</sup> Freedom House, [Freedom on the Net 2016 - Turkey](#), November 2016

<sup>1138</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

<sup>1139</sup> Reporters Sans Frontières, [2016 World Press Freedom Index](#), 2016

The Committee to Protect Journalists reported that during the attempted coup on 15 July 2016, “Soldiers shot and killed Mustafa Cambaz, a photographer with the pro-government newspaper Yeni Şafak, in the Çengelköy neighborhood of Istanbul. [...] Soldiers also took control of the Ankara studios of the state broadcaster, Turkish Radio and Television (TRT) and forced news anchor Tijen Karas to read a televised statement at gunpoint, she later told journalists. [...] Several reporters were attacked while covering the events”.<sup>1140</sup>

Reporters Sans Frontières noted that with regards to the state of emergency declared following the attempted coup that it “removed the few remaining safety nets and brought arbitrary governmental decision-making to new unprecedented heights: journalists have been jailed without any reason being given, media outlets have been closed with the stroke of pen, and punitive measures have been taken without any form of trial”.<sup>1141</sup> Human Rights Watch, along with a number of NGOs signed a joint letter in October 2016 which explained that “Provisions of the emergency decrees affect the exercise of the right to freedom of expression and have been used to facilitate the arrest and harassment of journalists, writers and media workers”, including:

1. Empowering higher levels of administration to shut down any media organization;
2. Enabling the government to impose curfews, ban public meetings, gatherings and rallies, and restrict access to private and public spaces;
3. Enabling the authorities to cancel or confiscate passports of anyone under investigation. On 1 September, an amendment to the decree extended this power, enabling the authorities to cancel or confiscate the passports of spouses and partners of those under investigation.<sup>1142</sup>

For more information see [1.a.i.2. Emergency decrees](#).

In July 2016 The UN Special Rapporteur on the right to freedom of opinion and expression, David Kaye, and the OSCE Representative on Freedom of the Media, Dunja Mijatović, expressed alarm at the measures adopted by the Turkish authorities, noting “‘It is quite clear that this wave of restrictions against media groups does not meet the basic international standards concerning restrictive measures even in times of emergency’ Ms. Mijatović said. ‘The attempted coup cannot justify such a broad attack against almost all voices, not just critical ones but analytic and journalistic,’ Mr. Kaye said. ‘The widespread and abrupt nature of the measures, lacking even the basic elements of due process, is shocking and unprecedented in recent times in Turkey. ‘The Government’s purging of personnel and institutions of what it perceives as being dissenting and critical voices, solely on the basis of allegations of membership in the Gülen movement, clearly violates standards of international human rights law’”.<sup>1143</sup>

Reporters Sans Frontières noted in a September 2016 report that “The second decree issued under the state of emergency, on the night of 27 July, ordered the closure and expropriation of 45 newspapers, 16 TV channels, 23 radio stations, three news agencies and 15 magazines (plus 29 publishing houses) on suspicion of ‘collaborating’ with the Gülen movement. [...] According to media labour unions, hundreds of employees of the state-owned news agency Anadolu and the stateowned broadcaster TRT have been laid off pending the outcome of an internal investigation to establish whether they were linked to the Gülen movement”.<sup>1144</sup>

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<sup>1140</sup> Committee to Protect Journalists, [In Turkey, one journalist killed, several newsrooms seized in attempted coup](#), 16 July 2016

<sup>1141</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.3

<sup>1142</sup> Human Rights Watch, [Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter](#), 20 October 2016

<sup>1143</sup> OHCHR news, [Freedom of expression: UN and OSCE experts deplore crackdown on journalists and media outlets in Turkey](#), 28 July 2016

<sup>1144</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p. 9-10

For more information see [1.a.i.2. Emergency decrees](#).

In an August 2016 article Amnesty International reported that “we have witnessed a crackdown on the media that is unprecedented in modern Turkish history. In the past month, 131 media outlets and publishing houses have been shut down and at least 89 arrest warrants have been issued for journalists”.<sup>1145</sup> Furthermore, “The post-coup purge comes at a time when Turkey’s attack on freedoms of expression, association and assembly was already gathering momentum. Government administrators had been appointed to run Gülen-linked opposition newspapers and 15 TV channels were shut down in the months before the coup. The right to freedom of peaceful assembly was already restricted and excessive force was regularly used by police to disperse protests”.<sup>1146</sup>

Reporters Sans Frontières reported that “The judicial system’s witchhunt is targeting many prominent government critics including well-known journalists like Ilicak [...] RSF has seen the written records of interrogations, which confirm that many journalists are being targeted above all for working for media sympathetic to the Gülen movement. Their work as journalists is equated to membership of the movement, and this in turn is equated to complicity in the coup attempt”.<sup>1147</sup>

On 10 August 2016 Reporters Sans Frontières noted that “The 42 newly detained journalists combined with those who were already in prison before the abortive coup makes Turkey the world champion in imprisoned media personnel. [...] Seventeen of them, including well-known TV presenter Nazlı Ilicak, were detained on 30 July on charges of belonging to the ‘FETÖ’, the acronym used by the government to brand the movement headed by US-based Turkish cleric Fethullah Gülen as a ‘terrorist’ organization”.<sup>1148</sup>

Reporters Sans Frontières noted in a September 2016 report that “Under the provisions of the first decree after the state of emergency, many journalists have been denied access to a lawyer during their first few days in police custody. [...] As arbitrary methods have gained sway and a spirit of revenge has taken hold at the highest government levels, the situation in prisons has declined rapidly and several journalists have been mistreated. [...] As well as all the judicial proceedings, many journalists have been the targets of administrative sanctions that they have no way of contesting because the state of emergency has suspended any possibility of a legal appeal”.<sup>1149</sup>

At the end of September 2016 a further Article 19 press release reported that “the government is now abusing the state of emergency to severely restrict the right to freedom of expression and media freedom, to stifle criticism and limit the diversity of views, perspectives and opinions available in the public sphere within Turkey. Restrictions on the media are not a new phenomenon in Turkey, but in response to the failed coup, the breadth and scope of the crackdown on media freedom has intensified dramatically, with measures of an unprecedented scale now being justified on the grounds of ensuring stability”.<sup>1150</sup> The same source further noted that (original emphasis):

Media workers and other government critics are being arrested and harassed, and independent newspapers and broadcasters are being forced to close.

During the first six weeks of the state of emergency, pursuant to the decrees outlined above, over **100** media outlets had been closed, leaving over **2,300** journalists and media workers without jobs. At least **89** journalists have been arrested, bringing the total number of media workers detained on official charges, believed to be related to their exercise of the right to freedom of expression, to **121**.

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<sup>1145</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

<sup>1146</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

<sup>1147</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p. 5

<sup>1148</sup> Reporters Sans Frontières, [Turkey – world leader in imprisoned journalists](#), 10 August 2016

<sup>1149</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p. 6 and 11

<sup>1150</sup> Article 19, [Turkey: “You cannot report the news under the state of emergency](#), 5 October 2016

These numbers exclude countless other journalists who are currently in detention in police holding cells, or have been detained and released without charge during the state of emergency, as well those for whom detention warrants have been issued but have not yet been detained.<sup>1151</sup>

Hurriyet Daily News noted that “Turkey’s Press Advertisement Institution, the authority for distributing official ads to newspapers, has announced that it will not direct any business to publications whose owners, partners or executives face terrorism charges, raising criticism from the opposition and a sector organization. Newspapers who do not fire journalists who face such charges within five days will also not benefit from official ads, according to a regulation published in the Official Gazette on Oct. 5 [2016]”.<sup>1152</sup>

As of the end of October 2016, Reporters Without Borders noted that “Since the start of the state of emergency, the BYEGM [General Directorate for Information and Media] has rescinding no fewer than 670 press cards, in most cases, the cards of journalists who worked for media outlets dissolved by decree”.<sup>1153</sup>

The BBC reported that on 5 November 2016 “Turkish police have used water cannon and tear gas to break up a protest in Istanbul against the arrest of leaders of the pro-Kurdish HDP party”.<sup>1154</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership considered that “There has been serious backsliding in the past year in the area of freedom of expression. Selective and arbitrary application of the law, especially of the provisions on national security and the fight against terrorism, is having a negative impact on freedom of expression. Ongoing and new criminal cases against journalists, writers or social media users, withdrawal of accreditations, high numbers of arrests of journalists as well as closure of numerous media outlets in the aftermath of the July attempted coup are of serious concern. Freedom of assembly continues to be overly restricted, in law and practice”.<sup>1155</sup>

In late November 2016, Reuters published a comment piece by David Kaye, UN Special Rapporteur on the right to freedom of opinion and expression, following his mission to Turkey.<sup>1156</sup> Kaye stated that “I asked officials to justify their steps, for instance, to shut down media and arrest vast numbers of journalists on the basis of the emergency laws and counter-terrorism statutes. One official captured what I found to be a consensus: ‘We are concerned merely with media that no longer functions as media but as propaganda for terrorists’”.<sup>1157</sup> In his official preliminary conclusions following his mission, Kaye stated that:

The terrorism and defamation laws have been used for some time to crack down on writers and journalists, a situation exacerbated since July by the emergency decrees. Depending on how you count, up to 155 journalists or media workers are held in prison today, highlighting the fact that reporting and writing opinion have been redefined as support for terrorism under the application of Turkish law. This number is astonishing even in the context of the threats highlighted by the Government and raise major questions not only of necessity and proportionality but even, particularly in the broader context of media house shutdowns, whether restrictions are based upon illegitimate

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<sup>1151</sup> Article 19, [Turkey: “You cannot report the news under the state of emergency](#), 5 October 2016

<sup>1152</sup> Hurriyet Daily News, [Turkey to cut official ads on newspapers of journalists charged with terror links](#), 6 October 2016

<sup>1153</sup> Reporters Without Borders, [Cumhuriyet, latest victim of “never-ending purge” of Turkish media](#), 31 October 2016

<sup>1154</sup> BBC, [Turkey coup aftermath: Pro-Kurdish Istanbul protests broken up](#), 5 November 2016

<sup>1155</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 1.2. *Summary of the report p.7*

<sup>1156</sup> Reuters, [Commentary: The high price of Turkey’s ‘witch-burning’ crackdown](#), 30 November 2016

<sup>1157</sup> Reuters, [Commentary: The high price of Turkey’s ‘witch-burning’ crackdown](#), 30 November 2016

grounds such as government criticism. Such numbers do not reflect the many journalists and writers who were previously detained and released but continue to face charges and potential imprisonment, resulting in a revolving door of detention. [...]

Media freedom in the country was already in crisis prior to the attempted coup, including closure of critical media, media associated with Gülenists, and broad use of anti-terror legislation against journalists. In response to the failed coup, the breadth and scope of the crackdown on media freedom has intensified dramatically, with measures of an unprecedented scale being justified on grounds of ensuring stability.

I heard repeated personal stories of media workers and government critics being arrested and harassed, and independent newspapers and broadcasters being forced to close. For instance, at least twelve television and eleven radio stations have been shut down by way of emergency decree. As a result of the media shutdowns, over 3,000 journalists are currently unemployed and hundreds of the yellow press cards have been cancelled. Following the coup attempt, media outlets subject to the emergency decrees have not been limited to allegedly FETÖ-affiliated media; the closure of Özgür Gündem (a leftist pro-Kurdish newspaper), the attempted closure of Evrensel (a socialist/workers' newspaper), and police raids on Cumhuriyet (a critical, secularist paper), are examples of how the state of emergency in Turkey has been deployed against dissident or critical journalism.

Of particular concern is the apparent decimation of all forms of media in the southeast, particularly Kurdish media, leading to massive lack of access to information.

I am also concerned about repeated bans in the wake of terrorist attacks, thereby limiting the public's access to information. Particularly in the southeast, restrictions have amounted to complete media blackout on coverage of the conflict with the PKK. [...]

I have learned of a vast wave of Internet shutdowns and content takedowns that have taken place in recent years, accelerating since the 15 July coup attempt.<sup>1158</sup>

A December 2016 Carnegie Endowment for International Peace article considered that “The Turkish government’s assault on the infrastructure of democratic political life poses the sharpest challenge to the notion that the country can remain a democracy. In particular, its failure to uphold press freedom and the scale of purges of the opposition and independent civil society suggests an intention to pursue domination”.<sup>1159</sup> The same source further noted that as of 8 December 2016:

The state of press freedom and Internet freedom has suffered the most, ultimately bringing Turkey into the league of most repressive regimes around the world. Since the declaration of the State of Emergency on July 20, the number of media outlets shut down by the government soared to more than 170, including newspapers, magazines, radio stations, publishers and TV stations. Currently, 145 journalists are imprisoned, making Turkey the worst jailer of journalists globally. Reporters Without Borders ranks Turkey 151 out of 180 countries worldwide in its 2016 World Press Freedom Index. Similarly, Turkey regularly slows or shuts down the Internet to certain regions, blocks access to social networking sites such as Facebook, Twitter, YouTube and WhatsApp, and bars VPN services that help circumvent social media bans. On both press freedom and Internet freedom, Turkey has regressed into the “not free” category in Freedom House ratings.

Suppression of the media and the Internet primarily serves to stifle oppositional discourse and to intimidate critical voices, both of which are vital elements of democratic governance. A society that is ill-informed and collectively manipulated by censorship lacks the means to hold the government accountable for its actions.<sup>1160</sup>

According to the Committee to Protect Journalists in the week of 18 December 2016, “Istanbul's 11th Court of Penal Peace court confiscated the assets of 54 journalists, media workers, and writers, saying there was a ‘strong suspicion’ that they were followers of exiled preacher Fethullah Gülen,

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<sup>1158</sup> OHCHR news, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey, 14-18 November 2016](#), 18 November 2016

<sup>1159</sup> Carnegie Endowment for International Peace, [Is There Still Hope for Turkish Democracy?](#) 8 December 2016

<sup>1160</sup> Carnegie Endowment for International Peace, [Is There Still Hope for Turkish Democracy?](#) 8 December 2016



whom the Turkish government accuses of maintaining a terrorist organization and ‘parallel state structure’ (FETÖ/PDY, by its Turkish acronym), the news website Bianet reported”.<sup>1161</sup>

The Committee to Protect Journalists reported that in the last week of December 2016, “Police detained 45 former employees of state media outlet Turkish Radio and Television (TRT) [...] as part of an investigation by Ankara prosecutors. On December 30, an Ankara court formally arrested 29 of them and released the remaining 16 under judicial control awaiting trial, English-language news blog Turkish Minute reported. According to another report by the state-owned Anadolu Agency (AA), police have sought a total of 68 former TRT employees in 12 different provinces since last week. They were reportedly wanted by police for using ByLock, a smartphone app linked to participation in the failed July 2016 coup attempt. The names and positions of those wanted by police were not detailed in the reports”.<sup>1162</sup>

In December 2016 Human Rights Watch issued a report ‘Silencing the Media: The Government’s Deepening Assault on Critical Journalism’.<sup>1163</sup> The report found that:

By December 2016, 140 media outlets and 29 publishing houses had been shut down via emergency decree, leaving more than 2,500 media workers and journalists unemployed. Hundreds of government-issued press accreditations have been cancelled and without accreditation journalistic activity in Turkey can be impeded. An unknown number of journalists had their passports revoked, thus banning them from all foreign travel. Arrest warrants have been issued for more than 100 journalists, and, according to P24, an independent journalism platform, 149 journalists and media workers now languish in Turkish jails – all but 18 of them in pretrial detention pending trial – making Turkey once again the world leader in locking up journalists. [...]

Five trends stand out: first the use of the criminal justice system to prosecute journalists for terrorism, insulting public officials, or crimes against the state; second, threats and physical attacks on journalists and media outlets; third, government interference with editorial independence and pressure on media organizations to fire critical journalists; fourth, the government takeover or closure of private media companies; and fifth, fines, restrictions on distribution and closure of critical television stations. A sixth trend, the blocking of online news websites or internet access in general, is not discussed in this report. The large number of restrictions Turkey places on internet freedom constitutes an area of study in its own right.<sup>1164</sup>

In comparison, the Turkish Journalists’ Association’s report for 2016 provided the following figures: 143 journalists were jailed; 189 others were attacked; more than 10,000 journalists lost their jobs; 839 faced court proceedings for their news stories 157 media organizations were closed down and the press cards of 780 journalists were cancelled in 2016.<sup>1165</sup>

The Platform for Independent Journalism reported on 4 January 2017 that the “Number of journalists in prison reaches 146 with the arrest of Özgür Gündem’s Kemal Sancılı”.<sup>1166</sup> The same source lists all those journalists arrested under State of Emergency as part of coup investigation, journalists taken into custody as part of coup probe under State of Emergency, journalists taken into custody as part of coup probe, journalists being sought in coup probe by judiciary, journalists

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<sup>1161</sup> Committee to Protect Journalists, [Turkey Crackdown Chronicle](#), Week of December 18, Court confiscates assets of 54 journalists

<sup>1162</sup> Committee to Protect Journalists, [Turkey Crackdown Chronicle](#), Week of January 1, Police detain 45 former employees of state media outlet

<sup>1163</sup> Human Rights Watch, [Silencing the Media: The Government’s Deepening Assault on Critical Journalism](#), December 2016

<sup>1164</sup> Human Rights Watch, [Silencing the Media: The Government’s Deepening Assault on Critical Journalism](#), December 2016, Summary p.1

<sup>1165</sup> Turkey Purge, [TGC: 143 Turkish journalists welcome 2017 in jail](#), 31 December 2016

<sup>1166</sup> Platform for Independent Journalism, [Journalists in State of Emergency – 38](#), 4 January 2017

detained under State of Emergency outside coup probe, journalists known to have been arrested during State of Emergency outside coup probe, journalists arrested before State of Emergency, and media outlets shut down under State of Emergency decrees.<sup>1167</sup>

Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

As of March 2017, Article 19 recorded that “At least 180 media outlets and publishing houses have been closed by executive decree under the state of emergency, which according to the Turkish Journalists’ Association, left approximately 2500 journalists jobless. There are now only four national print newspapers remaining who take an editorial line which is critical of the government; Cumhuriyet, Evrensel, BirGun and Özgürlükçe Demokrasi (the successor of Özgür Gündem). There is only one remaining national television channel which takes a critical line on the government, HalkTV, which is closely affiliated with the main opposition party, the Republican People’s Party (CHP)”.<sup>1168</sup>

In a March 2017 opinion, the Venice Commission considered that the “mass liquidation of media outlets by emergency decree laws (and hence without individualised reasoning) is incompatible with Article 10 of the ECHR, even taking into account the very difficult situation in which the Turkish authorities found themselves after the failed coup”.<sup>1169</sup> Moreover, with regards to the inquiry commission set up to review post attempted coup dismissals and liquidation of private entities the same source reported that “It is unclear how a liquidated media outlet is supposed to argue its case, since at the time of submitting an application to the commission, the entity would not be aware of the reasons underlying the authorities’ decision to liquidate it in the first place”.<sup>1170</sup> For further information on the commission, see section [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#).

The Platform for Independent Journalism noted in a March 2017 statement to the President of the United Nations Human Rights Council that, “PEN International, ARTICLE 19 and 66 organisations are deeply concerned by the continuous deterioration of freedom of expression and media freedom in Turkey following the violent and contemptible coup attempt on 15 July 2016. [...] Restrictions have reached new heights in the lead up to a crucial referendum on constitutional reforms, which would significantly increase executive powers, set for 16 April 2017. The Turkish authorities’ campaign has been marred by threats, arrests and prosecutions of those who have voiced criticism of the proposed amendments. Several members of the opposition have been arrested on terror charges. Thousands of public employees, including hundreds of academics and opponents to the constitutional reforms, were dismissed in February. Outspoken “No” campaigners have been detained, adding to the overall climate of suspicion and fear. The rights to freedom of expression and information, essential to fair and free elections, are in jeopardy”.<sup>1171</sup>

In May 2017 Article 19 reported with regards to the treatment of detained journalists that:

Most detained journalists have been held in pre-trial detention for excessively long periods, facing terrorism charges with no access to the evidence against them and without compelling grounds to justify prolonging pre-trial detention. Indictments against journalists charge them with membership

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<sup>1167</sup> Platform for Independent Journalism, [Journalists in State of Emergency – 38](#), 4 January 2017

<sup>1168</sup> Article 19, [Turkey: UN HRC must address freedom of expression crisis](#), 13 March 2017

<sup>1169</sup> Venice Commission, [OPINION ON THE MEASURES PROVIDED IN THE RECENT EMERGENCY DECREE LAWS WITH RESPECT TO FREEDOM OF THE MEDIA](#), 13 March 2017, paragraph 57

<sup>1170</sup> Venice Commission, [OPINION ON THE MEASURES PROVIDED IN THE RECENT EMERGENCY DECREE LAWS WITH RESPECT TO FREEDOM OF THE MEDIA](#), 13 March 2017, paragraph 86

<sup>1171</sup> Platform for Independent Journalism, [A call for media pluralism and freedom](#), 16 March 2017

of armed organisations or involvement in the attempted coup without citing any other evidence beyond writings and commentary which neither advocate nor incite violence. Detainees are only allowed one hour-long consultation with their lawyer a week and under supervision by prison staff, in violation of their right to confidential access to counsel.<sup>1172</sup>

According to Reporters Sans Frontières reporting in May 2017, “The ten-month-old state of emergency and a mass purge of the judiciary have resulted in a judicial system in which the politicization and lack of independence have reached an unprecedented level. Turkey’s constitutional court, which once played a key role in trying to ensure respect for free speech, is now paralyzed. It has yet to issue any decision on the many cases of detained journalists that have been referred to it. Because of the absence of any effective recourse in Turkey, the lawyers of many imprisoned journalists have turned directly to the ECHR, whose decisions are binding on the Turkish authorities. The ECHR has announced that it is examining some 15 cases as a matter of priority, including Deniz Yücel’s, but it has yet to issue any ruling. A decision must first be taken on the admissibility of each case before detailed examined of its substance can begin”.<sup>1173</sup>

In May 2017 Amnesty International issued the report ‘Journalism is Not a Crime: Crackdown on media freedom in Turkey’. The report found that “Freedom of expression in Turkey is under sustained and increasing attack. Since the failed coup attempt in July 2016, academics, journalists and writers who criticize the government risk criminal investigation and prosecution, intimidation, harassment and censorship. The severity of the Turkish government’s repression of the media is such that it has been described by some as the ‘death of journalism’”.<sup>1174</sup> Reporting with regards to the charges against journalists the same source noted that “Vague anti-terrorism laws, such as those prohibiting making propaganda for and membership of a terrorist organization, are being used to prosecute journalists and media workers. These laws have long been used to unfairly prosecute conduct, including journalism, that is protected by the right to freedom of expression. All dissenting sections of the media have been targeted, including those focusing on the Kurdish issue; those accused of supporting the exiled cleric Fethullah Gülen, a former government ally and leader of what the authorities have called the “FETÖ” network, blamed by the government for the 2016 coup attempt; and the secular media”.<sup>1175</sup> With further regards to the treatment of dissenting voices the same source noted that “In an increasingly compliant media, dissenting voices are finding it more and more difficult to be heard. Anyone expressing views seen as critical by the government risks being on the receiving end of threats, intimidation and harassment online, criminal proceedings, detention, dismissal from their post or censorship”.<sup>1176</sup>

According to the June 2017 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey, “Since 15 July 2016 and the time of writing, reports indicate that at least 177 media outlets have been closed; 231 journalists have been arrested (over 150 journalists are in prison); nearly 10,000 journalists and media workers have been dismissed; and the press cards of at least 778 journalists have been cancelled. Publications taking seriously investigative journalism and their role as a public watchdog frequently face harsh penalties under laws on combating terrorism, insult and the state of emergency. Many of the closures affect outlets allegedly connected to the Gülenist movement, such as the large

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<sup>1172</sup> Article 19, [Turkey: UN Human Rights Council should address continuous deterioration of freedom of expression and other human rights](#), 15 May 2017

<sup>1173</sup> Reporters Sans Frontières, [Turkey’s imprisoned journalists pin hopes on European Court](#), 30 May 2017

<sup>1174</sup> Amnesty International, [Journalism is Not a Crime: Crackdown on media freedom in Turkey](#), 3 May 2017, Introduction p.2

<sup>1175</sup> Amnesty International, [Journalism is Not a Crime: Crackdown on media freedom in Turkey](#), 3 May 2017, Introduction p.2

<sup>1176</sup> Amnesty International, [Journalism is Not a Crime: Crackdown on media freedom in Turkey](#), 3 May 2017, Introduction p.4

circulation Zaman, but many others have involved outlets without any such evident connections. While the situation has intensified in the period since the attempted coup, the assault on the press began well before July 2016. [...] At the time of the Special Rapporteur's visit, an estimated 155 journalists and media workers had been imprisoned, in most cases based on vague charges and with either very little or no evidence presented or publicly available".<sup>1177</sup> The same source further noted that:

The crackdown affects media outlets affiliated with the Gülen movement and journalists working or having previously worked for such outlets, journalists perceived to have connections to the Gülen movement, independent, oppositional or minority media outlets and journalists accused of affiliation with the Gülen movement, despite little or no evidence to support such accusations. Dozens of journalists working for such outlets have been imprisoned, while many others have been left unemployed, despite only distant, if any, evidence of connection to the movement, let alone activities unlawful under Turkish law and subject to limitation under human rights law. [...] Several interlocutors commented that the media landscape was dominated by close ties between business interests and political actors. Journalists who were critical of the Government have been gradually fired from these media organs and mild criticism is subject to reprisals through demonization by pro-Government columnists. In addition to the arrest of journalists and police raids on critical media, the use of financial pressure or economic ties with private media companies has led to a higher concentration of media that is directly or indirectly under government control.<sup>1178</sup>

Furthermore, with regards to internet freedom the same source noted that "As of March 2017, over 100,000 websites had reportedly been blocked in Turkey. The Government has blocked access to web addresses, including pro-Kurdish websites and news sources and their Twitter accounts. The Supreme Electoral Council of Turkey blocked access to over 90 web addresses for sharing polls before the elections. The Communication Technologies Authority has blocked access to five of the most commonly used lesbian, gay, bisexual, transgender and intersex websites by applying article 8 of Law No. 5651. Following an order by the criminal court of peace in Ankara in March 2015, 49 web addresses were banned. [...] Turkey features among the countries with the highest number of removal requests sent to Twitter".<sup>1179</sup>

Moreover, in May 2017 Radio Free Europe/Radio Liberty reported that "The head of Turkey's communications agency says Ankara will not allow access to the online encyclopedia Wikipedia inside the country until it removes information that the Turkish government has deemed as false. Turkey's Information and Communication Technologies Authority (BTK) banned Wikipedia.org on April 29 as an 'administrative measure' and a court in Ankara on May 2 backed the measure up with a formal court order. [...] State media said the ban was imposed because Wikipedia failed to remove content accusing Turkey of cooperating with terrorist groups".<sup>1180</sup>

Reporters Sans Frontières noted in May 2017 that "According to the Journalists' Union of Turkey, an estimated 2,500 journalists and media workers have lost their jobs since July 2016".<sup>1181</sup> Furthermore, "Most detained journalists have been held in pre-trial detention for excessively long periods, facing terrorism charges with no access to the evidence against them and without compelling grounds to

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<sup>1177</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 31

<sup>1178</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraphs 39 and 43

<sup>1179</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraphs 49 and 52

<sup>1180</sup> Radio Free Europe/Radio Liberty, [Turkey To Keep Wikipedia Blocked Until 'False' Information Removed](#), 3 May 2017

<sup>1181</sup> Reporters Sans Frontières, [Turkey: UN Human Rights Council should address continuous deterioration of freedom of expression and other human rights](#), 15 May 2017

justify prolonging pre-trial detention. Indictments against journalists charge them with membership of armed organisations or involvement in the attempted coup without citing any other evidence beyond writings and commentary which neither advocate nor incite violence. Detainees are only allowed one hour-long consultation with their lawyer a week and under supervision by prison staff, in violation of their right to confidential access to counsel”.<sup>1182</sup>

As of June 2017, the Platform for Independent Journalism (P24) put the figure of journalists and media workers in jail at 167, the vast majority of whom were arrested after Turkey declared a state of emergency.<sup>1183</sup>

June 2017 saw the first hearing of the first trial of 17 journalists accused of taking part in the attempted coup, most of whom are in exile or had been held in detention for the previous 10 months.<sup>1184</sup> As explained by the organization Article 19, “the charges are detailed in a 247-page long indictment, which identifies President Erdoğan and the Turkish government as the victims. [...] The Altans have been charged with “attempting to overthrow the Turkish Grand National Assembly”, “attempting to overthrow the Government of Turkey”, “attempting to abolish the Constitutional order” and “Committing crimes on behalf of an armed terrorist organisation without being a member”. If found guilty, they could receive up to three aggravated life sentences”.<sup>1185</sup>

According to Reporters Sans Frontières reporting in July 2017, “Documentary filmmaker Kazım Kızıl spent nearly three months in provisional detention in Izmir before being released under judicial control on 10 July. Arrested while covering a demonstration, he was accused of “insulting the president” in his tweets”.<sup>1186</sup>

Reporters Sans Frontières reported in July 2017 that “A year after an attempted coup, the level of media freedom in Turkey is abysmal [...]. President Recep Tayyip Erdoğan’s government has used a state of emergency to step up a witch-hunt against critics. Turkish journalism is in its death throes”.<sup>1187</sup> The source described Turkey as the “world’s biggest prison for professional journalists, with more than 100 detained” and provided the following update of the detention of journalists:

Thirty employees of the daily newspaper Zaman – 20 of whom have been held for nearly a year – will finally begin being tried in Istanbul on 18 September. These journalists, who include Şahin Alpay, Mümtazer Türköne and Mustafa Ünal, are each facing three life sentences. Their crime is simply having worked for an opposition newspaper that was closed by decree in July 2016. The indictment describes Zaman as the “press mouthpiece” of the movement led by Fethullah Gülen, the US-based Turkish cleric who is accused of masterminding the attempted coup. This means they are charged with “membership of an illegal organization” and involvement in the coup attempt. Orhan Kemal Cengiz, a lawyer and former columnist, is also facing life imprisonment simply for having acted as Zaman’s defence lawyer. The release of 21 other journalists was blocked at the last moment on 31 March and the judges who had ordered their release were suspended. The Istanbul prosecutor’s office provided the grounds for this U-turn by initiating new proceedings against 13 of these journalists – including Murat Aksoy and Atilla Taş – for “complicity” in the coup.

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<sup>1182</sup> Reporters Sans Frontières, [Turkey: UN Human Rights Council should address continuous deterioration of freedom of expression and other human rights](#), 15 May 2017

<sup>1183</sup> Platform for Independent Journalism, [Journalists in State of Emergency – 67](#), 7 June 2017

<sup>1184</sup> Article 19, [Turkey: ARTICLE 19 submits expert opinion in the case of brothers, Ahmet and Mehmet Altan](#), 19 June 2017

<sup>1185</sup> Article 19, [Turkey: ARTICLE 19 submits expert opinion in the case of brothers, Ahmet and Mehmet Altan](#), 19 June 2017

<sup>1186</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

<sup>1187</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

They are due to appear in court on 16 August on this additional charge as well as the previously existing one of membership of the Gülen Movement. Each of them is now facing the possibility of two life sentences.

The well known journalists Ahmet Altan, Mehmet Altan and Nazlı Ilıcak will have spent a year in detention when their trial resumes on 19 September in Istanbul. They are accused of transmitting “subliminal messages” in support of the coup during a broadcast. They and 14 other journalists who are co-defendants are facing the possibility of three life sentences plus an additional 15-year term.

In the provinces, conditional releases have slowly been granted to some journalists accused of complicity with the Gülen Movement. In Antalya, Zaman correspondents Özkan Mayda and Osman Yakut were released on 24 May after eight months in provisional detention.

But in Adana, Aytekin Gezici and Abdullah Özyurt, two journalists who are part of a group of 13 people accused of membership of the Gülen Movement are still in prison. The trials continue in both cases, with the possibility of long prison sentences.

The trial of 19 journalists and other employees of the republican daily newspaper Cumhuriyet will start in Istanbul on 24 July. Twelve of them, including editor Murat Sabuncu, columnist Kadri Gürsel, cartoonist Musa Kart and investigative reporter Ahmet Şık, have been held for the past seven to nine months. Charged with links to various “terrorist” groups because of the newspaper’s editorial policies, they are facing up to 43 years in prison.

But the harassment of this newspaper has not stopped there. On the grounds of a tweet deleted after 55 seconds, Cumhuriyet website editor Oğuz Güven is now facing the possibility of ten and a half years in prison on a charge of Gülen Movement propaganda. He was freed conditionally in mid-June after a month in pre-trial detention.

Sözcü, a national daily that is one of the few remaining government critics, is now also being targeted. Mediha Olgun, the news editor of its website, and Gökmen Ulu, one of its reporters, were jailed on 26 May for publishing an article on the eve of the failed coup about where Erdoğan was on holiday. They are charged with the “attempted murder of the president” and supporting the Gülen Movement.<sup>1188</sup>

By comparison, the Inter Press Service reported in July 2017 that “Turkey is the world’s leading jailer of journalists with over 145 imprisoned journalists, more than China, Egypt, and Iran combined”.<sup>1189</sup>

On 10 August 2017 Reporters Without Borders reported that “The Turkish police carried out a new wave of arrests this morning under a combined warrant issued today for 35 journalists and media workers suspected of installing the encrypted messaging app ByLock on their smartphones. The authorities are now treating installation of this app as proof of membership of the movement led by the Turkish cleric Fethullah Gülen, which is accused of masterminding the July 2016 coup attempt”.<sup>1190</sup>

In September 2017 the Committee to Protect Journalists reported that “Turkish authorities yesterday announced government tenders to sell off the equipment of 36 shuttered media outlets as part of a government crackdown on independent media and opposition groups, the online newspaper Gazete Duvar reported”.<sup>1191</sup>

As of 23<sup>rd</sup> September 2017, the Stockholm Center for Freedom had identified 25 journalists convicted, 257 arrested and 135 journalists ‘wanted’ since the attempted coup.<sup>1192</sup> By comparison, as of 25<sup>th</sup> September 2017, according to the Turkey Purge, in total 302 journalists had been arrested

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<sup>1188</sup> Reporters Sans Frontières, [Dire year for journalists under state of emergency in Turkey](#), 13 July 2017

<sup>1189</sup> Inter Press Service, [A Global Call for Journalists’ Safety](#), 9 July 2017

<sup>1190</sup> Reporters Sans Frontières, [Journalists in new wave of arrests in Turkey](#), 10 August 2017

<sup>1191</sup> Committee to Protect Journalists, [Turkey Crackdown Chronicle: Week of September 3, 2017](#), 6 September 2017

<sup>1192</sup> Stockholm Center for Freedom, [Jailed and wanted journalists in Turkey – Updated List \(As of September 23, 2017\)](#), 23 September 2017

in the aftermath of the July 15, 2016 coup attempt, and “some 170 of them are still kept under arrest with the remaining released pending trial or cleared of charges”.<sup>1193</sup>

The Committee to Protect Journalists publishes a weekly ‘[Turkey Crackdown Chronicle](#)’ which details abuses of press freedoms, The Platform for Independent Journalism issues bulletins on ‘[Journalists in State of Emergency](#)’ and the journalist-led [Turkey Purge website](#) provides the name, date of arrest, media outlet and medium of those detained, along with photographs and biographies of some of those journalists under arrest.

### **c. Treatment of civil society, human rights and political activists**

This section should be read in conjunction with sections [1.a.i.2.g. Decrees of 22 November 2016 \[KHK/677/678\]](#) and [1.a.i.2.h. Decrees of 6 January 2017 \[KHK/679, 680 and 681\]](#).

For information on the ill-treatment of protestors, see section [3 i. Extrajudicial and targeted killings, unlawful use of violence and harassment](#).

For further information on the treatment of persons campaigning for a “No” vote in the Referendum and “No” voters, see section [5.a Treatment of political opponents, i. Treatment of “No” campaigners](#).

For the treatment of perceived Gulen supporters, see section [4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d’état](#) and for the treatment of Kurdish activists, see section [7. a. Kurds. v. Treatment of civil society, human rights and political activists](#).

#### Pre-attempted coup situation

In its annual report covering 2015, the U.S. Department of State considered that “Domestic and international human rights groups operated throughout the country. Some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations, particularly in the Southeast. [...] Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities”.<sup>1194</sup> In its 2015 report Amnesty International reported that “Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy”.<sup>1195</sup>

In October 2015 Amnesty International described the judicial harassment of the Head of the Diyarbakır Bar Association, Tahir Elçi, a pre-eminent lawyer and human rights defender, noting that “A criminal investigation for ‘Making propaganda for a terrorist organisation’ was started on 16 October following his statements on national television that the Kurdistan Workers’ Party (PKK) is not a terrorist organisation but an armed political movement with popular support”.<sup>1196</sup>

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<sup>1193</sup> Turkey Purge, [Journalism in Jail](#), undated (regularly updated, accessed 25 September 2017)

<sup>1194</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

<sup>1195</sup> Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

<sup>1196</sup> Amnesty International, [Turkey: End judicial harassment of lawyer Tahir Elçi](#), 21 October 2015

The International Commission of Jurists (ICJ) reporting on the November 2015 assassination of human rights defender Tahir Elçi noted that “The ICJ is concerned that insufficient steps were taken to protect the safety of Tahir Elçi, in a context where it was known that he was likely to be a target of violence and where his prosecution was likely to increase the danger to his life”.<sup>1197</sup> In December 2015 the International Federation for Human Rights noted that it had “been informed by reliable sources about the continuous harassment of the Human Rights Association (İHD) members, orchestrated in the context of a broad wave of arrests targeting human rights defenders in Turkey”.<sup>1198</sup>

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), reported in January 2016 that:

The authorities have launched a wide-range anti-terrorism operation, started in late July 2015 under the pretext of countering terrorism. In this context, at least 58 curfews have been imposed in several cities in South East Turkey [...] leading to restrictions in access to basic services for approximately 1,377,000 people living in these districts and to the death between August 16, 2015 and January 9, 2016, of at least 162 civilians (including 29 women, 32 children, 24 people aged over 60). The operation turned into a massive crackdown against peaceful civil society actors depicted as “terrorist networks”. This campaign has been targeting dozens of peaceful activists who have been involved in the monitoring of human rights violations resulting from anti-terrorism operations and advocating for a peaceful resolution of the Kurdish issue. These peaceful activists include human rights defenders, particularly HRFT [Human Rights Foundation of Turkey] and İHD [Human Rights Association] members, lawyers, political party representatives and journalists.<sup>1199</sup>

In January 2016 the Council of Europe’s Committee on Legal Affairs and Human Rights reported that “in Turkey several human rights organisations have been targeted, arbitrarily, on the basis of anti terrorist legislation. [...] Some human rights advocacy associations are subject to judicial harassment by the authorities. In fact, investigations and court proceedings are regularly opened against certain associations. The case of the Human Rights Association (İnsan Hakları Derneği, İHD) is a typical example of this kind of State harassment, as prosecution of its directors and branch heads on terrorism charges, including lengthy periods of pretrial detention, is often on arbitrary grounds. The association has been subjected to heavy financial penalties”.<sup>1200</sup> The International Federation for Human Rights reported that “According to the information received, on January 15, 2016 an anti-terrorism police operation targeting more than 1.000 academics in Turkey who had signed a statement denouncing state violence on Kurdish provinces was launched, leading to the detention of 20 of them. The academics are being investigated under laws prohibiting ‘making propaganda for a terrorist organization’ and the ‘denigration of the Turkish Nation’”.<sup>1201</sup>

Human Rights Watch reported in March 2016 that three of the academics who signed the peace petition in January 2016 were jailed on suspicion of ‘making terrorist propaganda’, and “at least 30

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<sup>1197</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers*, p.20-21

<sup>1198</sup> International Federation for Human Rights, [Arbitrary arrest, Release and Judicial harassment of Mr. Atilla Yazar and Ms. Nalan Durdu in Turkey](#), 21 December 2015

<sup>1199</sup> Observatory for the Protection of Human Rights Defenders, [Turkey: Arbitrary detention of 20 university academics and researchers](#), 19 January 2016

<sup>1200</sup> Council of Europe Parliamentary Assembly, [How to prevent inappropriate restrictions on NGO activities in Europe?](#) 8 January 2016, *Summary and paragraph 48*

<sup>1201</sup> International Federation for Human Rights, [Turkey: Arbitrary detention of 20 university academics and researchers, among whom Mr. M.D. Ümit Biçer](#), 19 January 2016



other academics had been dismissed and 27 suspended by their universities pending investigation”.<sup>1202</sup>

The World Organisation Against Torture reported in February 2016 that “The Observatory has been informed by the Human Rights Association (İHD) and the Human Rights Foundation of Turkey (HRFT) about the arbitrary arrest and subsequent release of 49 individuals for their participation in a press conference organised by the Izmir Peace Block to protest against human rights violations in Cizre (South-eastern Anatolia Region of Turkey) and call for peace”.<sup>1203</sup>

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey noted that “there have been lots of incidents including assassination to arbitrary arrest in the case of protection of human rights defenders”.<sup>1204</sup>

In April 2016 Transparency International Turkey issued its National Integrity System Assessment on Turkey which found in relation to civil society organisations (CSOs) that “Turkish legislation on the right to association needs improvement in order to provide an enabling environment for civil society participation and to be brought in line with European standards. Double standards in the treatment of CSOs and lack of a structured and continuous dialogue between CSOs and the public sector limit the influence of civil society in the policy-making process”.<sup>1205</sup> The same source further noted that “Studies analyzing the situation of CSOs in Turkey report several problems including arbitrariness in terms of implementing the law, unequal treatment, and the exercise of pressure by authorities over CSOs, particularly over those working in the field of human rights. [...] Furthermore, interpretations of civil society activities based on Law No. 3713 on Anti-Terror often hinder freedom of speech and association”.<sup>1206</sup>

In April 2016 the Council of Europe Commissioner for Human Rights noted following a 9 day visit to Turkey that “the Commissioner raised the issue of human rights defenders and lawyers, mentioning in particular stigmatizing rhetoric, smear campaigns and ongoing investigations against them. ‘In a context where there is a lot of misinformation, manipulation and conflicting opinions, in particular as to what happened during the curfews, a transparent judicial process which relies on human rights defenders is the main hope for establishing the truth and obtaining redress’. Against the same background, the recent political attacks against NGOs, merely for writing reports, were also a very disturbing development”.<sup>1207</sup>

The International Rehabilitation Council for Torture Victims (ICRT) reported in May 2016 that “As part of the [UN Committee against Torture’s] hearings, IRCT member the Human Rights Foundation of Turkey (HRFT) travelled to Geneva to brief the Committee on its key concerns. These concerns related to torture in unofficial places of detention, torture during the curfews in the south-east of the country, lack of independent institutions to investigate and monitor torture and ill-treatment and the deliberate targeting of individuals and organisations working to support victims of torture

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<sup>1202</sup> Human Rights Watch, [Turkey: Academics Jailed For Signing Petition](#), 16 March 2016

<sup>1203</sup> World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the Izmir Peace Block](#), 11 February 2016

<sup>1204</sup> Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 6

<sup>1205</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 13 *Civil Society*, paragraph 117 and 119

<sup>1206</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 13 *Civil Society*, p. 2 24

<sup>1207</sup> Council of Europe Commissioner for Human Rights, [Turkey: security trumping human rights, free expression under threat](#), 14 April 2016

and ill-treatment. HRFT was recently fined because of its provisions of rehabilitation to persons who were tortured during the Gezi Park protests".<sup>1208</sup>

The International Commission of Jurists (ICJ) reported in June 2016 that "Lawyers and NGOs in Turkey reported to the ICJ that other human rights defenders and lawyers, in particular those working in the south of the country, are also at risk of violence and receive threats to their lives, and that criticism of them by the government increases the danger they face".<sup>1209</sup> In June 2016 the Committee Against Torture concluded that it was "seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists and medical doctors who provide assistance to victims of torture".<sup>1210</sup>

The International Rehabilitation Council for Torture Victims reported in June 2016 that it was "deeply concerned about news of the recent arrest order for the President of the Human Rights Foundation of Turkey (HRFT), Şebnem Korur [Fincancı], along with Erol Önderoğlu (journalist from Reporters Without Borders) and Ahmet Nesin. According to HRFT, the three have been taken to court with warrants for their arrests in relation to their participation in a campaign opposing suppression and investigation against the Journal of Özgür Gündem".<sup>1211</sup> Calling on Turkey to release and drop charges against the same human rights defenders, the Association for the Prevention of Torture reported that "Ms. Korur Fincancı's arrest takes place in a worrying context, where intimidation and harassment of human rights defenders and other persons who support the fight against torture and ill-treatment in the country is widely reported. These actions have a repressive effect on activities of civil society, which performs essential functions in protecting human rights and upholding democracy and the rule of law in Turkey".<sup>1212</sup>

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that it "also received information on threats and intimidation against human rights defenders and lawyers working on enforced disappearance cases, sometimes even during hearings in courts".<sup>1213</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States reported in June 2016 that "The Assembly remains concerned about the extensive interpretation of the Anti-Terror Law, which contradicts Council of Europe standards and leads to the criminalisation and prosecution of human rights defenders and lawyers. [...] We are also concerned that human rights defenders advocating peaceful solutions are targeted by smear campaigns".<sup>1214</sup>

Also reporting in July 2016 the World Organisation Against Torture reported that "Since July 2015, the Turkish authorities have launched a massive crackdown on some civil society organisations

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<sup>1208</sup> International Rehabilitation Council for Torture Victims, [Committee against Torture urges Turkey to take serious action to end torture and stop crackdown on civil society](#), 17 May 2016

<sup>1209</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers*, p.20-21

<sup>1210</sup> Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey\\*](#), 2 June 2016, paragraph 43

<sup>1211</sup> International Rehabilitation Council for Torture Victims, [IRCT deeply concerned about arrest order for HRFT President](#), 20 June 2016

<sup>1212</sup> Association for the Prevention of Torture, [Calling on Turkey to release and drop charges against human rights defenders](#), 28 June 2016

<sup>1213</sup> UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, paragraph 39-40

<sup>1214</sup> Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 19 and 57

abusively depicted as ‘terrorist networks’. The campaign targeted dozens of peaceful activists who have been involved in the monitoring of human rights violations resulting from anti-terrorism operations and who have been advocating for a peaceful resolution of the Kurdish issue, including NGO members, lawyers, political party representatives and journalists”.<sup>1215</sup>

According to the current International Center for Not-for-Profit Law Turkey profile “some human rights organizations complain about lawsuits brought against them, which they interpret as a form of harassment. The threat of inspections can be used to deter rights-based organizations with perceived anti-government stances from speaking out. At least seven associations dealing with human rights and Kurdish issues have reported facing court cases that could shut them down because of their critical positions towards the government. Although Turkey has taken serious steps toward creating a more enabling environment for CSOs, there remains a culture of state control and domination over civil society. [...] CSOs report that they are prevented from holding meetings and rallies on many occasions, and that they are issued fines. A number of human rights defenders continue to face legal proceedings on charges of breaking the law and of propaganda for terrorism as a result of their presence at demonstrations and meetings and following their attendance at press conferences”.<sup>1216</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Physicians for Human Rights published a report in August 2016 which considered that “The sweeping post-coup purges in the education, legal, and security sectors, combined with relentless persecution of people voicing dissent – including human rights defenders and journalists – is devastating for the Kurds specifically, and the people of Turkey generally”.<sup>1217</sup>

The UN Office of the High Commissioner for Human Rights reported in July 2016 that “Numerous academic institutions, schools, civil society organizations were also ordered to close down by decrees issued after the adoption of the ‘Statutory Decree Regarding Measures to be Taken Within Scope of State of Emergency and Regulation of Certain Institutes and Institutions’ on 23 July”.<sup>1218</sup>

According to the International Center for Not-for-Profit Law citing the decree published in the Official Gazette on 23 July 2016 “A total of 1,125 associations, 104 foundations, 19 unions, federations and confederations, and 15 foundation schools were also closed”.<sup>1219</sup>

For more information on the decree see section [1.a.i.2. Emergency decrees](#).

In an August 2016 article Amnesty International reported that “In the febrile post-coup atmosphere, it is likely that the situation for dissenters will further deteriorate. A blurring of the distinction between culpability for the coup and being a Gülen sympathizer has already been visible. The

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<sup>1215</sup> World Organisation Against Torture, [Turkey: Provisional release of Mr. Orhan Kemal Cengiz and travel ban against him](#), 26 July 2016

<sup>1216</sup> The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016

<sup>1217</sup> Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Summary*, p. 5

<sup>1218</sup> UN Office of the High Commissioner for Human Rights, [Freedom of expression: UN and OSCE experts deplore crackdown on journalists and media outlets in Turkey](#), 28 July 2016

<sup>1219</sup> The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016

authorities' definition of 'traitor' could be broadened further still to encompass secular, leftist or Kurdish critics".<sup>1220</sup>

Reporting with regards to the impact of emergency decree 668, a September 2016 Reporters Sans Frontières noted that "The climate also affects those who should be defending journalists – lawyers, human rights defenders and civil society activists".<sup>1221</sup>

In October 2016 the Council of Europe issued a 'Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey' which reported that "At least more than a thousand NGOs and trade unions, and more than a hundred media establishments were disbanded and liquidated without judicial proceedings".<sup>1222</sup>

Human Rights Watch considered in an October 2016 report that "The rhetoric of government officials about those suspected of supporting the coup attempt or alleged to have links with the Gülen movement combined with thousands of arbitrary detentions, dismissals and suspensions have created a climate of fear in which lawyers are afraid to defend those accused of being behind the coup, and lawyers, medical personnel, human rights activists and others fear they may be targeted if they criticize the government".<sup>1223</sup> For example the World Organization Against Torture reported that "The Observatory has been informed by reliable sources about the arbitrary detention of Ms. Seher Acay, representative of the Mardin Branch of the Human Rights Association (IHD), as well as of Mr. Fevzi Adsiz, Mr. Ziya Bağı, and Mr. Mahmut Bingöl, members of IHD. The four lawyers are also affiliated to the Association of Jurists of Mesopotamia (MHD). According to the information received, on November 21, 2016, the four human rights lawyers were arrested and have been detained since then at the headquarters of the anti-terror police in the city of Mardin, on the basis of an arbitrary decision issued by Public Prosecutor Vural Eker. As of issuing this Urgent Appeal, the four detainees have not had access to their lawyers and no formal charges have yet been filed against them. However, the local press has reported that their arrest and detention would be linked to their activities as counsels of the city of Mardin, the mayor of which [h]as been detained since November 21, 2016, on accusations of being linked to the PKK".<sup>1224</sup>

The UN Special Rapporteur on the right to freedom of opinion and expression David Kaye stated in his preliminary conclusions following his November 2016 visit to Turkey that:

Just before I arrived on this mission, I learned that the Government suspended up to 370 non-governmental organizations operating in Turkey under emergency decree in one day. I met with some representatives subject to this order, who expressed disbelief that their work could be considered associated with terrorism or terrorist groups. This most recent action highlights a broad problem for civil society and dissenting voices operating in the country.<sup>1225</sup>

Reporting further on the same events, Amnesty International noted that "On 11 November, the Ministry of Interior announced the suspension of activities of 370 NGOs in 39 provinces under Article 11 of the State of Emergency Law, citing 'general security and public order'. Since the announcement, dozens of NGOs' offices were sealed by provincial governorships without prior

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<sup>1220</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

<sup>1221</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

<sup>1222</sup> Council of Europe, [Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, CommDH(2016)35, paragraph 9

<sup>1223</sup> Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, III. Climate of Fear, p.26

<sup>1224</sup> World Organization Against Torture, [Turkey: Arbitrary detention of members of IHD Ms. Seher Acay, Mr. Fevzi Adsiz, Mr. Ziya Bağı, and Mr. Mahmut Bingöl](#), 7 December 2016

<sup>1225</sup> OHCHR news, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey, 14-18 November 2016](#), 18 November 2016

notice. These suspensions, imposed initially for three months, were announced without individualized reasoning and there is no possibility of appeal or judicial remedy against them. The decision of the Ministry of Interior takes place in the context of a massive crackdown on all forms of dissent, including wholesale closures of media, and imprisonment of journalists, members of the opposition, human rights defenders and activists, in the aftermath of the 15 July coup attempt and the declaration of the state of emergency on 21 July.<sup>1226</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership considered that “Civil society remained active and involved in public life under difficult circumstances. Human rights defenders were subject to intimidation and detentions. A large number of organisations were closed as part of the post-coup measures taken by the government. Systematic and inclusive mechanisms for consulting civil society, notably on new legislation, need to be put in place and consistently used. The legal, financial and administrative environment needs to be more conducive to the development of civil society”.<sup>1227</sup>

In its December 2016 report the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States noted that following the attempted coup, about 1,800 associations/foundations have been shut down.<sup>1228</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

The Assessment Capacities Project (ACAPS) noted in its August 2017 ‘Crisis Analysis’ on Turkey that “In 2017, NGO staff have been detained, international staff deported, and organisations’ permits revoked. This has forced many international NGOs to relocate their offices to Jordan and Iraq. On 20 April, 15 International Medical Corps (IMC) staff members were temporarily detained, of whom four international staff were deported on 25 April for alleged lack of work permits. As of mid-April, at least four international NGOs had been denied permission to operate in Turkey. Authorities claimed they did not comply with administrative requirements. Five DanChurch Aid staff were deported in late March, and four of their Syrian aid workers were also detained, being released only on 30 May. DanChurch Aid was providing assistance to Syrian refugees, which is now coordinated from countries other than Turkey. The Turkish government has revoked Mercy Corps’ registration, affecting up to 500,000 Syrians per month who received aid through Mercy Corps’ cross-border operations”.<sup>1229</sup>

KAOS GL reported in April 2017 of the arrest of five LGBTI activists who were involved in campaigning for the “No” campaign against the proposed constitutional change that was voted upon on 16 April 2017 or for protesting its result.<sup>1230</sup> For further information on the treatment of persons campaigning for a “No” vote in the Referendum and “No” voters, see section [5.a Treatment of political opponents, i. Treatment of “No” campaigners](#).

Also in April 2017 the International Federation for Human Rights reported that “The Observatory has been informed by reliable sources about the arbitrary detention and judicial harassment of Ms. Ayşe Dicle, Co-Chair of the Mesopotamia Association of Assistance and Solidarity for Families with Lost

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<sup>1226</sup> Amnesty International, [TURKEY SUSPENDS ACTIVITIES OF HUNDREDS OF NGOS](#), 16 November 2016

<sup>1227</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.1 Democracy, Civil society p.12

<sup>1228</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, para. 52

<sup>1229</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Lastest update 31 August 2017

<sup>1230</sup> KAOS GL, [5 LGBTI activists arrested for different reasons in April](#), 26 April 2017

Relatives (MEYA-DER), which was shut down under the state of emergency regulations. [...] She was detained there for six days before the Criminal Judge of Peace in Diyarbakır ordered her detention on charges of ‘being a member of a terrorist organisation’ under Article 314 of the Turkish Penal Code. She is being held at Diyarbakır Prison since March 15, 2017, under poor conditions including overcrowded cells and lack of access to sanitary facilities and medical services”.<sup>1231</sup>

KAOS GL reported in July 2017 that six human rights defenders were arrested following a meeting on digital security under the charges of “being a member of an armed terrorist organisation”, including Idil Eser, Director of Amnesty International Turkey.<sup>1232</sup> Article 19 put the figure of arrestees at 10 and noted that “The group were held without access to lawyers and relatives for over 24 hours and their detention was extended for seven days without charge”.<sup>1233</sup>

Article 19 reported in June 2017 that “Taner Kiliç, the Chair of Amnesty International Turkey, was arrested in his hometown of İzmir in Turkey alongside 22 other lawyers on suspicion of having links with the Fethullah Gülen movement”.<sup>1234</sup>

Salil Shetty, Amnesty International’s Secretary General, stated “We are profoundly disturbed and outraged that some of Turkey’s leading human rights defenders, including the Director of Amnesty International Turkey should have been detained so blatantly without cause. [...] Her incommunicado detention and that of the other human rights defenders attending a routine training event, is a grotesque abuse of power and highlights the precarious situation facing human rights activists in the country. Idil Eser and those detained with her, must be immediately and unconditionally released”.<sup>1235</sup> Also in response to Amnesty International’s arrest Liz Throssell, spokesperson for the Office of the UN High Commissioner for Human Rights (OHCHR), stated “Human rights defenders must not be silenced” and that “We fear they are now at significant risk of torture and other cruel, inhuman or degrading treatment”.<sup>1236</sup> Furthermore, “This new wave of detentions is “deeply worrying,” according to OHCHR, as it comes a month after the Chairperson of Amnesty International Turkey, Taner Kiliç, was arrested, along with 22 other lawyers. Mr. Kiliç and six others remain in custody. The Office is also extremely concerned about two other human rights defenders – Nuriye Gülmen, a university lecturer, and Semih Özakça, a school teacher – who went on hunger strike in March in protest against their arbitrary dismissal in the context of last year’s sweeping purges”.<sup>1237</sup>

Also responding to the arrests in an open letter, AI, Avaaz, HRW, International Trade Union Confederation and Transparency International stated:

We are dismayed and appalled by the arrest and detention of ten human rights defenders by the Turkish government, now facing investigation for membership of an “armed terrorist organisation” on account of their peaceful human rights work.

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<sup>1231</sup> International Federation for Human Rights, [Turkey: Arbitrary detention and judicial harassment of Ms. Ayşe Dicle, Co-Chair of MEYA-DER](#), 20 April 2017

<sup>1232</sup> KAOS GL, [Six human rights defenders were jailed pending trial](#), 19 July 2017

<sup>1233</sup> Article 19, [Call for the immediate release of leading human rights defenders in Turkey](#), 7 July 2017

<sup>1234</sup> Article 19, [Turkey: Release Taner Kiliç, chair of Amnesty International in Turkey](#), 8 June 2017

<sup>1235</sup> Amnesty International, [Director of Amnesty International Turkey must be released from incommunicado detention](#), 6 July 2017

<sup>1236</sup> UN news, [Rights defenders ‘must not be silenced,’ says UN office, urging Turkey to release activists](#), 7 July 2017

<sup>1237</sup> UN news, [Rights defenders ‘must not be silenced,’ says UN office, urging Turkey to release activists](#), 7 July 2017

As an attack on six of the most prominent human rights NGOs in the country, the arrests are a hammer blow to Turkey's besieged civil society and an ominous indicator of the direction Turkey is heading in.<sup>1238</sup>

Later in July 2017 Human Rights Watch explained that six of the ten human rights defenders were remanded in pretrial detention whilst four others were released on conditional bail.<sup>1239</sup> The same source further noted that:

All 10 spent 12 days in police custody following their detention at a workshop in Istanbul on July 5, 2017, on alleged suspicion of membership of a terrorist organization.

The prosecutor later modified the charge to aiding a terrorist organization, referring to the Fethullahist Terrorist Organization (the term the government uses to describe followers of the exiled cleric Fetullah Gülen), the armed Kurdistan Workers' Party, and another outlawed armed revolutionary group.

During their police custody, media close to the Turkish government ran a relentless campaign vilifying the activists as terrorists and spies. The media falsely represented the legitimate human rights workshop they were attending as a meeting of conspirators.<sup>1240</sup>

Reporters Sans Frontières argued in August 2017 that "Since 12 July, the newspapers Sabah, Akşam, Star, Türkiye and Güneş have been developing a conspiracy theory implicating journalists covering the Cumhuriyet trial, opposition parliamentarians and eight leading human rights defenders, including Amnesty International Turkey director İdil Eser".<sup>1241</sup> It further explained that:

The eight human rights defenders have been detained since 6 July, when they were arrested while attending a seminar given by two foreign trainers in an Istanbul hotel. President Erdoğan and the pro-government media have branded the seminar as a "meeting of chaos" designed to "prepare an uprising."

It was while examining the phones of the detained human right defenders that police investigators discovered the existence of the Cumhuriyet trial WhatsApp group. This was all that the pro-government columnists needed to launch their attacks.<sup>1242</sup>

In August 2017 the World Organisation Against Torture reported on the arbitrary arrest of Ms. Gülseren Yoleri, President of the Istanbul Branch of the Human Rights Association (İnsan Hakları Derneği – İHD) and Executive Committee member of İHD, and Mr. Dogan Ozkan, member of the İHD Istanbul executive board along with at least 39 demonstrators who were held for 3 days. Reporting on the treatment of the detainees the source noted that, "Ms. Gülseren Yoleri, President of the Istanbul Branch of the Human Rights Association (İnsan Hakları Derneği – İHD) and Executive Committee member of İHD, and Mr. Dogan Ozkan, member of the İHD Istanbul executive board".<sup>1243</sup> The same source further recorded that:

Ms. Gülseren Yoleri and Mr. Dogan Ozkan and other demonstrators were victims of ill-treatment during the arrest. Ms. Gülseren Yoleri was beaten at the police station and Mr. Dogan Ozkan was handcuffed and beaten during his arrest and at the police station. Another imprisoned protester, Ms. Barkin Timtik, a lawyer, was also beaten after she refused to give her finger prints at the police station.

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<sup>1238</sup> Human Rights Watch et al, [Open Letter on Detention of Human Rights Defenders in Turkey](#), 13 July 2017

<sup>1239</sup> Human Rights Watch, [Turkey: Disgraceful Court Ruling to Jail Rights Defenders](#), 18 July 2017

<sup>1240</sup> Human Rights Watch, [Turkey: Disgraceful Court Ruling to Jail Rights Defenders](#), 18 July 2017

<sup>1241</sup> Reporters Sans Frontières, [Media attacks and jail – the price of solidarity in Turkey](#), 22 August 2017

<sup>1242</sup> Reporters Sans Frontières, [Media attacks and jail – the price of solidarity in Turkey](#), 22 August 2017

<sup>1243</sup> World Organisation Against Torture (OMCT), [Turkey: Arbitrary arrest and conditional release of Ms. Gülseren Yoleri and Mr. Dogan Ozkan](#), 9 August 2017

Furthermore, the arrested protesters were denied proper access to their lawyers, who were allowed a limited contact with their clients. The Public Prosecutor rejected meeting requests of the lawyers without providing grounds.<sup>1244</sup>

In September 2017 Amnesty International published its submission to the UN Human Rights Council in which it argued that “Amnesty International considers that the routine and lengthy pre-trial detention of journalists, media workers and human rights defenders in Turkey is tantamount to punishment without conviction. People expressing dissent, especially in relation to the Kurdish issue, have been subjected to threats of violence and criminal prosecution. All dissenting sections of the media have been targeted, including those focusing on the Kurdish issue; those accused of supporting the exiled cleric Fethullah Gülen, and the secular media”.<sup>1245</sup>

#### **d. Treatment of other individuals perceived to support the attempted coup/commenting on the attempted coup**

##### Post-attempted coup situation up to 6<sup>th</sup> January 2017

The Human Rights Foundation of Turkey reported in its ‘Daily Human Rights reports’ that on 22 July 2016 “8 persons who objected continuous *salaams* [respectful compliments/a gesture of greeting or respect<sup>1246</sup>] from the mosques in Torbalı district of İzmir were arrested [...] on the allegations ‘of supporting the coup d’état attempt’”.<sup>1247</sup> The source did not specify who these individuals were.

Al Jazeera reported on the same day, 24 July 2016, that Turkish prosecutors were investigating people who “have alleged on social media that a July 15 coup attempt was a hoax carried out by the government, the country's justice minister said”.<sup>1248</sup>

Hurriyet Daily News reported on 3 August 2016 that a pregnant woman “working as a secretary at Turkish daily Evrensel was attacked by a group of people who accused her of ‘wearing revealing clothes and supporting the July 15 failed coup attempt’”.<sup>1249</sup>

On 15 September 2016 Al Monitor reported that two Turkish authors/intellectuals Ahmet Altan and his brother Mehmet Altan, known “for their irreconcilable hostility to anything related to the military”, have been arbitrarily detained on the basis of “coluding [sic] with the military”.<sup>1250</sup> The same author further noted that these detentions “created an enormous backlash across the world, with hundreds of international intellectuals signing a letter of protest against the Turkish government”.<sup>1251</sup>

The Turkish writer and journalist, Burhan Sonmez stated in a November 2016 opinion piece for The Guardian that “The government has been using the attempted coup on 15 July as an excuse to

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<sup>1244</sup> World Organisation Against Torture (OMCT), [Turkey: Arbitrary arrest and conditional release of Ms. Gülseren Yöleri and Mr. Doğan Özkan](#), 9 August 2017

<sup>1245</sup> Amnesty International, [Turkey: Deterioration of human rights situation must be addressed by the Human Rights Council - Written Statement to the 36th session of the Human Rights Council](#) [IOR 40/7043/2017], 4 September 2017

<sup>1246</sup> See English Oxford Living Dictionaries, [salaam](#), undated [last accessed: 16 November 2016]

<sup>1247</sup> Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

<sup>1248</sup> Al Jazeera, [Turkey investigates those who say coup attempt was hoax](#), 24 July 2016

<sup>1249</sup> Hurriyet Daily News, [Pregnant woman attacked for ‘wearing revealing clothes, supporting coup’ in Istanbul](#), 3 August 2016

<sup>1250</sup> Al Monitor, [Repression of Turkish intellectuals elicits global response](#), 15 September 2016

<sup>1251</sup> Al Monitor, [Repression of Turkish intellectuals elicits global response](#), 15 September 2016



silence anyone who is critical of the ruling AKP party [...] In the beginning they targeted supporters of the “Gülen movement”, who were allegedly behind the coup attempt [...] Having got rid of Gülenist elements, the government is now coming down hard on the more traditional foes: Kurds, Alawites, secularists and socialists”.<sup>1252</sup>

### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Deutsche Welle reported in February 2017 that Turkish artists and intellectuals “fear the worst” with “prominent artists [...] directly affected by the last round of purges” including Turkey’s most prominent orchestra conductor, Ibrahim Yazici, Ankara’s University’s whole theatre department and a popular cartoonist, Musa Kart.<sup>1253</sup>

The Financial Times reported in March 2017 that “As political pressure intensifies, friends, colleagues and even spouses are reporting each other for a range of offences”.<sup>1254</sup> The same source further elaborated:

On an almost weekly basis, stories emerge of friends, colleagues and even spouses reporting each other for a catalogue of offences [...]  
there are also countless stories of unpaid, ordinary citizens who have taken it upon themselves to become a volunteer army of informers [...]  
loyal supporters now patrol both the public and private spheres. Some even boast about their exploits on social media. “In Turkey, it used to be considered shameful to give information to the intelligence agency or the police,” says Melda Onur, an opposition MP who recently shared the story of a taxi driver who reported a passenger for criticising the government [...]  
Complaints from all sections of society began to grow. In Kayseri, a man was taken to a police station after an unknown person complained that he insulted the president during a conversation on a park bench. In Sanliurfa province, three teachers were reported to a civil service hotline for speaking Kurdish and allegedly praising a terror organisation.  
Academics, in particular, voice concern about an increasingly stifling climate in their classrooms after a series of cases of students reporting their tutors to the university authorities — and even making clandestine recordings [...]  
Reward payments reached record levels (up to £900,000 is on offer for the capture of the country’s most-wanted figures). According to the National Intelligence Organisation (MIT), the number of people who got in touch online to offer assistance almost doubled from 34,000 in 2015 to 65,000 in 2016 [...]  
Newspaper pages filled with extraordinary stories of betrayal among friends, neighbours and even within families. A father in Kayseri was said to have informed police that two of his sons were Gulenists because he believed that they were laundering the organisation’s money. The newspaper Karar told of a family unconvinced by their son’s insistence that he had quit the movement. They warned police that he was about to flee to the US and he was arrested at the airport. Police were inundated. A report published in Haberturk newspaper in October stated that officers were overwhelmed by the number of calls to their hotline. Many of the claims were not just baseless and rooted in personal problems, it said, but also a waste of police time [...]  
Authorities, however, are pursuing not only those accused of direct involvement but also those with subtler ties to the group [Gülen movement]. Its secretive nature makes it hard to prove or disprove an accusation of affiliation — and makes it an easy slur on someone’s character [...]  
Government critics warn that the perils of false or illegitimate complaints are compounded by the state of Turkey’s judicial system. Prosecutors and judges are terrified to drop cases for fear of

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<sup>1252</sup> Burhan Sonmez for The Guardian, [President Erdoğan is now targeting anyone who doesn't support him](#), 7 November 2016

<sup>1253</sup> Deutsche Welle, [As repression deepens, Turkish artists and intellectuals fear the worst](#), 13 February 2017

<sup>1254</sup> Financial Times, [Erdoğan's informers: Turkey's descent into fear and betrayal](#), 16 March 2017

themselves being branded terrorists. Many of their critical or independent-minded colleagues have already been sidelined or replaced with loyalists.<sup>1255</sup>

Reporting in April 2017, The New York Times Magazine reported on lists being drawn up of those being purged:

In Turkey, there is a website called Resmi Gazete, which means Official Gazette. It is the outlet in which the government posts bills passed by Parliament, but after the attempted coup, the Official Gazette became a site of lists — of the names of the first thousands of those who would eventually be purged from government ministries, schools, courts, universities, nongovernmental organizations, police departments, military battalions, hospitals and banks.

Since then, news periodically ripples through Twitter or Facebook that new lists have been released. They are often posted after midnight, and in the terrifying hours that follow, people go online and check for their names, which will also be visible to their neighbors, their bosses, their parents, their sons and daughters. This is how the listed learn that they have lost their jobs, their pensions, their passports. Once on a list, you are stuck in Turkey — with little means to survive. You are subjected to a form of professional death, and in some cases a form of social death: children bullied at school, families vilified in their neighborhoods [...]

The lists aren't just of people. Entire organizations, however innocuous seeming, show up on them: the Holistic and Alternative Medical Foundation, the Love Trees Protect Forests Live Humanely Foundation, the Gastrointestinal Oncology Foundation, to name just a few. Many of these are not Gulenist but Kurdish or leftist. If it seems as though Turkey's purge lists are touching every part of its society, that's because they are.<sup>1256</sup>

The same report provided the following statistics as of April 2017: "So far, some 140,000 people in Turkey have had their passports canceled, according to a recent report by the main opposition party".<sup>1257</sup>

Deutsche Welle reported in April 2017 that Deniz Naki, a former Bundesliga star, has been given a "suspended 18-month jail sentence in Turkey for criticizing the government's operations against Kurdish militants. The former St Pauli player had been acquitted by the same court in November [2016]".<sup>1258</sup>

The Stockholm Center for Freedom, set up by a group of journalists who have been forced to live in self-exile in Sweden, published a report in April 2017 documenting the "systematic campaign" of jailing women "on trumped-up charges as part of an escalating witch-hunt targeting critics and opponents of President Recep Tayyip Erdoğan and his ruling Justice and Development Party (AKP) government".<sup>1259</sup> The report found that:

The persecution of women through the abuse of the criminal justice system cuts across all age groups, from as young as 18 to over 80 years of age. Most of the recent detentions targeted a highly educated segment among women's groups that includes professionals ranging from academics, doctors and teachers to judges and prosecutors [...]

draw a picture of a larger pattern of institutionalized abuse of jailed women in Turkey as the art of systematic targeting by the authorities to crack down on the right to dissent, the right to freedom of speech and the right to hold differing views from the prevailing ideology of the current Islamist government [...]

In addition to imprisonment on false charges, these women were stripped of their right of easy access to health care, denied the provisions they requested and separated from their babies and children, in

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<sup>1255</sup> Financial Times, [Erdoğan's informers: Turkey's descent into fear and betrayal](#), 16 March 2017

<sup>1256</sup> The New York Times Magazine, [Inside Turkey's Purge](#), 13 April 2017

<sup>1257</sup> The New York Times Magazine, [Inside Turkey's Purge](#), 13 April 2017

<sup>1258</sup> Deutsche Welle, [Former Bundesliga star handed suspended sentence for Kurdish 'terror propaganda'](#), 6 April 2017

<sup>1259</sup> Stockholm Center for Freedom, [Jailing Women in Turkey: Systematic campaign of persecution and fear](#), April 2017, Introduction, p. 3

blatant violation of the Turkish government's obligations under international conventions as well as the Turkish Constitution.<sup>1260</sup>

In July 2017 Middle East Eye reported that "A Turkish producer has been arrested as a coup conspirator after the release of a film trailer that shows the moments before the apparent execution of the president, Recep Tayyip Erdogan".<sup>1261</sup> Following his arrest he was charged with being a supporter of the Gulen movement.<sup>1262</sup>

## 6. Change in the situation of or treatment of civil servants and government officials and their family members since the attempted Coup d'état

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#), [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#), [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#), [1.a.i.2.f. Decrees of 29 October 2016 \[KHK/675 and 676\]](#), [1.a.i.2.g. Decrees of 22 November 2016 \[KHK/677/678\]](#), [1.a.i.2.j. Decree of 7 February 2017 \(KHK/686\)](#), [1.a.i.2.l. Decree of 29 March 2017 \(KHK/688\)](#), [1.a.i.2.m. Decrees of 29 April 2017 \(KHK/689 and 690\)](#), [1.a.i.2.o. Decree of 14 July 2017 \(KHK/692\)](#), and [1.a.1.2.p. Decrees of 25 August 2017 \(KHK/693 and 694\)](#).

See also sections [2.a.ii. Criminal justice system and access to fair trial](#) and [2.a.iv. Legal remedies, including State of Emergency Procedures Investigation Commission](#).

For information on the treatment of Kurdish civil servants and government officials post the attempted coup, see [7. a. iii. Treatment of civil servants and government officials](#).

For information on the treatment of LGBTI public servants, see section [9. Change in the situation of or treatment of diverse individuals of sexual orientation and gender identity since the attempted Coup d'état](#).

For up-to date information on the extent of the post-coup purge, including statistics, see [www.turkeypurge.com](http://www.turkeypurge.com), which according to its founders, is a "small group of young journalists", which was established "with the aim of tracking the extensive witch-hunt in Turkey".<sup>1263</sup> Similarly, the [Stockholm Center for Freedom](#), set up by "a group of journalists who have been forced to live in self-exile in Sweden" provides "a reference source which provides a broad and accurate perspective on rights violations in Turkey, monitoring daily developments through the lens of fact-based investigative journalism, and documenting individual cases of infringement of fundamental rights and liberties".<sup>1264</sup> The same source further provides updated lists on i) jailed and wanted journalists, ii) suspicious deaths and suicides, and iii) enforced disappearances.<sup>1265</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

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<sup>1260</sup> Stockholm Center for Freedom, [Jailing Women in Turkey: Systematic campaign of persecution and fear](#), April 2017, Introduction, p. 3

<sup>1261</sup> Middle East Eye, [Turkish filmmaker arrested after release of Erdogan 'execution' trailer](#), 13 July 2017

<sup>1262</sup> Middle East Eye, [Turkish filmmaker arrested after release of Erdogan 'execution' trailer](#), 13 July 2017

<sup>1263</sup> See TurkeyPurge, [Who We Are](#), Undated [Accessed: 1 December 2016]

<sup>1264</sup> See Stockholm Center for Freedom, [About Stockholm Center for Freedom](#), Undated [Accessed: 14 September 2017]

<sup>1265</sup> See Stockholm Center for Freedom, [Homepage](#), Undated [Accessed: 14 September 2017]

On 18 July 2016 Hurriyet Daily News reported that “Turkey’s Prime Minister Binali Yıldırım has suspended the annual leave of more than three million civil servants nationwide until further notice” following the attempted coup on 15 July 2016.<sup>1266</sup>

Shortly after the attempted coup, BBC News reported on 20<sup>th</sup> July 2016 on the “tens of thousands” of people “arrested or thrown out of their jobs [...] first with the security forces, then spreading to Turkey’s entire civilian infrastructure”.<sup>1267</sup> At the time of the news article publication, BBC News reported that:

- 7,500 soldiers have been detained, including 118 generals and admirals
- 8,000 police have been removed from their posts and 1,000 arrested
- 3,000 members of the judiciary, including 1,481 judges, have been suspended
- 15,200 education ministry officials have lost their jobs
- 21,000 private school teachers have had their licences revoked
- 1,577 university deans (faculty heads) have been asked to resign
- 1,500 finance ministry staff have been removed
- 492 clerics, preachers and religious teachers have been fired
- 393 social policy ministry staff have been dismissed
- 257 prime minister’s office staff have been removed
- 100 intelligence officials have been suspended

The list may be incomplete because the situation is constantly changing. But it is clear that the purge has affected well over 58,000 people.<sup>1268</sup>

The BBC News reported the following on the possible reasons for targeting civil servants:

This could hark back to a 2010 cheating scandal in Turkey’s civil service exams. When 3,227 were suspected of cheating because they scored top marks, the government suspected Gulenists.

The post-coup purge may be the time to get rid of the suspected cheats.

Another possibility is that the government is also weeding out opponents from Turkey’s Alevi community, which numbers some 15 million.

Turkey’s ruling AKP is predominantly a Sunni Muslim party which gains support from an Islamist base. The Alevi sect combines elements of Shia Islam with pre-Islamic folk customs.<sup>1269</sup>

On 17<sup>th</sup> September 2016 the Turkish government decreed the release of up to “38,000 convicts from prisons to make room for suspected putsch collaborators [...] The decree does not apply to anyone arrested after the mid-July putsch.”<sup>1270</sup>

With regards to the administrative measures affecting employees in the public sector, the Council of Europe Commissioner for Human Rights found that:

The Commissioner is fully aware that the ECHR does not guarantee access to employment in the public sector and that a relation of trust is essential in relations between civil servants and the state, affording a considerable margin of appreciation to the latter. However, even for this group, under the case-law of the European Court of Human Rights, such dismissals can still be considered an interference with Article 8 of the ECHR (right to respect for private and family life).

It also needs to be borne in mind that all measures taken under the state of emergency must be derogating from the ECHR only to the extent strictly required by the situation, and therefore must be proportionate to the aim pursued. This aim, in the context of Turkey’s derogation to the ECHR, was to

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<sup>1266</sup> Hurriyet Daily News, [Turkey suspends leave for over 3 million civil servants: Gov’t order](#), 18 July 2016

<sup>1267</sup> BBC News, [Turkey coup attempt: Who’s the target of Erdogan’s purge?](#), 20 July 2016

<sup>1268</sup> BBC News, [Turkey coup attempt: Who’s the target of Erdogan’s purge?](#), 20 July 2016

<sup>1269</sup> BBC News, [Turkey coup attempt: Who’s the target of Erdogan’s purge?](#), 20 July 2016

<sup>1270</sup> BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 22.08.2016](#), 22 August 2016

counter the severe dangers to public security and order, amounting to a threat to the life of the nation, “posed by the coup attempt and its aftermath together with other terrorist acts”. In this connection, when it comes to the public sector, the threat posed by a public employee wielding the sovereign power of the state, such as military personnel, an intelligence officer, a police officer or a judge, cannot be compared to the risk represented by a teacher, academic or an unqualified worker. Whereas arguments can be made for a speedy dismissal outside ordinary procedural guarantees for the first group, the same reasoning would not apply to the second group, considering that far less intrusive measures are available, such as suspension pending a proper, individualised administrative inquiry with the requisite guarantees.

Even for the first group, the situation of military personnel cannot be compared to judges and prosecutors: in democratic societies special guarantees apply to the members of the judiciary to uphold their independence and impartiality. If there are serious reasons for thinking that they acted in ways incompatible with their function, their dismissal must be subject to the strictest scrutiny and highest evidentiary requirements. In the Commissioner’s opinion, the relevant decisions of the HSYK did not meet such standards. He notes in particular that, while expounding at length on the threat posed by FETÖ, including anecdotal examples involving judges and prosecutors, these decisions included in their operative part only a universal, stereotypical and non-individualised reasoning to which two lists of 2 845 and 543 names were simply appended. Once more, suspension from duty while proper, individualised scrutiny takes place could have been a more proportionate option in the circumstances.

Whereas the Minister of Justice informed the Commissioner that civil servants were in many cases suspended first and dismissed later, these dismissal decisions were still taken under the decrees which do not require an adversarial proceeding or an individualised reasoning. Again, the Minister of Justice said that the decisions were individualised in practice and the files of each person reflected the data and information retained against them to assess whether they had acted loyally to the state. Both the Minister of Justice and the Minister of Foreign Affairs gave examples of such information or evidence that motivated the decisions of dismissal in some concrete cases.

However, the procedures clearly do not establish standards regarding such evidence, require their communication to the person concerned or the final assessment to be reasoned and based on this evidence. In such circumstances, it is conceivable that different administrations may have interpreted the same vague criteria concerning membership or contacts with a terrorist organisation in different ways, reaching different conclusions in similar cases, or considering legal actions taken in good faith as establishing guilt. This is a situation which naturally fuels all kinds of speculation concerning the reasons behind certain dismissals. As an example, many interlocutors of the Commissioner were convinced that the dismissal of around 10 000 teachers who were members of EĞİTİM SEN was motivated only by the fact that these teachers had participated in a strike organised by this legally established and operating trade union.

This is why the Commissioner urges the Turkish authorities to render much more transparent the criteria to be retained to prove membership of FETÖ/PDY and other terrorist organisations, the degree beyond which contacts with these organisations can incur sanctions, as well as the kinds of information and evidence the authorities must assess to establish liability. At a minimum, persons should be able to have access to evidence against them and make their case before a decision is taken. Any such decision should be subject to effective remedies, including adversarial proceedings before courts of law.

The Commissioner is particularly concerned about a number of additional sanctions which automatically apply to physical persons dismissed by decree or through the procedures established in decrees. These include a life-long ban from working in the public sector (which includes the practice of law) and private security companies, annulment of passports, eviction from staff housing and the annulment of rental agreements between these persons and public or semi-public bodies. The Commissioner also has grave concerns about the method of publishing a list of names annexed to decrees, which are laws in essence. It is beyond doubt that these persons will have to bear the stigma of having been assessed as having links with a terrorist organisation by the Turkish government itself, heavily compromising their potential of finding employment elsewhere.

These elements reinforce the view that, despite the executive or administrative nature of the dismissal decisions, the sanctions imposed can display a criminal character, blurring the distinction between administrative and criminal proceedings. The upholding of the principles of presumption of innocence, legal certainty, no punishment without law, individuality of crimes and punishments and

due process are therefore of particular relevance. This is an additional reason for the Commissioner to urge the authorities to stop applying these procedures and swiftly revert to ordinary procedures.<sup>1271</sup>

On 19 September 2016 Kerem Altıparmak, an Ankara University scholar specializing in human rights, and speaking to Al Monitor reportedly said that “he believes a public sector purge on such a scale ‘is perhaps unprecedented in the world’”.<sup>1272</sup> Whilst The Economist stated that “Increasingly the crackdown resembles a witch-hunt, far bigger than Senator Joe McCarthy’s purge of suspected communists in America in the 1950s”.<sup>1273</sup>

By the end of October 2016 the Turkish Human Rights Association (IHD) reported the following numbers of discharged, suspended and dismissed civil servants:

56.520 people in total have been discharged from public service as 3 534 soldiers, 158 of which are generals, 10 029 policemen ranging from the chiefs and police officers.

3 456 judges and prosecutors have been dismissed from the profession by the decision of the HSYK (Supreme Board of Judges and Prosecutors).

With the authority given by the State of Emergency Decree Laws, thousands of public officers were dismissed from profession, mainly from the Ministry of National Security, by the approval of the board and minister. The number has not been confirmed yet.

Apart from those who were discharged from the public service with the State of Emergency Decree Laws, approximately 11 000 teachers and 12 000 policemen were suspended from duty.<sup>1274</sup>

BBC News reported at the end of November 2016 that “The government has set up special crisis centres where those who feel they have been unjustly accused can appeal - and thousands have. But the onus there is on applicants to prove their innocence, rather than the state proving their guilt. More than 37,000 have been arrested as well as sacked and they will be tried in due course - but many fear that under the current state of emergency the process may not be fair. The work of defence lawyers has been restricted - and more than 3,800 members of the judiciary have also lost their jobs”.<sup>1275</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported on 12 December 2016 that “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”.<sup>1276</sup>

On 31 December TurkeyPurge, basing itself on reporting by Turkish minute, reported that “Turkish Labor Minister Mehmet Müezzinoğlu said [...] that since a coup attempt [...] a total of 122,177 people have been investigated for links to the Gülen movement [...] Speaking to news channel NTV, Müezzinoğlu provided the latest tally of the ruling Justice and Development Party’s (AKP) purge of critics. According to official numbers, a total of 87,228 people have been removed from public sector

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<sup>1271</sup> Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Administrative measures affecting employees in the public sector, paragraphs 27 - 34, pp 6-7*

<sup>1272</sup> Al Monitor, [Turkey could find itself facing hefty legal bill for mass purges](#), 19 September 2016

<sup>1273</sup> The Economist, [A conspiracy so immense](#), 10 September 2016

<sup>1274</sup> Human Rights Association (IHD), [Balance Sheet of Violations of Rights Occurred during 15 July Coup Attempt and State of Emergency](#), 27 October 2016

<sup>1275</sup> BBC News, [The human impact of Turkey's purges](#), 25 November 2016

<sup>1276</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, *paragraph 35*

jobs while 35,549 people were temporarily suspended. The minister added that 17,020 people in the public sector were reinstated to their positions”.<sup>1277</sup>

According to TurkeyPurge, the state-run Anadolu news Agency released the following figures on 2 January 2017 relating to the purge since the attempted coup:

- A total of 103,850 people have been the subject of an investigation, of which
  - 3,831 were briefly detained,
  - 902 still in custody,
  - 10,265 released; and
  - 41,326 arrested.<sup>1278</sup>

The source further noted that of those 41,326 arrested:

- 7,624 are police officers;
- 6,325 are from the security forces;
- 2,286 are judges/prosecutors; and
- 191 are mayors.<sup>1279</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Middle East Eye reported on 7<sup>th</sup> January 2017 that Turkey dismissed more than “6,000 more police, civil servants and academics” with reportedly “2,687 police officers, 1,699 officials from the justice ministry, 838 from the health ministry, more than 630 academics and 135 officials from the religious affairs directorate” dismissed.<sup>1280</sup>

Al Monitor reported that on 2<sup>nd</sup> April 2017 Turkish Interior Minister Suleyman Soylu provided the following numbers relating to the purge:

So far, 113,260 people have been detained in connection with FETO. The number of those who remain arrested today is 47,155, which is a significant number. There are 41,499 people who have been released on the condition of judicial control, while 23,861 others have been freed (without any further action). Those arrested include 10,732 police officers, 7,463 soldiers, including 168 generals, 2,575 judges and prosecutors, 26,177 civilians and 208 administrative chiefs.<sup>1281</sup>

The same source noted however that “This, however, is only a partial picture that omits the toll of the crackdown on the Kurds. The state of emergency has seen the detention of some 9,000 members of the Kurdish-dominated Peoples’ Democratic Party (HDP), about 3,000 of whom remain behind bars. Eleven HDP lawmakers, including both of the party’s co-chairs, are also in jail. The HDP’s sister party, the Democratic Regions Party, which runs 103 local administrations in the mainly Kurdish southeast, has seen 84 of those municipalities handed over to government-appointed trustees and 89 of its co-mayors arrested.”<sup>1282</sup>

At the end of April 2017 BBC News reported that “Turkey said a total of 47,000 people had been detained, including 10,700 police and 7,400 members of the military. Thousands of people have lost their jobs across Turkey’s public institutions, including teachers and civil servants, and opposition

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<sup>1277</sup> TurkeyPurge, [Turkish minister says 122,177 people investigated over coup involvement](#), 31 December 2016

<sup>1278</sup> TurkeyPurge, [Ministry of Justice: 41,326 arrested over alleged coup involvement](#), 2 January 2017

<sup>1279</sup> TurkeyPurge, [Ministry of Justice: 41,326 arrested over alleged coup involvement](#), 2 January 2017

<sup>1280</sup> Middle East Eye, [Turkey sacks 6,000 workers in latest post-coup crackdown](#), 7 January 2017

<sup>1281</sup> Al Monitor, [No end in sight for Erdogan’s purges after referendum](#), 4 May 2017

<sup>1282</sup> Al Monitor, [No end in sight for Erdogan’s purges after referendum](#), 4 May 2017

media outlets have been closed down”.<sup>1283</sup> Also reporting at the end of April 2017 Deutsche Welle noted that another 4,000 Turkish public officials have been sacked by president Erdogan’s administration, including “1,127 justice ministry employees, including wardens, some 1,000 army personnel and 500 academics”.<sup>1284</sup>

In May 2017 the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, expressed his particular concern at “over the renewed state of emergency in Turkey and the human rights situation in the country. According to reports, up to 150,000 civil servants have been suspended. Furthermore, there are reports that last week about 10,000 police officers were also suspended and some one thousand among them detained”.<sup>1285</sup> He further noted that ““With such a large number, it is highly unlikely that the suspensions and detentions will have met due process standards” and also underscored the “climate of fear” which prevails in Turkey.<sup>1286</sup>

Amnesty International published a report in May 2017 which focused on the dismissal of public servants, among them police officers, teachers, soldiers, doctors, judges, prosecutors and academics, by executive decree in the past ten months and found that more than 100,000 public sector employees were arbitrarily dismissed with the main target of the purge being people perceived to be followers of the Gulen movement.<sup>1287</sup> The report also found that “a much wider group of people have been targeted” namely real or perceived opposition to the ruling Justice and Development Party (AK Party) government “or for other illegitimate reasons”.<sup>1288</sup> Given that most dismissed individuals were not provided with any evidence of their alleged personal wrongdoing Amnesty International concluded that “a great many dismissals were arbitrary, unfair and/or politically motivated”.<sup>1289</sup> It further found that:

the dismissals and associated measures threaten a broad range of human rights (of a huge number of people) protected by international conventions to which Turkey is a party. Dismissals based on political affiliation, union membership or actions such as participation in demonstrations violate the rights to freedom of expression, association or assembly, in addition to the right to non-discrimination. Expelling people from all work in the public sector or their profession as a whole infringes on the right to work, and in the long term may threaten the right to an adequate standard of living. The routine cancellation of passports violates the right to freedom of movement, while the lack of an effective appeal procedure threatens the right to a fair trial and an effective remedy.<sup>1290</sup>

The Amnesty International May 2017 report also provided the following general statistics regarding the purge:

The authorities have remanded more than 47,000 people in pre-trial detention and closed down hundreds of associations, foundations and other institutions. These include the permanent closure of at least 156 media outlets and in one decree alone, 375 NGOs [...]

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<sup>1283</sup> BBC News, [Turkey arrests 1,000 in raids targeting Gulen suspects](#), 26 April 2017

<sup>1284</sup> Deutsche Welle, [More sackings in Turkey, dating shows banned](#), 29 April 2017

<sup>1285</sup> UN News Centre, [Abuses by non-State actors no justification for rights violations by Governments – UN rights chief](#), 1 May 2017

<sup>1286</sup> UN News Centre, [Abuses by non-State actors no justification for rights violations by Governments – UN rights chief](#), 1 May 2017

<sup>1287</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, *Executive Summary*, p. 4

<sup>1288</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, *Executive Summary*, p. 4

<sup>1289</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, *Executive Summary*, p. 4

<sup>1290</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, *Executive Summary*, p. 4



More than 100,000 public servants have been dismissed from their jobs and banned from public service under emergency decrees [...] Of this number, more than 33,000 are teachers and other employees of the Ministry of Education, more than 24,000 are police officers and other employees of the Ministry of Interior, more than 8,000 are members of the armed forces, more than 6,000 are doctors and other employees of the Ministry of Health, more than 5,000 are academics and other higher education employees, more than 4,000 are judges, prosecutors and other employees of the Ministry of Justice and more than 3,000 are employees of the office of the Prime Minister and connected institutions. Yet more people suddenly lost their jobs through the closure of the institutions employing them, including universities, hospitals, schools, by emergency decree.<sup>1291</sup>

The report by the co-rapporteurs Ms Godskesen and Ms Mikko of the Council of Europe's Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) reported in May 2017 with regards to the numbers of public servants dismissed:

a quarter of judges and prosecutors, a tenth of the police force and 30% of the staff in the Ministry of Foreign Affairs have been dismissed, not to mention the nearly 5 000 academics dismissed since July 2016, which is impeding the running of the universities.<sup>1292</sup>

The Monitoring Committee consequently questioned the "capacity of State institutions, which have been significantly affected by the purges, to function normally. This particularly affected the military and the security forces, at a time when Turkey is facing multiple terrorist threats and engaged in military operations both in Turkey and abroad".<sup>1293</sup>

Carnegie Europe provided the following general statistics on 11<sup>th</sup> July 2017:

Nearly 140,000 government employees have been dismissed, including members of the military, police, judges, and academics, while more than 50,000 people are in jail, among them many journalists, intellectuals, human-rights activists, and businesspeople. More than 2,000 schools and universities have been shut down.<sup>1294</sup>

On the eve of the one year anniversary of the attempted coup in July 2016, Radio Free Europe/Radio Liberty reported that "Turkey announced the dismissal of another 7,000 police, soldiers, and officials [...] It is the latest move in a large-scale purge by the Turkish authorities, who have arrested about 50,000 people and fired over 100,000 more in the aftermath of the thwarted attempt to overthrow President Recep Tayyip Erdogan on July 15 last year. A total of 7,563 people have been sacked in the latest wave of dismissals, the state-run Anadolu news agency reported. Almost 350 retired army members were also stripped of their rank. Hurriyet daily reported that some 2,300 police were sacked".<sup>1295</sup>

Deutsche Welle published the following graph in mid-July based on its own research on the number of dismissed public employees in Turkey since the attempted coup<sup>1296</sup>:

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<sup>1291</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 1. Background: A coup attempt, an unprecedented crackdown and mass dismissals, pages 6/7

<sup>1292</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, A. Draft resolution, para. 14, p. 4

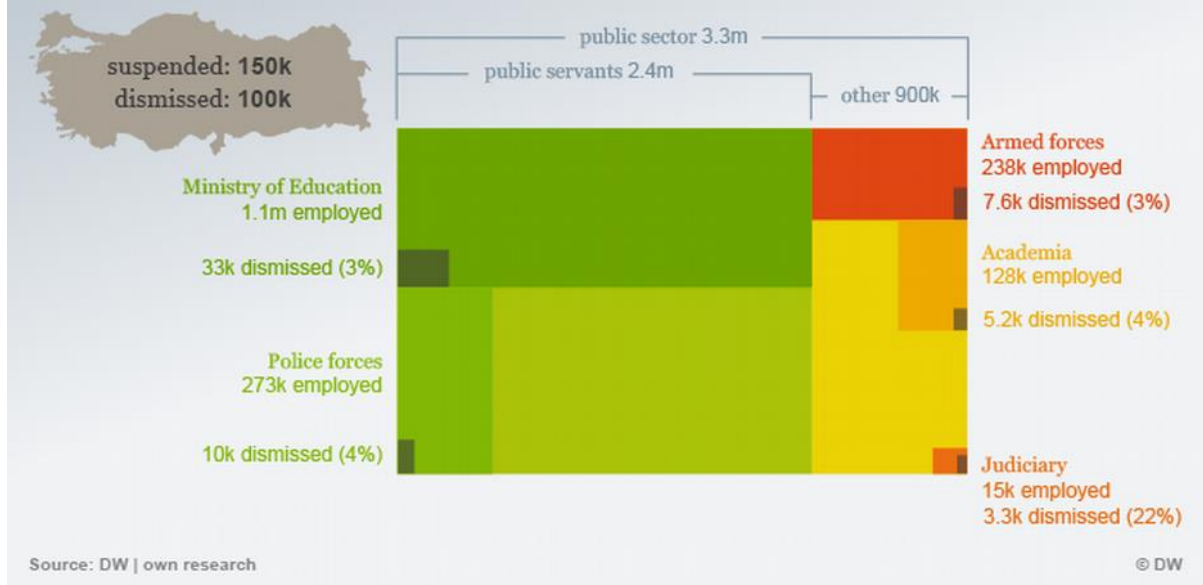
<sup>1293</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), [The functioning of democratic institutions in Turkey](#), 5 April 2017, 3.2.7. Impact of the massive purges on the functioning of democratic institutions (judiciary, security forces), para. 74, p. 22

<sup>1294</sup> Carnegie Foundation, [Turkey One Year After the Failed Coup](#), 11 July 2017

<sup>1295</sup> Radio Free Europe/Radio Liberty, [Turkey Suspends More Than 7,000 Civil Servants, Academics](#), 14 July 2017

<sup>1296</sup> Deutsche Welle, [Post-coup Turkey: Journalists, public employees under fire](#), 15 July 2017

## Dismissed public employees in Turkey since state of emergency declared



It further noted that in addition to this data “further 7,300 public employees, including 2,300 police forces, were dismissed”.<sup>1297</sup>

The same source noted that since the attempted coup and up to 15<sup>th</sup> July 2017:

more than 150,000 public employees were suspended from their jobs, and more than 110,000 were dismissed. Some suspended and dismissed public servants were later readmitted. The largest chunk of dismissals took place at the Ministry of National Education. Around 33,000 teachers have been dismissed, followed by more than 12,000 in the police forces, over 8,000 in the army, and 3,396 in the judiciary. Academia has also been a prime target of the post-coup attempt purge. According to the latest figures published by Genel-Is Trade Union, 5,295 academics have been dismissed and more than 100 of them have been detained over the past year.<sup>1298</sup>

The Stockholm Center for Freedom published the following figures for the month of August 2017 alone:

- At least 1,711 people were detained, with 998 of them put in pre-trial detention in operations targeting Turkey’s Kurdish minority and the Gülen movement throughout July [2017];
- The Turkish government has dismissed a total of 922 public servants from public service with two new state of emergency decrees issued on August 25.<sup>1299</sup>

Individual testimonies of those arrested are included in that article.<sup>1300</sup>

With regards to the dismissal of 922 public servants following the 25<sup>th</sup> August 2017 decrees No. 693 and 694, Middle East Eye reported that these civil servants were mainly working in the defence, foreign and interior ministries, as well as drawn from the military personnel, and included also more

<sup>1297</sup> Deutsche Welle, [Post-coup Turkey: Journalists, public employees under fire](#), 15 July 2017

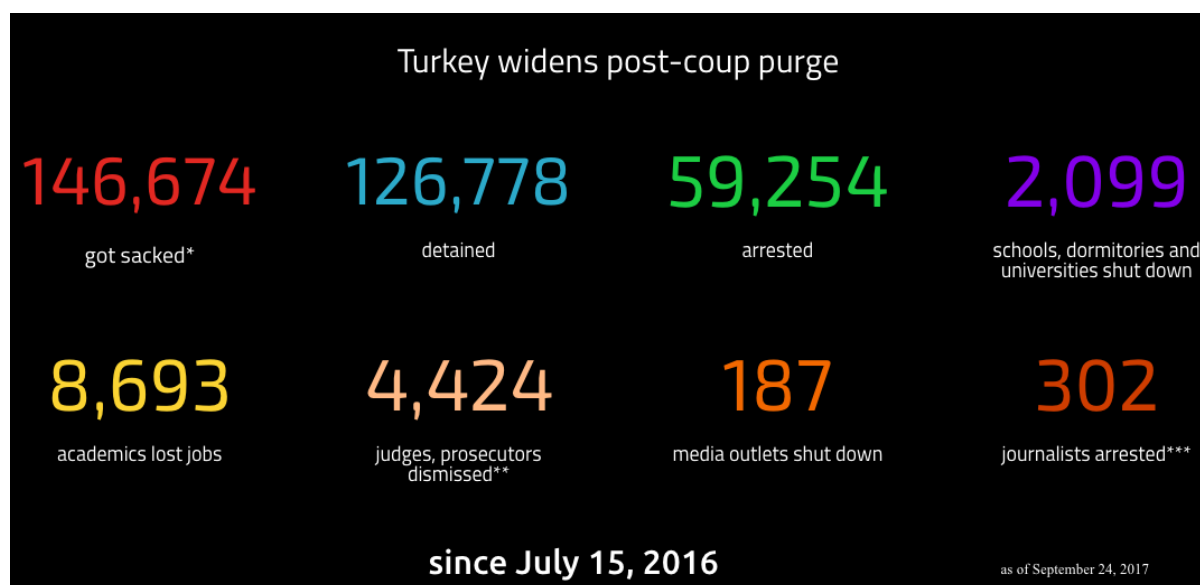
<sup>1298</sup> Deutsche Welle, [Post-coup Turkey: Journalists, public employees under fire](#), 15 July 2017

<sup>1299</sup> Stockholm Center for Freedom, [TURKEY PURGE IN PAST 30 DAYS: 922 Dismissed, 1,711 Detained, 998 Jailed Over Coup Charges](#), 30 August 2017

<sup>1300</sup> See Stockholm Center for Freedom, [TURKEY PURGE IN PAST 30 DAYS: 922 Dismissed, 1,711 Detained, 998 Jailed Over Coup Charges](#), 30 August 2017

than 100 academic personnel.<sup>1301</sup> According to the same source Turkish authorities further stripped 10 retired brigadier generals of their rank.<sup>1302</sup>

Turkey Purge published the following figures on its website regarding the number of individuals who were dismissed, detained, arrested and the number of schools, dormitories, universities and media outlets shut as of 24 September 2017<sup>1303</sup>:



#### a. Police officers and intelligence officials

This section should be read in conjunction with sections [1.a.i.2.j. Decree of 7 February 2017 \(KHK/686\)](#), [1.a.i.2.n. Decree of 22 June 2017 \(KHK/691\)](#) and [1.a.i.2.o. Decree of 14 July 2017 \(KHK/692\)](#).

##### Pre-attempted coup situation

Amongst the sources consulted within the set time-frame no specific information was found on the treatment of police officers and intelligence officials.

##### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Radio Free Europe/Radio Liberty reported on 18 August 2016 that “With the ‘special decree’ issued on August 17, 2,360 police staff” were fired.<sup>1304</sup>

On 22 August 2016 Radio Free Europe/Radio Liberty basing its article on CNN Turk stated that “Turkish authorities have suspended 95 police officers, including police chiefs, in Istanbul”, following

<sup>1301</sup> Middle East Eye, [Turkey dismisses hundreds of civil servants in latest decrees](#), 25 August 2017

<sup>1302</sup> Middle East Eye, [Turkey dismisses hundreds of civil servants in latest decrees](#), 25 August 2017

<sup>1303</sup> Turkey Purge, [Turkey widens post-coup purge since July 15, 2016](#), last updated 24 September 2017

<sup>1304</sup> Radio Free Europe/Radio Liberty, [Turkey's Anti-Gulen Clampdown Rages Out Of Control](#), 18 August 2016

“about 80,000 people in the police, military, judiciary and civil service [that] have been sacked or suspended since the failed July 15 coup”.<sup>1305</sup>

On 30 August 2016 Al Jazeera reported about the arrest of Istanbul’s ex-police chief, Huseyin Capkin, “after new evidence surfaced in its investigation into the finances of” the Gulen movement.<sup>1306</sup>

Hurriyet Daily News reported that on 7 September 2016 “Basri Aktepe, a former top officer of the National Intelligence Organization (MIT), was arrested [...] over having alleged links to Fethullah Gulen”.<sup>1307</sup>

Radio Free Europe/Radio Liberty reported on 27 September 2016 that “the Turkish government has fired 87 members of the state security agency as part of its ongoing crackdown in the wake of a failed coup attempt in July” for “suspected links with cleric Fethullah Gulen”.<sup>1308</sup> It further noted that since the crackdown, “141 MIT [National Intelligence Organization] staffers have been suspended”.<sup>1309</sup>

On 4<sup>th</sup> October 2016 BBC News reported that “Turkey has suspended almost 13,000 police officers for their alleged links with the US-based Muslim cleric, Fethullah Gulen”, of which “more than 2,500” were police chiefs.<sup>1310</sup>

Reuters reported on 5 October 2016 that “Turkey detained 55 military and intelligence agency personnel on Wednesday over suspected links with U.S.-based cleric Fethullah Gulen and his network”.<sup>1311</sup>

Reuters reported on 6 October 2016 that “Twenty suspects including Turkish soldiers and a deputy governor were jailed pending trial on Thursday, accused of belonging to a ‘sleeper cell’ to be activated if a July military coup attempt had been successful, state-run Anadolu Agency said”.<sup>1312</sup>

Hurriyet Daily News added that the figure of ‘almost 13,000 police officers’ suspended included 1,350 working at the Ankara police headquarters “which came under attack from the air on the night of the [attempted] coup”, whilst the “interior ministry also suspended 37 members of its staff over alleged links to the [Gulen] movement”.<sup>1313</sup>

Reuters reported on 7 October 2016 that “Turkish authorities detained 120 police officers [...] and issued warrants for 46 others” of which privately owned Dogan news agency said “were police employees, including 13 police chiefs, 114 ranking officers and 39 regular officers”.<sup>1314</sup>

The Daily Sabah reported on 3 November 2016 that “218 gendarmerie staff with suspected Gülenist terror cult (FETÖ) links have been suspended from duty under the scope of the ongoing post-coup

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<sup>1305</sup> Radio Free Europe/Radio Liberty, [Turkish Police Officers Suspended As Post-Coup Crackdown Continues](#), 22 August 2016

<sup>1306</sup> Al Jazeera, [Turkey: Ex-police chief, others detained in coup probe](#), 30 August 2016

<sup>1307</sup> Hurriyet Daily News, [The rise and fall of a Turkish intelligence officer](#), 10 September 2016

<sup>1308</sup> Radio Free Europe/Radio Liberty, [Turkey Targets Security Agency In Anti-Gulen Crackdown](#), 27 September 2016

<sup>1309</sup> Radio Free Europe/Radio Liberty, [Turkey Targets Security Agency In Anti-Gulen Crackdown](#), 27 September 2016

<sup>1310</sup> BBC News, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

<sup>1311</sup> Reuters, [Turkey detains 55 military, intelligence personnel over attempted coup: media](#), 5 October 2016

<sup>1312</sup> Reuters, [Turkey holds 20 alleged members of coup 'sleeper cell': agency](#), 6 October 2016

<sup>1313</sup> Hurriyet Daily News, [Turkey suspends 12,800 police officers in coup plot probe](#), 4 October 2016

<sup>1314</sup> Reuters, [Turkey orders 166 police detained in coup-related crackdown –media](#), 7 October 2016

investigation. Out of the 1,218 staff, 419 are officers, while 604 are sergeants, 158 are specialist gendarme sergeants, and 9 are civil servants”.<sup>1315</sup>

BBC News reported on 27 December 2016 that “Twenty-nine police officers have gone on trial in a Turkish prison [...] It is the first trial of alleged plotters to take place in Istanbul since the abortive coup [...] Twenty-one of the 29 police officers face life terms if found guilty of taking part in the failed coup. They are all accused of following Fetullah Gulen as well as failing to follow orders and carry out their duty to protect the president [...] Eight of the accused face lesser sentences. Although smaller-scale trials have taken place elsewhere in Turkey, this was the first major case in Turkey's biggest city”.<sup>1316</sup>

TurkeyPurge reported on 29 December 2016 that “Detention warrants were issued on Thursday for a total of 70 police officers over alleged coup involvement”.<sup>1317</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

A Turkish news agency Yeni Şafak reported in February 2017 that “prosecutors are demanding 15-year sentences for 235 FETÖ-linked police officers indicated to have played a role” in the attempted coup “as they used the cellphone app ByLock, which FETÖ members have used since 2014 for secret correspondence”.<sup>1318</sup>

Deutsche Welle reported that on 26 April 2017 Turkish authorities arrested 1,000 police officers suspected of links to the Gulen movement.<sup>1319</sup> The same source noted that “The scale of the purges within the military and police have raised concerns over the capability and rising politicization of security forces”.<sup>1320</sup> On the same day Turkish authorities suspended 9,103 police personnel as part of an investigation into last year's attempted coup, reported Deutsche Welle also.<sup>1321</sup>

In September 2017 “Detention warrants have been issued for 63 people including former employees of Turkish Intelligence Organization (MİT) as part of investigation into the Gülen movement, the state-run Anadolu news agency reported” according to the Stockholm Center for Freedom.<sup>1322</sup> The same source added that “45 of the 63 are former MİT employees while others are only linked with these people. Police who have launched operations in 21 provinces have detained 9 in Ankara. A total of 87 out of 141 National Intelligence Organization (MİT) officials, who were suspended following a failed coup attempt on July 15, 2016, were dismissed from their posts as part of a witch-hunt against the Gülen movement last year”.<sup>1323</sup>

## **b. Members of the judiciary**

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<sup>1315</sup> Daily Sabah, [1,218 FETÖ-linked gendarmerie staff suspended from profession in coup probe](#), 3 November 2016

<sup>1316</sup> BBC News, [Turkish police in court for first Istanbul trial over coup plot](#), 27 December 2016

<sup>1317</sup> TurkeyPurge, [Turkey issues detention warrants for 70 police officers over coup charges](#), 29 December 2016

<sup>1318</sup> Yeni Şafak, [235 ByLock using, FETÖ-linked police officers face 15-year imprisonment](#), 2 February 2017

<sup>1319</sup> Deutsche Welle, [Turkey arrests a thousand police accused of links to US-based cleric Gulen](#), 26 April 2017

<sup>1320</sup> Deutsche Welle, [Turkey arrests a thousand police accused of links to US-based cleric Gulen](#), 26 April 2017

<sup>1321</sup> Deutsche Welle, [Turkey suspends more than 9,000 police officials on suspected Gulen links](#), 26 April 2017

<sup>1322</sup> Stockholm Center for Freedom, [Turkey Issues Detention Warrants For 63 People Including Intel Agency Employees Over Alleged Links To Gülen Movement](#), 12 September 2017

<sup>1323</sup> Stockholm Center for Freedom, [Turkey Issues Detention Warrants For 63 People Including Intel Agency Employees Over Alleged Links To Gülen Movement](#), 12 September 2017

This section should be read against [2.a. ii. Criminal justice system and access to fair trial.](#)

### Pre-attempted coup situation

Freedom House noted in its annual report covering 2015 that “The constitution provides for an independent judiciary, but the government has been able influence judges in the past through appointments, promotions, and financing. In the wake of corruption allegations against the government, thousands of police officers, judges, and prosecutors were reassigned during 2014, and the government passed laws to gain more control over the courts as well as the Higher Council of Judges and Prosecutors, the body responsible for judicial appointments”.<sup>1324</sup>

Amnesty International in its annual report covering 2015 found that the independence of the Turkish judiciary “was further eroded” with “Politically motivated appointments and transfers of judges and prosecutors continued throughout the year, wreaking havoc on a judiciary already lacking independence and impartiality”.<sup>1325</sup>

The U.S. Department of State reported in its annual report covering 2015 that “The government [...] indicted six judges and prosecutors involved in investigating alleged corruption of high-level government officials, a move interpreted as an attempt by the executive branch to intimidate members of the judiciary”.<sup>1326</sup>

The International Commission of Jurists reported in June 2016 that

The Government, including the Ministry of Justice, have justified the arrest, prosecution and disciplinary measures against judges since 2014 as a purge of Gülenist “parallel state” interests which had sought to infiltrate and seize control of the judiciary, as well as other core State institutions, to further their own interests. This is represented as a threat to the security of the State, as a potential “judicial coup” and even sometimes as a “terrorist” threat. Other commentators told the ICJ, however that, prior to 2013, the AKP facilitated and encouraged Gülenist control of the judiciary, since the movement was aligned to and furthered the government’s interests. The AKP’s split with the Gülenist movement seems to have precipitated action to assert more direct control, and the purge of Gülenist judges appears to have also involved an opportunistic attack on other independent judges not seen as sufficiently favourable to the wishes of the executive.<sup>1327</sup>

In July 2016 the International Commission of Jurists published a report analysing the judicial system in Turkey in light of the increased government control of the Turkish judiciary, including the High Council for Judges and Prosecutors (HSYK), and arrests and dismissals of judges.<sup>1328</sup> The report found:

Since 2014, there have been a series of alarming developments affecting the institutions of the Turkish judicial system, including retrogressive amendments to the legislative framework, increased executive control in practice of the governing institutions of the judiciary and prosecution service; the arrest, dismissal and arbitrary transfer of judges and prosecutors; and recurring instances of violence and threats against lawyers.

There are strong indications that, taken together, these measures may amount to a concerted attack on the independence of the judiciary, prosecution and legal profession, whose integrity and

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<sup>1324</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *F. Rule of Law: 6 / 16 (-1)*

<sup>1325</sup> Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background*, p. 369

<sup>1326</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Executive Summary*

<sup>1327</sup> International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, 3. *ISSUES OF CONCERN, Independence and politicization of the judiciary* page 10

<sup>1328</sup> International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016

effectiveness is essential to the operation of the Turkish justice system and to the maintenance of the rule of law. [...]

These measures [prosecution and control of freedom of expression], enforced through the courts, are closely linked to attempts by the government to gain greater control over the justice system, including the judiciary and prosecution.<sup>1329</sup>

For further detailed information of issues of concern to the International Commission of Jurists on the independence and politicization of the judiciary, the influence of the Executive on the HSYK, the selection and appointment of judges, criminal charges and disciplinary action against judges and prosecutors, the transfer of judges and prosecutors, the establishment of criminal judgeships of the peace, the executive influence on Associations of Judges, and harassment and attacks against lawyers, refer to the relevant chapters in the briefing – see footnote for details.<sup>1330</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Human Rights Watch reported one day after the attempted coup “the Higher Council of Judges and Prosecutors issued a list of 2,745 judges and prosecutors who were to be suspended on the grounds that they were suspected of being ‘members of the Fethullah Gülen Terrorist Group/Parallel state structure (FETÖ/PYD)’. The council is charged with administering the justice system, including the appointments, assignments, and oversight of judges and prosecutors. Versions of these lists were published in the media<sup>1331</sup> that day, and police began to arrest those named. In addition to the 2,745 judges and prosecutors from lower courts, the investigation includes 48 members of the Council of State, Turkey’s highest administrative court, two members of the Constitutional Court, 140 members of the Court of Cassation, and four members of the Higher Council of Judges and Prosecutors”.<sup>1332</sup> The same source reported on 18 July 2016 that no explanation had been provided on the role the judges and prosecutors might have had in the coup attempt.<sup>1333</sup>

On 9 August 2016 Turkey’s Constitutional Court dismissed two members of its court, Alparslan Altan and Erdal Tercan, on the basis of having links with the Gulen Movement.<sup>1334</sup>

On 5 August 2016 Human Rights Watch reported that “Turkey’s courts have placed at least 1,684 judges and prosecutors in pretrial detention” on suspicion that “they are members of a terrorist organization or were involved in the coup attempt. Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association”.<sup>1335</sup> According to the same source:

In cases Human Rights Watch examined, decisions to arrest and detain someone pending investigation appear to have been made simply because their names appear on a list of alleged

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<sup>1329</sup> International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016, 1. Introduction, National Context

<sup>1330</sup> International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016, 1. Introduction, National Context

<sup>1331</sup> For an example of such a list see TRTHaber, [HSYK'nın açığa aldığı hakim ve savcıların isim listesi](#), 16 July 2016

<sup>1332</sup> Human Rights Watch, [Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup](#), 5 August 2016

<sup>1333</sup> Human Rights Watch, [Turkey: Protect Rights, Law After Coup Attempt: Mass Arrests, Website Shutdowns Raise Grave Concerns](#), 18 July 2016

<sup>1334</sup> The Constitutional Court of the Republic of Turkey, [PRESS RELEASE REGARDING THE REASONED DECISION ON THE DISMISSAL OF TWO MEMBERS OF THE CONSTITUTIONAL COURT, ALPARSLAN ALTAN AND ERDAL TERCAN FROM PROFESSION](#), 9 August 2016

<sup>1335</sup> Human Rights Watch, [Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup](#), 5 August 2016

suspects, or because of alleged associations with a terrorist organization and “national security threats.” The authorities have presented no evidence in courts to substantiate any alleged criminal conduct by those arrested.<sup>1336</sup>

Radio Free Europe/Radio Liberty reported on 15 August 2016 that “Police in Istanbul have raided three courthouses to enforce detention warrants against 173 judicial-system personnel wanted in connection with the failed coup attempt last month”.<sup>1337</sup>

On 24 August 2016 Reuters reported that “more than 2,800 judges and prosecutors” had been fired in the latest purge since the attempted coup.<sup>1338</sup>

On 1 September 2016 BBC News reported that “A further 543 judges and prosecutors have been sacked in Turkey, bringing the number of dismissals since July's failed coup to at least 3,288”.<sup>1339</sup> The same source quoted Turkish President Recep Tayyip Erdogan as stating that “the purge would ‘enhance’ the judiciary's independence”.<sup>1340</sup> However, Reuters noted on 2 September 2016 that the number of dismissals left a “depleted workforce to manage the legal process against a growing number of detainees”.<sup>1341</sup>

On 22 September 2016 Reuters reported that “more than 100 court employees have been detained at a courthouse in Istanbul on suspicion of being linked to Gulen, broadcaster Haberturk reported”.<sup>1342</sup>

Al Jazeera reported on 30 September 2016 that “Turkish authorities [...] issued dozens of arrest warrants for staff in the judicial and prison systems”, with warrants for 87 people working in Istanbul courts being sent out”.<sup>1343</sup>

Following his visit to Turkey the UN Special Rapporteur on the right to freedom of opinion and expression noted in his ‘Preliminary conclusions and observations’ that “Since the coup attempt in July, the situation has escalated. The judiciary was charged with carrying out administrative investigations into its officers and an alarming number of prosecutors and judges were dismissed. 3,626 judges and prosecutors were removed under emergency decree, with only 198 so far being reinstated. Several dozen judges, including one judge serving in the Mechanism for International Criminal Tribunals (MICT), Judge Aydin Sedaf Akay, have been detained. We sought but were denied access to visit Judge Akay”.<sup>1344</sup>

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<sup>1336</sup> Human Rights Watch, [Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup](#), 5 August 2016

<sup>1337</sup> Radio Free Europe/Radio Liberty, [Istanbul Courthouses Raided In Coup Probe](#), 15 August 2016

<sup>1338</sup> Reuters, [Turkish authorities fire more than 2,800 judges, prosecutors - CNN Turk](#), 24 August 2016

<sup>1339</sup> BBC News, [Turkey coup attempt: 543 more court officials sacked](#), 1 September 2016

<sup>1340</sup> BBC News, [Turkey coup attempt: 543 more court officials sacked](#), 1 September 2016

<sup>1341</sup> Reuters, [Turkey removes more than 10,000 security personnel, academics in purge](#), 2 September 2016

<sup>1342</sup> Reuters, [Turkey labour ministry sacks 785 employees since failed coup – minister](#), 22 September 2016

<sup>1343</sup> Al Jazeera, [Turkey attempted coup: 1,500 jail staff suspended](#), 30 September 2016

<sup>1344</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016. In March 2017 Judge Aydin Sedaf Akay was put on trial “accused by the Turkish authorities of downloading and using a messaging app called ByLock which Ankara says was used by the plotters to prepare the coup”. See Middle East Online, [Turkey puts UN judge on trial for ‘coup links’](#), 15 March 2017. In June 2017 Aydin Sefa Akay was sentenced to more than seven years for his alleged ties to the Gulen movement. See Deutsche Welle, [Turkey hands jail sentence to UN judge Aydin Sefa Akay](#), 15 June 2017



The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported on 12 December 2016 that, 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. [...]

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”. [...]

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. [...]

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>1345</sup>

The International Commission of Jurists added that out of the more than 2000 judges and prosecutors detained were “two judges of the Constitutional Court, 109 members of the Court of Cassation, 41 Members of the Council of State and five members of the High Council for Judges and Prosecutors (HSYK)”.<sup>1346</sup>

On 10 November 2016 TurkeyPulse reported that the wife of a Turkish judge who was arrested “105 days ago” revealed in a letter to the source how the Turkish government seized money granted for her two disabled children by Turkey’s Social Security Institution.<sup>1347</sup>

TurkeyPurge reported on 1 January 2017 that “The Supreme Board of Judges and Prosecutors (HSYK) on Friday rejected applications for reinstatement to their former positions from 233 judges and prosecutors who were dismissed over alleged links to the Gulen movement”.<sup>1348</sup> The same source also noted that out of 14,661 prosecutors and judges who worked for the Turkish justice system, 3,843 were dismissed since the attempted coup.<sup>1349</sup>

In a February 2017 report which focused on key human rights concerns in South-East Turkey between July 2015 and 31 December 2016 the OHCHR reported with regards to the post attempted coup situation that “The number of dismissed judges and prosecutors in South-East Turkey is not known”.<sup>1350</sup>

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<sup>1345</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraphs 26-29

<sup>1346</sup> International Commission of Jurists, [Turkey: emergency measures have gravely damaged the rule of law](#), 6 December 2016

<sup>1347</sup> TurkeyPulse, [Turkish gov’t seizes money granted for arrested Judge’s disabled children](#), 10 November 2016

<sup>1348</sup> TurkeyPurge, [Turkey’s HSYK rejects 233 judges’ bid for immediate reinstatement](#), 1 January 2017

<sup>1349</sup> TurkeyPurge, [Turkey’s HSYK rejects 233 judges’ bid for immediate reinstatement](#), 1 January 2017

<sup>1350</sup> Office of the United Nations High Commissioner for Human Rights, [Report on the human rights situation in South-East, July 2015 to December 2016](#), February 2017, paragraph 54

Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

According to the June 2017 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey, “Several dozen judges, including one judge serving on the International Residual Mechanism for International Criminal Tribunals, Aydın Sedaf Akay, have been detained, even after the Mechanism ordered the Turkish authorities to cease all legal proceedings against Judge Akay and to take all necessary measures to ensure his release from detention. Furthermore, the Constitutional Court expelled two of its own judges. In February 2017, another 227 judges and prosecutors were dismissed by the Board of Judges and Prosecutors following the inclusion of their names in lists annexed to emergency decrees. By emergency decree No. 667, members of the judiciary who have been dismissed are entitled to file an action directly with the Council of State”.<sup>1351</sup>

The New York Times reported in April 2017 that “In the judiciary, the number purged is one-third of Turkey’s 12,000 judges and prosecutors. ‘If you purge 30 to 40 percent of the judiciary, in a sense you purge it all,’ Judge Ertekin said. ‘There’s no tradition left and no knowledge left.’ Mr. Karadag, the head of the judges’ union, said the government was filling the vacancies with loyalists”.<sup>1352</sup>

Similarly, an April 2017 report by the Stockholm Center for Freedom noted that:

The practice of widespread dismissals and the arrest of judges and prosecutors as well as the ensuing atmosphere of pressure is another important development that has undermined the right to a fair trial in Turkey. This has thwarted the resolution of complaints under domestic remedies as well. Over 4,300 judges and prosecutors were dismissed from office permanently, and two-thirds of them were disbarred on July 16, 2016, the day after the attempted coup d’état. Their salaries and bank accounts were confiscated. Even before they were officially treated as suspects, their names were publicly announced by the government so that they were portrayed as guilty before any charges were leveled, let alone an indictment or a conviction.

As further persecution of judges and prosecutors en masse, their spouses were also fired from their jobs if they were employed by the government. Their savings and property acquisitions were seized. The judicial immunity that is granted to members of the judiciary was annihilated. The prosecutors who would not demand the harshest prison terms for defendants and the judges who would not hand down arrest decisions in line with the expectations of the government were treated as traitors.<sup>1353</sup>

In April 2017, an additional 45 judicial officials were dismissed, and, on 4 April, three judges and a prosecutor were suspended and put under investigation for a decision to release 21 journalists detained following the coup attempt.<sup>1354</sup>

Reuters reported in May 2017 that “The HSK has already expelled 4,238 judges and prosecutors in purges targeting Gulen followers, roughly a quarter of the national total”<sup>1355</sup>, whilst Reporters Sans Frontières added, also in May 2017, that among these “around 2,500 are in pre-trial detention”.<sup>1356</sup>

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<sup>1351</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 70

<sup>1352</sup> The New York Times, [Turkey in Turmoil and Chaos Since Purge Aimed at Dissenters](#), 12 April 2017

<sup>1353</sup> Stockholm Center for Freedom, [Turkey’s Descent into Arbitrariness: The End of the Rule of Law](#), April 2017, 2. *Judges and prosecutors under pressure*, p.11

<sup>1354</sup> International Referendum Observation Mission, [Republic of Turkey, Statement of Preliminary Findings and conclusions](#), 16 April 2017, *Conclusions Complaints and Appeals*, p.12

<sup>1355</sup> Reuters, [Turkish MPs elect judicial board under new Erdogan constitution](#), 17 May 2017

<sup>1356</sup> Reporters Sans Frontières, [Turkey: UN Human Rights Council should address continuous deterioration of freedom of expression and other human rights](#), 15 May 2017

The Amnesty International May 2017 report focusing on the purge of public sector workers since the attempted coup found that “in addition to being dismissed from their employment, they are expelled from all forms of public service” which is a “significant problem in the legal professions where over 3,500 judges and prosecutors and an unknown number of law faculty academics have been dismissed. Bar associations have deemed the profession of lawyer to be a public service from which dismissed public sector workers are barred and the Union of Bar Associations, an organization constituted from all the bar associations in Turkey, has introduced further restrictions beyond those found in existing law”.<sup>1357</sup>

### c. Teachers, education ministry officials, university deans and academia in general

This section should be read in conjunction with sections [1.a.i.2.i. Decrees of 23 January 2017 \(KHK/682, 683, 684 and 695\)](#), [1.a.i.2.j. Decree of 7 February 2017 \(KHK/686\)](#), [1.a.i.2.l. Decree of 29 March 2017 \(KHK/688\)](#) and [1.a.i.2.o. Decree of 14 July 2017 \(KHK/692\)](#).

#### Pre-attempted coup situation

Freedom House noted in its annual report covering 2015 that:

Academic freedom is limited by self-censorship and legal or political pressure regarding sensitive topics, including contemporary political developments. The government has asserted more authority over individual academics and both public and private universities through the state’s Higher Education Board, which in October 2015 introduced a draft regulation that would make it easier to close private universities for becoming “the focal point of acts against the country’s indivisible integrity.” Also in October, a professor at Ankara University was indicted for “spreading terrorist propaganda” by posing a question on an exam that asked students to analyze the writings of the PKK’s leader.<sup>1358</sup>

The U.S. Department of State reported in its annual report covering 2015 that “Government restrictions on freedom of speech at times limited academic freedom and cultural events. Some academics and event organizers stated their work was monitored and they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Consequently, some contacts reported that they could not easily attend academic programs and practiced self-censorship on sensitive topics. Human rights organizations and student groups continued to criticize constraints placed on universities by law and by the actions of the Higher Education Board that limited the autonomy of universities in staffing, teaching, and research policies and practice”.<sup>1359</sup>

Following his visit to Turkey the UN Special Rapporteur on the right to freedom of opinion and expression noted in his ‘Preliminary conclusions and observations’ that “Over the course of the current year [2016], the Government has launched at least two sets of actions against academics. The first began on 11 January 2016, when more than 1400 academics in Turkey and abroad

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<sup>1357</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 3. *Dismissed public officials – civil death?*, p. 13

<sup>1358</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, D. *Freedom of Expression and Belief*: 8 / 16

<sup>1359</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), Section 2. a. *Academic Freedom and Cultural Events*

published a statement expressing concern about the failing peace process with the Kurds in southeast”<sup>1360</sup>.

The International Rehabilitation Council for Torture Victims reported in January 2016 that 20 university academics, including “Dr Ümit Biçer, who is on the board of IRCT’s Turkish member centre, the Human Rights Foundation Turkey (HRFT), and is a leading international expert in forensic documentation of torture and ill-treatment”, had been arrested in result to a joint statement issued by “1,128 academics from Turkey and abroad, calling for an end to the curfews imposed on certain districts in Turkey, which have led to severe human rights violations, including extrajudicial executions”<sup>1361</sup>. The same source further noted that “While it appears that all the arrested individuals have since been released, administrative and judicial investigations have been opened against them and many other signatories”<sup>1362</sup>. Reporting on the same incident, following his visit to Turkey the UN Special Rapporteur on the right to freedom of opinion and expression noted in his ‘Preliminary conclusions and observations’ that “Over the course of the current year, the Government has launched at least two sets of actions against academics. The first began on 11 January 2016, when more than 1400 academics in Turkey and abroad published a statement expressing concern about the failing peace process with the Kurds in southeast Turkey. In response, at the instructions of the Higher Educational Council, many university administrations have taken disciplinary actions, including removals, against signatories. The Government has stated that the petition signed by the academics echoed a statement previously made by one of the leaders of the PKK: More than one thousand academics in Turkey have been subject to anti-terrorism police operations and widespread harassment. At least twenty academics have been detained and investigated by the Istanbul prosecutor’s office”<sup>1363</sup>.

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), reported that shortly after the publication of the joint statement “President Recep Tayyip Erdoğan heavily criticised the academics and compared them to terrorists. In a public speech made on January 15, 2016, he referred to the academics as ‘the darkest of dark’ and accused them of having committed ‘the same crime as those who carry out massacres’. The President also called the academics the ‘fifth column’ for terrorists. Several academics are also said to have received threats via social media and by telephone, including from nationalist mafia boss Sedat Peker, who has publicly threatened the group saying: ‘we will bathe in your blood’”<sup>1364</sup>.

Amnesty International reported in April 2016 that four academics “have been held in pre-trial detention since March 2016. They are among the 1,128 initial signatories of a petition published 11 January 2016 calling on the Turkish government to build a peace plan that recognizes Kurdish

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<sup>1360</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016

<sup>1361</sup> International Rehabilitation Council for Torture Victims, [IRCT: Turkey must immediately ensure full protection of human rights defenders](#), 28 January 2016

<sup>1362</sup> International Rehabilitation Council for Torture Victims, [IRCT: Turkey must immediately ensure full protection of human rights defenders](#), 28 January 2016

<sup>1363</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016

<sup>1364</sup> Observatory for the Protection of Human Rights Defenders, [Turkey: Release and ongoing judicial harassment of four academics and researchers](#), 27 April 2016

political demands. They also criticized the government's actions at a press conference in Istanbul on 10 March, reiterating their call for peace".<sup>1365</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Reuters similarly reported on 19 July 2016 article that "Turkey's education ministry has revoked the licenses of 21,000 teachers working in private institutions, an official at the ministry told Reuters on Tuesday, part of an expanding government crackdown following a failed coup attempt. The announcement came shortly after a report that the High Education Board had ordered the resignation of 1,577 deans at all universities across Turkey".<sup>1366</sup>

In addition, Amnesty International reported on the same day that "On 19 July [2016] the Ministry of Education reported that 15,200 Ministry personnel had been suspended and that they are under investigation for links to Fethullah Gülen. According to the pro-government Sabah daily, on 19 July, 1,577 university deans were asked to resign by the Council of Higher Education (YÖK). Of these 195 deans have already tendered their resignations. All of the deans will be investigated for links to Fethullah Gülen according to Habertürk. According to the semi-official Anadolu Turkish news agency, the government has begun the process of closing 524 private schools and 102 other institutions operating under the Ministry of Education for suspected links to Fethullah Gülen. The Ministry of Education has also suspended the right of academics to conduct research abroad until further notice and has called back academics who are presently working abroad".<sup>1367</sup>

On 21 July 2016 Radio Free Europe/Radio Liberty reported that "Turkey's education system has been hit particularly hard during the ongoing crackdown. The Education Ministry on July 20 added more than 6,500 new names to the list of 15,200 school employees suspended, state media reported. The government also started proceedings to close down more than 600 educational institutions, most of them private schools. In addition, 21,000 teachers at private institutions have had their licenses revoked and more than 1,500 university deans have been forced to resign".<sup>1368</sup>

Shortly after the attempted coup, BBC News reported on 20<sup>th</sup> July 2016 on the possible reasons for targeting the education sector:

President Erdogan has seen the rise of Islamic education in Turkey's schools and universities as a personal mission.

Since his Islamist-rooted party came to power in 2002, the number of children educated in segregated religious schools known as "Imam-Hatip" has soared by 90%. He has repeatedly said he wants to raise a "pious generation" and has reformed state education accordingly. [...]

Mr Erdogan sought to reverse the many closures of religious schools that came in the wake of Turkey's last coup in 1997, which he compared to the cutting of an artery.

He has also moved to shut down Gulenist-run schools outside Turkey. Reports from Romania say Turkish officials have told 11 to close, but the schools argue they fall under Romanian rather than Turkish jurisdiction.

What is less clear is why university deans are also being targeted. The officials told to leave their posts are unlikely to be Gulenists. There is some suggestion that a revamp of Turkey's 300 universities is being prepared.

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<sup>1365</sup> Amnesty International, [Turkey: Release detained academics and uphold freedom of expression](#), 21 April 2016

<sup>1366</sup> Reuters, [Licenses of 21,000 Turkish teachers have been revoked: ministry official](#), 19 July 2016

<sup>1367</sup> Amnesty International, [Turkey: State of emergency must not roll back human rights](#), 21, July 2016

<sup>1368</sup> Radio Free Europe/Radio Liberty, [More Arrests In Turkey As State Of Emergency Takes Effect](#), 21 July 2016

On Wednesday, Turkey's higher education authority banned academics from travelling abroad and said anyone currently outside Turkey should return home.<sup>1369</sup>

Radio Free Europe/Radio Liberty reported that the government further “has banned all academics from foreign travel”.<sup>1370</sup>

Al Jazeera reported on 24 July 2016, that “Education Minister Ismet Yilmaz said Turkey [...] plans to hire more than 20,000 teachers to replace those who have been fired in a purge of suspected coup plotters in schools and other institutions. The new teachers will replace state educators who have been dismissed as well as teachers in private schools with alleged links to Fethullah Gulen”.<sup>1371</sup>

On 26 July 2016 Hurriyet Daily News reported that:

[...] simultaneous operations were staged across universities in eight Turkish provinces, with police detaining a total of 188 people and another 54 people being suspended from duty. Some 19 academics were detained in an operation at Çukurova University in the southern province of Adana, including the rector of Kanuni University, Professor Osman Serindağ. Eleven academics were suspended from duty at the Ağrı İbrahim Çeçen University, while a probe was launched into nine academics and three administrative personnel at a local university in Balıkesir. Some 44 academics were detained at Dicle University in the southeastern province of Diyarbakır, while 12 others are being sought with a detention warrant. Some 59 university personnel, including 43 academics, were suspended from duty in Düzce while 30 personnel, including 22 academics, were suspended at Erzurum Atatürk University.

A former rector of Manisa Celal Bayar University, Professor Mehmet Pakdemirli, was also detained, in addition to 19 other academics from the university. Finally, 46 academics were detained at the Namık Kemal University in Tekirdağ.<sup>1372</sup>

On 3 August 2016 Balkan Insight reported that the teaching licenses of 30,000 teachers in the private sector had been revoked.<sup>1373</sup>

Al Jazeera reported on 3 August 2016 that “Turkish police have raided the offices of the national science research council, the Scientific and Technological Research Council of Turkey (Tubitak), which funds science research projects in universities and the private sector and employs more than 1,500 researchers.”<sup>1374</sup> On 5 August 2016 the Turkish news agency Anadolu Agency (AA) reported that Tubitak had “dismissed 139 personnel [researchers] from their duties amid a coup probe” and 28 others resigned.<sup>1375</sup>

Al-Monitor reported on 3 August 2016 that “at least 4,000 students are expected to be affected by a July 31 emergency decree to close all military high schools and military academies. The four military high schools were highly competitive to enter and graduate from [...] The schools are being closed because the government believes that they have been infiltrated by the so-called Fethullah Gulen Terror Organization (FETO) and that about 95% of the student body identifies with FETO. The ruling Justice and Development Party (AKP) government is convinced these schools cannot be rehabilitated”.<sup>1376</sup>

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<sup>1369</sup> BBC News, [Turkey coup attempt: Who's the target of Erdogan's purge?](#), 20 July 2016

<sup>1370</sup> Radio Free Europe/Radio Liberty, [Turkey Bans Academics From Traveling, Blocks WikiLeaks](#), 20 July 2016

<sup>1371</sup> Al Jazeera, [Turkey investigates those who say coup attempt was hoax](#), 24 July 2016

<sup>1372</sup> Hurriyet Daily News, [Turkey detains Istanbul governor, academics after failed coup attempt](#), 26 July 2016

<sup>1373</sup> BalkanInsight, [Harsh Crackdown Leaves Turkey Fearful and Divided](#), 3 August 2016

<sup>1374</sup> Al Jazeera, [Turkey police raid science council in post-coup purge](#), 3 August 2016

<sup>1375</sup> Anadolu Agency, [Turkey's top scientific body dismisses 139 personnel](#), 5 August 2016

<sup>1376</sup> Al-Monitor, [Gulen movement's youngest victims speak out in Turkey](#), 3 August 2016

On 8 August 2016 Hurriyet Daily News reported that a teacher, who was suffering from diabetes and who was being held in custody over suspected links to the July 15 failed coup attempt [...] has fallen ill and died in hospital, as “his relatives were not able to provide him with the necessary medicine for three days after his detention”.<sup>1377</sup>

Deutsche Welle reported on 19 August 2016 that “among the scores of academics currently being sought by the authorities, at least 29 have been detained” with Turkish prosecutors having issued arrest warrants for 84 university academics, with most of the “academic suspects” coming from Selcuk University.<sup>1378</sup>

Human Rights Watch noted that on 8 September 2016 “Alongside 28,000 teachers discharged [previously], another 11,000 were suspended”.<sup>1379</sup>

The International Federation for Human Rights (FIDH) and its member organisations in Turkey, IHD and Human Rights Foundation of Turkey (HRFT) strongly condemned on 19 September 2016 the “dismissal of the ‘Academics for Peace’, including Prof Dr Ümit Biçer, Member of the HRFT Directors Board, from their positions in public higher education, by a decree having force of law within the scope of the State of Emergency”.<sup>1380</sup> The same source further noted that:

Among the academics that were removed there are 44 « Academics for Peace » scholars who signed, in January 2016, a petition titled « We will not be a party to this crime », also known as Peace Petition. Their removal is the climax of a series of criminal and disciplinary investigations, custody, imprisonment, or violent threats, that the almost 2,000 signatories of the Peace Petition have faced in the latest months.<sup>1381</sup>

Al Monitor reported on 13 October 2016 that “The Justice and Development Party continues its purge of secular teachers from schools, further tacking toward the Islamization of Turkish public education and leaving thousands of teachers without jobs”.<sup>1382</sup> The same source further noted that:

According to the Education and Science Laborers Trade Union (Egitim-Sen), which has the largest membership of teachers in Turkey, questions about [religious and political leanings](#) are systematic, designed to determine whether candidates are supportive of the ruling Justice and Development Party (AKP). Some candidates, for instance, have been questioned about their views on the nationwide anti-government protests in 2013 and whether they took part in them, while others had to explain how they view reverent references to Kurdish militant leader Abdullah Ocalan or what they think of the call to prayer being performed in Kurdish rather than Arabic. The interviewers wanted to know the civic society groups the candidates may belong to, the newspapers they read, the prep school they attended ahead of university entrance exams and how they viewed the July 15 coup attempt. Some candidates even had to describe their feelings about Tarik Akan, the iconic Turkish actor who died last month and was a vocal AKP critic. But the question that made the most headlines was the one about whom the candidates think of when they hear the word “reis,” which means “chief” or “captain” and is used by AKP supporters to denote President Recep Tayyip Erdogan.<sup>1383</sup>

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<sup>1377</sup> Hurriyet Daily News, [Teacher held in custody over Gülen links falls ill, dies in Istanbul hospital](#), 8 August 2016

<sup>1378</sup> Deutsche Welle, [Prosecutors target academics, bank regulators in latest post-coup crackdown](#), 19 August 2016

<sup>1379</sup> Human Rights Watch, [A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, *I. Background, Coup Attempt and Aftermath*, p. 11

<sup>1380</sup> International Federation for Human Rights (FIDH), [Turkey: ‘Academics for Peace’ suffer purge](#), 12 September 2016

<sup>1381</sup> International Federation for Human Rights (FIDH), [Turkey: ‘Academics for Peace’ suffer purge](#), 12 September 2016

<sup>1382</sup> Al Monitor, [Turkey’s ‘devout generation’ project means lost jobs, schools for many](#), 13 October 2016

<sup>1383</sup> Al Monitor, [Turkey’s ‘devout generation’ project means lost jobs, schools for many](#), 13 October 2016

The article also alluded that “Transforming school staffs seems to be another stage in what Erdogan describes as his goal of raising ‘devout generations.’ The government has already taken important steps in that direction, including a massive expansion of the imam-hatip religious schools, and the introduction of the Quran and the life of the Prophet Muhammad as elective courses in public schools”.<sup>1384</sup>

Mid-October 2016 Deutsche Welle reported that “the Education Ministry removed 2,400 teachers from their posts as a result of the post-coup investigation, Anadolu reported”.<sup>1385</sup>

TurkeyPurge reported on 26 October 2016 that “Teachers who deposited money in Islamic lender Bank Asya, which was seized by the government, for its interest free accounts have been dismissed from their jobs in state schools, Yeni Çağ daily columnist Ahmet Takan has said”.<sup>1386</sup>

On 29 October 2016 TurkeyPurge reported that “An expert on mental health disorders and academic at Gaziantep University (GAÜN), Haluk Savaş was among 90 faculty members who were arrested over their alleged ties to the movement [...] A candidate for deputy nomination on the main opposition Republican People’s Party (CHP) tickets in 2015 general elections, Savaş is also popular for his widely-circulated tweets”.<sup>1387</sup>

Reuters reported on 30 October 2016 that “Universities have also been stripped of their ability to elect their own rectors according to the decrees [issued at the end of October 2016]. Erdogan will from now on directly appoint the rectors from the candidates nominated by the High Educational Board (YOK)”.<sup>1388</sup>

By the end of October 2016 the Turkish Human Rights Association (IHD) reported the closure of the following education institutions:

- 1061 kindergartens, primary and secondary schools and high schools
- 15 private universities
- 113 student dormitories and hostels.<sup>1389</sup>

Following his visit to Turkey the UN Special Rapporteur on the right to freedom of opinion and expression noted in his ‘Preliminary conclusions and observations’ that “Since that first wave, thousands more academics have been removed from their positions in the wake of the 15 July coup attempt. I spoke with academics who could not identify a particular cause for their removal, as they had no connection to the coup or its plotters, or to PKK, and yet they were forced out of their positions and then denied a passport that would allow them to work abroad”.<sup>1390</sup>

On 8 November 2016 TurkeyPurge stated that “Police detained an Antalya-based housewife after failing to reach her husband who has being wanted for his former employment at International

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<sup>1384</sup> Al Monitor, [Turkey’s ‘devout generation’ project means lost jobs, schools for many](#), 13 October 2016

<sup>1385</sup> Deutsche Welle, [Turkey issues arrest warrants for 189 judges, prosecutors](#), 14 October 2016

<sup>1386</sup> TurkeyPurge, [Teachers who deposited money in Bank Asya for interest-free banking dismissed](#), 26 October 2016

<sup>1387</sup> TurkeyPurge, [Arrested Turkish psychiatrist diagnosed with cancer, journalist claims](#), 29 October 2016

<sup>1388</sup> Reuters, [Turkey sacks 10,000 more civil servants, shuts media in latest crackdown](#), 30 October 2016

<sup>1389</sup> Human Rights Association (IHD), [Balance Sheet of Violations of Rights Occurred during 15 July Coup Attempt and State of Emergency](#), 27 October 2016

<sup>1390</sup> UN Special Rapporteur on the right to freedom of opinion and expression, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016](#), 18 November 2016



Antalya University. The university has long been under investigation for its alleged ties to the Gülen movement”.<sup>1391</sup>

On 18 November 2016 the Middle East Eye reported that 73 academics were detained after detention warrants were issued for “103 teaching staff accused of ‘membership of an armed terror group’ in the investigation targeting the city's Yildiz Technical University”.<sup>1392</sup>

Education International reported on 23 November 2016 that the decrees allowed the dismissal of a further “10,131 public workers, among them 2,219 education personnel” raising the “total number of dismissed education personnel that have lost their right to work in the Turkish education sector has reached 38,294. The number of dismissed academics is at 3,613”.<sup>1393</sup> The same source further noted that “Arbitrary dismissals, investigations, persecutions and arrests are taking place throughout the country virtually on a daily basis. An alarming 2,829 education staff, including 25 EĞİTİM-SEN members, have been arrested and detained without trial. Legal proceedings have been initiated against 5,247 academics and 1,545 administration staff, in public and private higher education institutions. The number of suspended education employees is constantly changing”.<sup>1394</sup>

The Assessment Capacities Project (ACAPS) noted in its ‘Crisis Analysis’ on Turkey that “On 25 November [2016], 6,000 teachers who had been suspended were allowed to come back to their offices, including the more than half from southeastern Diyarbakir and Van provinces”.<sup>1395</sup>

Reuters reported on 9 December 2016 that “87 people linked to Istanbul University” were arrested including what Broadcaster CNN Turk reportedly said: “police carried out simultaneous raids across 12 provinces, targeting suspects including someone it said was the head of a minor political party and many professors from the university”.<sup>1396</sup>

On 31 December TurkeyPurge reported that “A total of 26 academics and university personnel from Eskişehir Anadolu University (AU) were arrested over coup charges [...] Last week, police detained 35 university staff and academics from AU in simultaneous raids. An Eskişehir court arrested 26 of them [...] while releasing the rest on pending trial. Among the arrestees are 11 professors, 9 assistant professors, according to local media outlets”.<sup>1397</sup> On the same day the same source, TurkeyPurge reported that “The dean of Uşak University and 3 other university employees arrested in the western province of Uşak as part of an investigation targeting the Gülen movement”.<sup>1398</sup>

TurkeyPurge reported on 3 January 2017 that “Forty-five academics from İstanbul University who were implicated as part of an investigation into the Gülen movement, face up to 22.5 years in prison as an indictment accusing them of forming, running or being member of an armed terrorist organization was handed over to the court in charge. The academics in question –14 of them currently under arrest– include professors and associate professors. A 191-page-indictment seeks up to 22.5 years of prison term for the academics who are being prosecuted for having accounts at now

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<sup>1391</sup> TurkeyPurge, [Mother of 4 arrested after husband, fearing torture, flees police](#), 8 November 2016

<sup>1392</sup> Middle East Eye, [Turkish police detain 73 academics in Gulen-related probe: State media](#), 18 November 2016

<sup>1393</sup> Education International, [TURKEY: Request for action and financial solidarity](#), 23 November 2016

<sup>1394</sup> Education International, [TURKEY: Request for action and financial solidarity](#), 23 November 2016

<sup>1395</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Last update 22 December 2016

<sup>1396</sup> Reuters, [Turkey seeks arrest of university academics in Gulen-related probe: media](#), 9 December 2016

<sup>1397</sup> TurkeyPurge, [Turkish minister says 122,177 people investigated over coup involvement](#), 31 December 2016

<sup>1398</sup> TurkeyPurge, [4 including Uşak University dean arrested over coup charges](#), 31 December 2016

defunct Bank Asya, the movement affiliated lender, or having used ByLock, a mobile application that prosecutors claim to be a top communication tool among movement members”.<sup>1399</sup>

On the same day the same source, TurkeyPurge, reported that “Twenty-two academics were dispelled from Rize-based Recep Tayyip Erdoğan University’s Medical Faculty, as part of an investigation into the Gülen movement [...] The implicated academics included 16 associate professors, 4 assistant professors, a research assistant and a professor. Another associate professor is still under investigation”.<sup>1400</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

According to Nilgun Toker, a philosophy scholar expelled in January 2017 and cited in AI Monitor, the purges are “an intellectual genocide”.<sup>1401</sup>

The New York Times Magazine reported on the latest wave of purges hitting academia in February 2017:

In February [2017], the Turkish government released a new list — and this time, it was sinister in a new way. The latest wave of purges hit academia again, not just Gulenists or Kurds but especially liberals and leftists, which meant that the purge was spreading. Hundreds of academics, some of the most prominent and well known in the country, found their names on the lists. They, too, face the prospect of losing their passports and their pensions and being unable to seek state employment in Turkey again [...]

Those who are stuck in Turkey endure a kind of social torture, too, which will most likely remain the silent kind [...]

And liberal academics endure the strange, simultaneous abuse of being seen as jobless pariahs and members of some oppressive elite.<sup>1402</sup>

Also reporting on the latest purge of academics in February 2017 AI Monitor reported that:

The latest legislative decree of Feb. 7 [2017] dealt perhaps the most devastating blow in this respect. More than 300 academics were expelled from their universities, including signatories of a Peace Declaration in January 2016, which had condemned a military crackdown in Kurdish-majority cities and towns. Academics who did not sign the original declaration but issued a separate one later to defend the right to free speech after their colleagues faced a judicial onslaught were not spared either. Illustrating just how wide the net was cast, the list included medical professor Cihangir Islam, a prominent Islamic activist and husband of Merve Kavakci, the first veiled woman to be elected to the Turkish parliament.<sup>1403</sup>

Kom News reported that out of the 330 academics who were expelled, half of them had “signed the peace declaration criticising curfews in predominantly Kurdish southeastern districts in 2015 and early 2016”.<sup>1404</sup> The same article further noted that the new decree led to the dismissal of:

34 academics from Ankara University, 22 from Marmara University, 15 from Yıldız Technical University, 18 from Anadolu University, two academics each from Adnan Menderes University, Cukurova University, Dogus University, Giresun University, Bilim University and Uludag University and

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<sup>1399</sup> TurkeyPurge, [Court arrests 26 more academics, university staff over coup links](#), 31 December 2016

<sup>1400</sup> TurkeyPurge, [R. Tayyip Erdoğan University dismisses 22 medical academics over coup charges](#), 3 January 2017

<sup>1401</sup> AI Monitor, [The collapse of Turkish academia](#), 13 February 2017

<sup>1402</sup> The New York Times Magazine, [Inside Turkey’s Purge](#), 13 April 2017

<sup>1403</sup> AI Monitor, [The collapse of Turkish academia](#), 13 February 2017

<sup>1404</sup> Kom News, [Turkey sacks 115 ‘academics for peace’ with latest decree law](#), 8 February 2017

one each from Ataturk University, Balikesir University, Bartin University, Beykent University, Bingol University, Dumlupinar University, Eskisehir Osmangazi University, Igdir University, Ayvansaray University, Yeni Yuzyil University, Kırıkkale University, Recep Tayyip Erdoğan University and Trakya University.<sup>1405</sup>

The same article further explored the effects the purge was having on universities especially Ankara University and found that “The university’s prestigious faculty of political sciences is on the verge of collapse, with 23 courses left without lecturers and 50 postgraduate students without advisers, according to Ayhan Yalcinkaya, a senior faculty member”.<sup>1406</sup>

An article published in the Huffington Post in March 2017 highlighted that “Since last July, more than 4,000 academics have lost their positions in public and private universities by executive decree. Fifteen private universities linked to the network of Fethullah Gülen, a Sunni cleric and President Erdogan’s former ally, who is accused of being behind the coup attempt, have been shut down. Those who are purged from public institutions are virtually sentenced to a civilian death without trial: they cannot take up public office anywhere else, cannot be hired by private institutions due to fear of retribution from the government, and cannot seek employment abroad as they are barred from leaving the country”.<sup>1407</sup> The same source further reported that “The economic burden and the emotional trauma of this state of paralysis is taking an increasingly heavy toll on the targeted scholars, as well as their families and the wider academic community. In late February [2017], two academics who were purged with an executive decree took their own lives after suffering psychological breakdown”.<sup>1408</sup> The article further noted that two topics are now “untouchable”, namely “the Kurdish conflict and the state’s role in the violence and destruction that surged after mid-2015” and “the Gülen movement itself” – the latter of which means that “Scholars who have conducted research about the relationship between religion, business and politics in Turkey, and have established contacts with Gülen supporters and business affiliates in the process, now risk being labelled as coup supporters or ‘FETÖcü’, i.e. supporter of the ‘Fethullahist Terror Organization’, the official name used by the government to refer to the movement”.<sup>1409</sup> A prominent example of this “retrospective criminalization is:

Professor İftar Gözaydın, an eminent scholar of law and religion with international renown, who has written and spoken extensively on secularism, religious minorities and the role of the Diyanet (the Presidency of Religious Affairs) in Turkey. The former chair of the sociology department in the now-defunct Gediz University, she was sacked after the coup attempt, detained last December, and finally charged this week with being a “member of an armed terrorist organisation”. She faces a prison sentence of up to 15 years.<sup>1410</sup>

University World News reported in April 2017 that “Up to now around 400 Academics for Peace have been sacked” after signing a petition pre-coup demanding the end of the conflict in the Kurdish region and and a “resolution of the conflict through a quest for a peaceful and sustainable solution with the Kurdish minority ethnic group”.<sup>1411</sup> Since the attempted coup of July 2016 “President Erdogan has accused the signatories of the petition of treason. Hundreds of these academics in

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<sup>1405</sup> Kom News, [Turkey sacks 115 ‘academics for peace’ with latest decree law](#), 8 February 2017

<sup>1406</sup> Al Monitor, [The collapse of Turkish academia](#), 13 February 2017

<sup>1407</sup> Huffington Post, [As Turkey’s academia faces desolation, a call for solidarity with imperiled scholars](#), 19 March 2017

<sup>1408</sup> Huffington Post, [As Turkey’s academia faces desolation, a call for solidarity with imperiled scholars](#), 19 March 2017

<sup>1409</sup> Huffington Post, [As Turkey’s academia faces desolation, a call for solidarity with imperiled scholars](#), 19 March 2017

<sup>1410</sup> Huffington Post, [As Turkey’s academia faces desolation, a call for solidarity with imperiled scholars](#), 19 March 2017

<sup>1411</sup> University World News, [Call for academic boycott to end unlawful intimidation](#), 28 April 2017

Turkey have subsequently been suspended or dismissed from their academic posts. For the sole act of signing the petition, many of them have been implicated in criminal investigations”.<sup>1412</sup> The same source further noted that “While a small number of these academics have escaped from the Turkish government’s coercive policy to exile, including to Germany, France, the United States and the United Kingdom, the majority live in Turkey under unimagined politically motivated intimidation, threats and disciplinary investigations and legal persecution by Turkey’s universities, judicial system and security forces. Those who have been sacked from their academic posts are not allowed to work for education institutions and the passports of some of these academics have been confiscated by the Turkish authorities”.<sup>1413</sup>

The New York Times reported in April 2017 that “In some parts of higher education, the vacuum has not been filled. At Ankara University, half of the 14 professors in the university’s human rights law department have been let go, and it has had to scrap more than half its courses. It will not admit new students during the next academic year. The remaining professors have had to triple the number of students in their care, and they have no ability to supervise new arrivals”.<sup>1414</sup>

The Amnesty International May 2017 report focusing on the purge of public sector workers since the attempted coup found that “in addition to being dismissed from their employment, they are expelled from all forms of public service” which is a problem for dismissed academics and teachers as “Dismissed academics as a whole are not only barred from any future work for state universities, but also in “private” universities, which in Turkey have the status of foundations, are regulated by the Council of Higher Education (YÖK) and fall within the definition of public service. Similarly, according to the Ministry of Education, which has dismissed more than 30,000 employees in total, dismissed teachers are also barred from working in private school”.<sup>1415</sup>

An article published in July 2017 by Kaos GL reported on the experience of an Assistant Professor’s expulsion from Uşak University who was fortunate to find out more about the content of the investigation and relevant criminal complaints raised against him.<sup>1416</sup> The testimony details an atmosphere of possible fear amongst colleagues and students who were questioned about his involvement with FETO and where gossip is classified as ‘facts’ of the investigation:

According to the file revealed by the arrested rector, they asked 4 faculty members about me in the university I worked for 6 years. A professor stated that he could not testify because he does not know me well enough, and the other said he did not know anything about whether I was involved with such organizations as FETO, KCK (Administrative arm without political struggle in Kurdish Movement) etc. [...]

Deniz shared the statements of the other two people that the arrested rector recently employed and with whom he worked only one year. Deniz tells about the statements of Assistant Professor at Uşak University Social Services Department:

“He tells that I did not call him any meetings of the religious group, does not know me well, that we hang out twice and drunk tea and he heard that I went to gay bars. He doesn’t mention who he heard these from. He asserts that I can be a member of KCK and be related to FETO for my interests.” [...]

Mentioning what Usak University Head of Department of Sociology, told about him,- that “he approaches to Armenian relocation in a way that is not compatible with the official discourse, makes propaganda against national-moral values and promotes homosexuality by using his theologian title, and discriminated against two women students as the Erasmus program coordinator,” Deniz adds:

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<sup>1412</sup> University World News, [Call for academic boycott to end unlawful intimidation](#), 28 April 2017

<sup>1413</sup> University World News, [Call for academic boycott to end unlawful intimidation](#), 28 April 2017

<sup>1414</sup> The New York Times, [Turkey in Turmoil and Chaos Since Purge Aimed at Dissenters](#), 12 April 2017

<sup>1415</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 3. *Dismissed public officials – civil death?*, p. 14

<sup>1416</sup> KAOS GL, [On the grounds of rumours an academician expelled](#), 20 July 2017

"It is not specified where and when they are said and what they are, how I used my theologian title on national-moral values. As is known, homosexuality is an inborn sexual orientation. I did not understand how I can make propaganda about this. It is not specified about the discrimination, when I was an Erasmus coordinator, who two woman students are and how I did [...]

'With these two absurd, rumored, so-called testimonies that do not involve a bit of knowledge on whether I am a terrorist (!), I was brought to the medium-level suspect from the low-level suspect by the FETÖ investigation commission.'" [...]

"The students who will give a positive testimony about me are scared by giving the name of the Vice-Chancellor of the Rector to the President of Uşak University Sociology Department personally. Students who are threatened with their lessons, grades and their motives are trying to be scared even to express this situation. The fact that the Rector's attorney is not aware of such an incident is unimaginable. These persons are involved in the proceeding of the investigation abusing their authorities."<sup>1417</sup>

In July 2017 Deutsche Welle reported that Turkish authorities detained "at least 47 academics and university staff, saying that it was part of an investigation into the Gulen movement blamed for last year's failed coup attempt. In total, 72 arrest warrants were issued targeting academics and staff at the elite English language Bogazici University and Medeniyet University in Istanbul. Among those detained was Koray Caliskan, a liberal government critic and former adviser to the main opposition People's Republican Party (CHP) leader Kemal Kilicdaroglu. Caliskan's writings and commentary suggests he has no affiliation with Islamic parties".<sup>1418</sup>

Education International, the "world's largest, most representative global, sectoral organisation of unions with more than thirty-two million trade union members in about four hundred organisations in one hundred and seventy countries and territories"<sup>1419</sup>, reported in September 2017 that over 1500 teachers and academics, members of Eğitim-Sen, an Education International (EI) affiliate in Turkey, have been dismissed, of which two of its imprisoned members, *Nuriye Gülmen* and *Semih Özakça* have begun a "hunger strike 123 days ago and are now in a critical condition".<sup>1420</sup> In February 2017, Mehmet Fatih Tıraş, another union member and academic, died by suicide reported the same source.<sup>1421</sup>

#### **d. Clerics, preachers and religious teachers**

This section should be read in conjunction with section [1.a.i.2.o. Decree of 14 July 2017 \(KHK/692\)](#).

##### *Pre-attempted coup situation*

Al Arabiya provided the following background about the Diyanet, the Religious Affairs Directorate:

Diyanet, which is directly linked to the prime minister's office, was established in 1924 to control religion in officially secular modern Turkey.

The agency has a budget larger than many ministries including health and takes care of close to 80,000 mosques in the predominantly Muslim country.

It has 100,000 personnel including imams but Diyanet did not give details of those dismissed.

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<sup>1417</sup> KAOS GL, [On the grounds of rumours an academician expelled](#), 20 July 2017

<sup>1418</sup> Deutsche Welle, [Turkey detains dozens of academics, university staff](#), 10 July 2017

<sup>1419</sup> Education International, [About Education International](#), Last edited: 16 June 2017 [Last accessed: 21 September 2017]

<sup>1420</sup> Education International, [Context: 1540 Eğitim-Sen teachers and academics dismissed](#), Last edited: 11 September 2017 [Last accessed: 21 September 2017]

<sup>1421</sup> Education International, [Context: 1540 Eğitim-Sen teachers and academics dismissed](#), Last edited: 11 September 2017 [Last accessed: 21 September 2017]

Diyanet said “the commission created for this purpose (to find Gulen sympathisers) continued its rigorous work.”<sup>1422</sup>

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

A July 2016 Al-Monitor article reported on the role of Religious Affairs Department (Diyanet) during the coup attempt:

In the first hours of the failed coup attempt on July 15, the pro-government figures that appeared on television called upon the Religious Affairs Department (Diyanet) to rally the Turkish people in defense of democracy. Turkish President Recep Tayyip Erdogan, along with Mehmet Gormez, head of the Religious Affairs Directorate, Turkey’s official religious body, encouraged people to take to the streets to show solidarity against the military coup attempt. Before midnight on July 15, Gormez had issued an order to all imams of the Turkish Republic to go to their mosques and call upon the people to do the same. [...]

This is when the public heard the first sala prayer being read at mosques around the country almost simultaneously all night. Traditionally, sala prayers are read to announce a funeral at the mosque. [...] On July 15, Diyanet sent a text message to the phones of 110,000 imams, who are government employees themselves, asking them to recite the sala prayer at 85,000 mosques. Some imams just read the sala prayer periodically, while others also read announcements to the public informing them where to assemble and encouraging them to be courageous. In more pious and active neighborhoods, when the imam called Takbeer (a call during distress and war), the people passionately replied Allahu Akbar (God is greatest) while marching on streets. [...]

Yet not everyone was happy about the involvement of Diyanet in the civilian resistance against the coup. In both Izmir and Istanbul on that eventful night, attacks on mosques for reciting the sala prayers have been reported. Once the coup attempt was suppressed, police forces investigated and found those who attacked the imams and arrested them. In addition, some imams failed to follow the orders. In the following days, those imams were taken into custody.<sup>1423</sup>

The same article further noted on Diyanet’s impact on Turkey’s religious landscape:

As odd as it may be while the mainstream media and most of the government elites portray the civilian resistance to the military coup attempt as a victory of democracy, neither pious Muslims nor staunch secularists agree. Both of these groups believe the reciting of sala prayers from the mosques were a call to jihad. While secularists are scared, observant Muslims and Islamists find comfort and encouragement in knowing that Diyanet is now out of the closet.

Diyanet has been a growing force in Turkey on multiple fronts, but the July 15 coup attempt has made this fact official. Diyanet’s power has resisted that of the armed forces as never before in Turkish history. The next step will be to see how those in religious garb and soldiers in uniform play out their redefined power relations.<sup>1424</sup>

Reuters reported on 19 July 2016 that 492 staff, out of 100,000 personnel from the Religious Affairs Directorate, or Diyanet, were removed for suspected involvement in the attempted coup and for alleged ‘terrorism’ links.<sup>1425</sup>

On 26 July 2016 Reuters reported that “Turkey’s religious affairs directorate has so far removed a total of 1,112 personnel, including preachers and instructors in the Koran, since the July 15 failed military coup”.<sup>1426</sup>

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<sup>1422</sup> Al Arabiya, [Turkey suspends 2,500 more from religion agency after coup bid](#), 9 August 2016

<sup>1423</sup> Al-Monitor, [How Erdogan used the power of the mosques against coup attempt](#), 16 July 2016

<sup>1424</sup> Al-Monitor, [How Erdogan used the power of the mosques against coup attempt](#), 16 July 2016

<sup>1425</sup> Reuters, [Turkey removes 492 state religious personnel after failed coup](#), 19 July 2016

<sup>1426</sup> Reuters, [Turkey religious affairs body says has removed 1,112 personnel since coup](#), 26 July 2016

Al Arabiya reported on 9 August 2016 that “Turkey suspended over 2,500 more staff from the powerful religious affairs state agency. [...] The religious affairs directorate, Diyanet, said in a statement that 2,560 people have been suspended in the latest wave, bringing the total dismissed to 3,672 since July 15.<sup>1427</sup> It further noted that Diyanet had stated that “the commission created for this purpose (to find Gulen sympathisers) continued its rigorous work”.<sup>1428</sup>

On 22 August 2016 Middle East Eye reported that a dual Canadian-Turkish national, Davud Hanci, an Imam and Muslim chaplain in Canada’s correctional services was arrested whilst visiting his father in Turkey, accused of being involved in the attempted coup.<sup>1429</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Deutsche Welle reported in April 2017 that Turkish authorities arrested more than 1000 “secret Imams” who they claim “infiltrated Turkish police forces on behalf of US-based cleric Fethullah Gulen”.<sup>1430</sup>

#### **e. Staff at state ministries**

This section should be read in conjunction with sections [1.a.i.2.j. Decree of 7 February 2017 \(KHK/686\)](#), [1.a.i.2.l. Decree of 29 March 2017 \(KHK/688\)](#), [1.a.i.2.m. Decrees of 29 April 2017 \(KHK/689 and 690\)](#), and [1.a.i.2.o. Decree of 14 July 2017 \(KHK/692\)](#).

#### Pre-attempted coup situation

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of staff at state ministries.

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Hurriyet Daily News reported on 18 July 2016 that Prime Minister Binali Yıldırım reportedly stated that “1,500 officials in the Finance Ministry and 8,777 officials in the Interior Ministry have been suspended from their duties”.<sup>1431</sup> Reuters reported on 19 July 2016 that staff from the “Finance Ministry [and] the prime minister’s office” were purged, but did not specify exact numbers.<sup>1432</sup>

On 11 August 2016 Reuters reported that Foreign Minister Mevlut Cavusoglu “has previously said around 300 members of the foreign ministry have been suspended since the coup plot, including two ambassadors”.<sup>1433</sup>

Hurriyet Daily News reported on 2 September that following the issuance of three new decrees the previous day “A total of 28,163 personnel from the Education Ministry were dismissed, which was followed by the Health Ministry with 2,018 sacked personnel. Some 1,642 were dismissed from the Finance Ministry and related institutions. Some 733 were dismissed from the Food, Agriculture and

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<sup>1427</sup> Al Arabiya, [Turkey suspends 2,500 more from religion agency after coup bid](#), 9 August 2016

<sup>1428</sup> Al Arabiya, [Turkey suspends 2,500 more from religion agency after coup bid](#), 9 August 2016

<sup>1429</sup> Middle East Eye, [Canada imam detained in Turkey post-coup roundup](#), 22 August 2016

<sup>1430</sup> Deutsche Welle, [Turkey suspends more than 9,000 police officials on suspected Gulen links](#), 26 April 2017

<sup>1431</sup> Hurriyet Daily News, [208 people killed by coup attempters: Turkey's PM](#), 18 July 2016

<sup>1432</sup> Reuters, [Turkish Education Ministry suspends 15,200 personnel after failed coup – TV](#), 19 July 2016

<sup>1433</sup> Reuters, [Military attaches, diplomats flee Turkey's post-coup inquiry](#), 11 August 2016

Livestock Ministry and associated institutions, while 439 personnel were dismissed from the Family and Social Policies Ministry. In addition, a total of 369 personnel were removed from the Interior Ministry, of whom 24 were governors not currently on duty in any province and 102 deputy governors. Some 302 personnel were also dismissed from the Prime Ministry and 215 were removed from the Foreign Ministry”.<sup>1434</sup>

On 22 September 2016 Reuters reported that “Labour Minister Mehmet Muezzinoglu told reporters his ministry had sacked 785 people and was investigating a further 319 over possible links to Gulen's movement. It has also reinstated 383 people suspended after the coup, he added”.<sup>1435</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

Deutsche Welle reported in May 2017 that Turkey issued arrest warrants for more than 85 government officials targeting staff members from the Energy and Education ministries.<sup>1436</sup>

In June 2017 Turkish prime minister's chief adviser, Birol Erdem, was detained over suspected ties to the Gulen movement, along with his wife, reported Deutsche Welle.<sup>1437</sup> Two weeks later he was released “under judicial supervision, which means he should still face trial” reported Middle East Eye.<sup>1438</sup>

In July 2017 the Stockholm Center for Freedom reported that “Turkish foreign ministry has also sacked 25 percent of its staff in a bid to purge its office from alleged followers of the Gülen movement”.<sup>1439</sup>

### **i. Diplomats**

This section should be read in conjunction with section [4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état.](#)

#### Pre-attempted coup situation

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of diplomats.

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

On 26 July 2016 Reuters reported that “Turkish Foreign Minister Mevlut Cavusoglu told reporters that two ambassadors, currently based in Ankara, had been removed following the coup attempt”.<sup>1440</sup> Hurriyet Daily News reported on 28 July 2016 that “A total of 88 diplomats, including two ambassadors, have been discharged from their duties in the Turkish Foreign Ministry in the

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<sup>1434</sup> Hurriyet Daily News, [Thousands of public employees sacked with latest decree in Turkey](#), 2 September 2016

<sup>1435</sup> Reuters, [Turkey labour ministry sacks 785 employees since failed coup – minister](#), 22 September 2016

<sup>1436</sup> Deutsche Welle, [Turkey orders arrests of energy and education staff](#), 16 May 2017

<sup>1437</sup> Deutsche Welle, [Turkish police detain prime minister's top aide over alleged Gulen links](#), 3 June 2017

<sup>1438</sup> Middle East Eye, [Turkey frees PM adviser detained over Gulen links](#), 17 June 2017

<sup>1439</sup> Stockholm Center for Freedom, [Turkish Gov't Makes Over 12,000 Talks Abroad To Defame Gülen Movement](#), 14 July 2017

<sup>1440</sup> Reuters, [Turkey religious affairs body says has removed 1,112 personnel since coup](#), 26 July 2016



aftermath of the failed July 15 coup attempt, Foreign Minister Mevlüt Çavuşoğlu has said, adding that the number will likely exceed 300 with continued crackdowns in the coming days".<sup>1441</sup>

Reuters reported on 11 August 2016 that "Two Turkish military attaches in Greece fled to Italy, others were caught overseas and some diplomats were on the run after being recalled as part of an inquiry into last month's failed military coup, Turkey's foreign minister said".<sup>1442</sup> One day later the same source further reported that "Turkey is seeking the extradition of 32 diplomats who went on the run after they were recalled by Ankara as part of investigations into last month's failed coup attempt".<sup>1443</sup> The same source further noted that "Foreign Minister Mevlut Cavusoglu, speaking at a news conference in Ankara with his Iranian counterpart, said a total of 208 Turkish diplomats had been recalled as part of the coup investigation, but 32 of them had fled to other countries".<sup>1444</sup>

Hurriyet Daily News reported on 21 August 2016 that "Ambassador Gürcan Balık, who served as the chief adviser to former Prime Minister Ahmet Davutoğlu during the latter's time as foreign minister amid a variety of diplomatic crises, was detained Aug. 19 as part of Turkey's post-coup attempt investigation. Ahead of Balık's detention, two former Turkish ambassadors linked to FETÖ were detained Aug. 18. Tuncay Babalı, former ambassador to Canada, and Ali Fındık, former ambassador to Costa Rica, were detained in Ankara for suspected links to FETÖ, a police source said Aug. 18".<sup>1445</sup>

On 7<sup>th</sup> October 2016 Reuters reported that "At least three Turkish diplomats, reportedly including one military attaché, are seeking asylum in Germany in the wake of the failed military coup in Turkey, German media cited government sources as saying. The Turkish Foreign Ministry has recalled an unknown number of diplomatic passports since the coup".<sup>1446</sup> According to the same source "The diplomats are suspected of being followers of U.S.-based cleric Fethullah Gulen, a one-time ally turned enemy of President Tayyip Erdogan [...] Erdogan blames the coup attempt on Gulen supporters".<sup>1447</sup>

Hurriyet Daily News reported on 23 October 2016 that "Dozens of Turkish diplomats, military officers and their families have sought asylum in Germany since the July 15 coup attempt, local officials have said. The Interior Ministry said 35 Turkish diplomatic passport holders had formally applied for asylum. The information, given in response to a parliamentary question, did not give any details about the asylum seekers' identities, positions or status of their applications".<sup>1448</sup>

The Middle East Eye reported on 18 November 2016 that "Turkey's relentless pursuit of US-based cleric Fethullah Gulen's supporters during the past four months - both at home and abroad - has now resulted in Turkish military personnel serving at NATO bases seeking asylum, fearing persecution if they return home [...] Turkish media put the number of those seeking asylum in Germany since the failed 15 July coup attempt in Turkey at 60, which also includes family members of personnel stationed at Ramstein [...] A report in the pro-government Sabah newspaper has warned of a diplomatic crisis between Turkey and a number of European capitals after Turkish military attaches opted not to return to Ankara after a recall. Out of 30 attaches who failed to return, 18 have obtained medical reports deeming them unfit to travel, the newspaper reported. It said most of the health reports stated depression, backache and a common cold as reasons preventing travel. The newspaper said these attaches who serve in various European capitals

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<sup>1441</sup> Hurriyet Daily News, [Turkish diplomats to be discharged will exceed 300: Foreign minister](#), 28 July 2016

<sup>1442</sup> Reuters, [Military attaches, diplomats flee Turkey's post-coup inquiry](#), 11 August 2016

<sup>1443</sup> Reuters, [Turkey seeks 32 fugitive diplomats in post-coup inquiry](#), 12 August 2016

<sup>1444</sup> Reuters, [Turkey seeks 32 fugitive diplomats in post-coup inquiry](#), 12 August 2016

<sup>1445</sup> Hurriyet Daily News, [Turkish Foreign Ministry recalls 300 diplomats in probe](#), 21 August 2016

<sup>1446</sup> Reuters, [Three Turkish diplomats seeking asylum in Germany after coup: media](#), 7 October 2016

<sup>1447</sup> Reuters, [Three Turkish diplomats seeking asylum in Germany after coup: media](#), 7 October 2016

<sup>1448</sup> Hurriyet Daily News, [35 suspected Gülenist Turkish diplomats seek asylum in Germany](#), 23 October 2016

including Berlin, Vienna, Brussels and Rome were summoned to testify in regard to the Gulen movement”<sup>1449</sup>.

Hurriyet Daily News reported that 350 diplomats and 58 “employees in other categories” at the Foreign Ministry have been dismissed since the attempted coup, including “Turkey’s former ambassadors to UNESCO, Gürcan Balık; to Canada, Tuncay Babalı; and to Costa Rica, Ali Fındık. Balık, Babalı and Fındık have all since been arrested”<sup>1450</sup>.

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Amongst the sources consulted within this time-frame no relevant COI was found.

### **f. Governors**

#### Pre-attempted coup situation

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of governors.

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Reuters reported on 19 July 2016 that 30 governors had been dismissed in the aftermath of the attempted coup.<sup>1451</sup>

On 31 July 2016 Hurriyet Daily News reported that “A total of 33 people, including a number of central governors, were detained [...] as a part of the investigation into the Fethullahist Terror Organization (FETÖ)”<sup>1452</sup>.

On 5 August 2015 Hurriyet Daily News reported that the former governor of Istanbul, Hüseyin Avni Mutlu, was arrested over the attempted coup, together with “nine other suspects, including governors, a deputy governor and three district governors, were arrested for being members of the Gulen movement”<sup>1453</sup>.

On 30 August 2016 Al Jazeera reported that “A detention order was [...] issued for an unnamed governor and two unidentified district governors. Eight governors, including former Istanbul Governor Huseyin Avni Mutlu, one deputy governor and three district governors had been put under arrest earlier this month [July 2016] as part of the failed coup probe”<sup>1454</sup>.

Reuters reported on 6 October 2016 that “Twenty suspects including Turkish soldiers and a deputy governor were jailed pending trial on Thursday, accused of belonging to a ‘sleeper cell’ to be activated if a July military coup attempt had been successful, state-run Anadolu Agency said”<sup>1455</sup>.

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<sup>1449</sup> Middle East Eye, [Turkey crackdown: Gulenists abroad are feeling the heat](#), 17 November 2016

<sup>1450</sup> Hurriyet Daily News, [350 diplomats expelled due to Gulen links: Foreign minister](#), 6 January 2017

<sup>1451</sup> Reuters, [Turkey widens post-coup purge, demands U.S. hand over cleric](#), 19 July 2016

<sup>1452</sup> Hurriyet Daily News, [33, including central governors, detained in failed coup attempt probe](#), 31 July 2016

<sup>1453</sup> Hurriyet Daily News, [Former Istanbul governor arrested over failed coup attempt](#), 5 August 2016

<sup>1454</sup> Al Jazeera, [Turkey: Ex-police chief, others detained in coup probe](#), 30 August 2016

<sup>1455</sup> Reuters, [Turkey holds 20 alleged members of coup 'sleeper cell': agency](#), 6 October 2016

TurkeyPurge reported on 24 December 2016 that “The Turkish Ministry of Interior Affairs has sent a memorandum to all governors asking them to collect information gathered by the lowest-ranking local administrators, called muhtars, on a monthly basis”.<sup>1456</sup>

Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Amongst the sources consulted within this time-frame no relevant COI was found.

**g. Other civil servants or government officials**

**i. Prison staff**

Pre-attempted coup situation

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of prison staff.

Post-attempted coup situation up to 6<sup>th</sup> January 2017

Al Jazeera reported on 30 September 2016 about the suspension of 1,500 prison personnel and guards, with the Turkish Justice Minister, Bekir Bozdag, reportedly stating that these individuals were “temporarily suspended’ to remove individuals linked to the Fethullah Gulen network in Turkish prisons, but could be sacked if concrete links were found”.<sup>1457</sup> The same source noted that it believed that this was the first time the prison system had been targeted.<sup>1458</sup>

Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

In September 2017 the Stockholm Center for Freedom cited Professor Şebnem Korur Fincancı, Founding President of the Turkish Human Rights Foundation (TİHV) as stating that “some Turkish prison guards who refused to follow orders from their supervisors to torture inmates were threatened with imprisonment over links to the faith-based Gülen movement”.<sup>1459</sup>

**ii. Health workers**

Pre-attempted coup situation

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of health workers.

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<sup>1456</sup> TurkeyPurge, [Turkey’s lowest-ranking local administrators to collect intelligence on people](#), 24 December 2016

<sup>1457</sup> Al Jazeera, [Turkey attempted coup: 1,500 jail staff suspended](#), 30 September 2016

<sup>1458</sup> Al Jazeera, [Turkey attempted coup: 1,500 jail staff suspended](#), 30 September 2016

<sup>1459</sup> Stockholm Center for Freedom, [Rights Group: Turkish Prison Guards Threatened With Jail When They Refuse To Torture Inmates](#), 4 September 2017

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Hurriyet Daily News reported on 2 August 2016 that “nearly 100 detention warrants have been issued” for GATA [Gülhane Military Hospital] personnel, including “medical officers, retirees, those suspended from the Turkish Armed Forces and suspects outside Ankara” with a total of “50 people [...] detained upon the issue of the warrants”.<sup>1460</sup>

Al Arabiya also noted in a 2 August 2016 article that “Turkey on Tuesday issued arrest warrants for 100 staff, including doctors, at the main military hospital in Ankara as part of an investigation into last month’s failed coup, a Turkish official and reports said. Police were searching the Gulhane Military Medical Academy (GATA) hospital in the capital, the private NTV television reported. It was not immediately clear if any suspects had been detained. [...] The official said that staff at the hospital were suspected of helping fast-track Gulen supporters into the military by giving them favourable medical reports”.<sup>1461</sup>

The Guardian published on 19 August 2016 a chart based on information from Turkish government and media sources that showed that more than 6,000 health workers had been sacked since the attempted coup.<sup>1462</sup>

In December 2016 TurkeyPurge reported that “A total of 2,341 doctors were expelled from their jobs in government decrees that have been issued under post-coup emergency rule so far, according to data from the Turkish Doctors Union (TBB) [...] With only two provinces –Kırklareli and Hakkari– left not to see dismissals of doctors among 81 provinces, no radiologist remained on duty in the largest Kurdish city, Diyarbakır, as a result of the ever-growing witch hunt. Most of those doctors were dismissed over their alleged or real ties to the Gülen movement”.<sup>1463</sup>

### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

The Amnesty International May 2017 report focusing on the purge of public sector workers since the attempted coup found that “dismissed doctors are barred from working for state hospitals and from receiving further education from the state to progress their career, for example to acquire a medical specialization. In practice doctors and other dismissed health professionals, as with those in other professions, have faced great difficulty in finding work in the private sector, and where they have obtained such work it has been for much lower wages than their previous salary”.<sup>1464</sup>

### **iii. Staff of regulatory bodies**

#### Pre-attempted coup situation

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of staff of regulatory bodies.

### Post-attempted coup situation up to 6<sup>th</sup> January 2017

<sup>1460</sup> Hurriyet Daily News, [Anti-Gülen operation spreads to Turkey’s largest military hospital](#), 2 August 2016

<sup>1461</sup> Al-Arabiya, [Turkey issues arrest warrants for 100 staff at Ankara hospital](#), 02 August 2016

<sup>1462</sup> The Guardian, [Turkey’s post-coup crackdown – in figures](#), 19 August 2016

<sup>1463</sup> TurkeyPurge, [Turkey dismisses 2,341 doctors under post-coup witch hunt](#), 13 December 2016

<sup>1464</sup> Amnesty International, [Turkey: No end in sight: Purged public sector workers denied a future in Turkey](#), 22 May 2017, 3. *Dismissed public officials – civil death?*, p. 14

Hurriyet Daily News reported that Turkey dismissed 196 staff at the Information and Communication Technologies Authority (BTK) over last month's attempted military coup.<sup>1465</sup>

Deutsche Welle reported on 19 August 2016 that "authorities on Friday also detained 29 inspectors from the Banking Regulation and Supervision Agency (BDDK) for 'irregular inspections'. The banking investigators are suspected of making examining the accounts of a government-related foundation and of business people, some with close ties to Turkish President Recep Tayyip Erdogan".<sup>1466</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Reuters reported in May 2017 that Turkish authorities issued "detention orders for 33 people at the telecommunications watchdog and 36 people at the capital markets watchdog".<sup>1467</sup>

### **iv. Presidential guards**

#### Pre-attempted coup situation

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of presidential guards.

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Al Jazeera reported on 24 July 2016, that "Turkey has disbanded the presidential guard after already detaining nearly 300 unit members suspected of plotting against President Recep Tayyip Erdogan".<sup>1468</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January – 11<sup>th</sup> September 2017

Amongst the sources consulted within this time-frame no relevant COI was found.

## **7. Change in situation of or treatment of minorities since the attempted Coup d'état**

### **a. Kurds**

#### **i. Overview of pre-attempted coup situation**

The US Congressional Research Service provided background information on Kurds in Turkey in a report dated 26 August 2016:

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<sup>1465</sup> Hurriyet Daily News, [Turkey dismisses more than 2,000 police officers over coup bid](#), 17 August 2016

<sup>1466</sup> Deutsche Welle, [Prosecutors target academics, bank regulators in latest post-coup crackdown](#), 19 August 2016

<sup>1467</sup> Reuters, [Turkey issues arrest warrants for dozens at telecoms and capital market bodies: CNN Turk](#), 23 May 2017

<sup>1468</sup> Al Jazeera, [Turkey investigates those who say coup attempt was hoax](#), 24 July 2016

Ethnic Kurds reportedly constitute approximately 18% of Turkey's population, though claims regarding their numbers vary. Kurds are largely concentrated in the relatively impoverished southeast, though populations are found in urban centers across the country. Kurdish reluctance to recognize Turkish state authority in various parts of the southeast—a dynamic that also exists between Kurds and national governments in Iraq, Iran, and Syria—and harsh Turkish measures to quell Kurdish identity- and rights-based claims and demands have fed tensions that have periodically worsened since the foundation of the republic in 1923. Since 1984, the Turkish military has waged an on-and-off struggle to put down a separatist insurgency and urban terrorism campaign by the Kurdistan Workers' Party, or Partiya Karkeren Kurdistan (PKK). The initially secessionist demands of the PKK have since ostensibly evolved toward the less ambitious goal of greater cultural and political autonomy.<sup>1469</sup>

In its annual report covering 2015 Human Rights Watch stated that “Starting in July, authorities launched a new wave of investigations into hundreds of Kurdish political party officials and activists, including mayors, detaining many on terrorism charges, including in cases where the evidence consisted of non-violent political association and involvement in peaceful protests or press conferences”.<sup>1470</sup>

Amnesty International in its annual report covering 2015 found “Following deadly PKK attacks in September, nationalist mob attacks swept Turkey, mainly targeting Kurds and their property as well as offices of the Kurdish rooted, left-wing Peoples' Democratic Party (HDP). The Ministry of the Interior reported on the deaths of two members of the public, injuries to 51, and damage to 69 political party buildings and 30 homes and businesses. The HDP reported that over 400 attacks had taken place, including 126 370 on their offices”.<sup>1471</sup> The same source further noted that “Prosecutions targeting Kurdish political activists for alleged membership of the Plinked Kurdistan Communities Union remained pending, following the 2014 abolition of the anti-terrorism and organized crime courts with special powers. Waves of detentions took place after the eruption of violence between the PKK and state forces in July. By late August it was estimated that more than 2,000 people had been detained for alleged links to the PKK, while over 260 were remanded in pre-trial detention”.<sup>1472</sup>

Freedom House similarly noted in its annual report covering 2015 that “in September and October [2015] there were some 200 attacks by civilian mobs against offices of the HDP [Kurdish Peoples' Democratic Party, which the AKP [Ruling Justice and Development Party] and nationalist parties accused of being a political wing of the PKK [Kurdistan Workers' Party]. Over 40 HDP mayors were arrested or removed from office”.<sup>1473</sup> The source expanded and reported that “some members of pro-Kurdish parties have been arrested for alleged links to the PKK, and the HDP was subjected to violence and intimidation during 2015, including bombings attributed to IS and hundreds of attacks on HDP offices surrounding the elections. After the cease-fire between the government and the PKK collapsed in July [2015], officials accused the HDP of being a proxy for the PKK. Erdoğan called for any HDP lawmakers with PKK ties to be prosecuted, but he stopped short of urging the closure of the party itself. Critics alleged that the AKP government was using its battle with the PKK to weaken its political opponents and reverse its June defeat. Between the June and November elections, roughly

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<sup>1469</sup> US Congressional Research Service, [Turkey: Background and U.S. Relations](#), 26 August 2016, *The Kurdish Issue*, p. 14

<sup>1470</sup> Human Rights Watch, [World Report 2016: Turkey, Events of 2015](#), 27 January 2016, *Renewed Violence in the Southeast*

<sup>1471</sup> Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background*,

<sup>1472</sup> Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background*,

<sup>1473</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *Overview*

500 HDP members and officials, including over 20 elected mayors, were taken into custody on terrorism charges”<sup>1474</sup>.

Similarly, the U.S. Department of State noted in its annual report covering 2015:

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other national or ethnic minorities, including Assyrians, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to fully exercise their linguistic, religious, and cultural rights. The NGO Human Rights Joint Platform claimed that the government’s failure to recognize national minorities resulted in a failure to identify specific needs, led to discrimination, and left vulnerable populations unprotected.

Although official figures did not exist, more than 15 million citizens were estimated to be of Kurdish origin and to speak Kurdish dialects. Kurdish communities were disproportionately affected by PKK-government clashes during the second half of the year. Several communities experienced government-imposed curfews, cuts in services such as electricity or water, and inability to receive medical care, generally in connection with government security operations aimed at ridding areas of PKK fighters. As these areas were overwhelmingly Kurdish in composition, Kurdish citizens were disproportionately the victims of this increase in PKK-government violence. [...]

Although Kurdish is officially allowed in private education and in public discourse, the government did not extend permission for Kurdish-language instruction to public education. Kurdish and pro-Kurdish civil society organizations and political parties faced increased problems exercising the freedoms of assembly and association.<sup>1475</sup>

In June 2016 the Canadian Research Directorate of the Immigration and Refugee Board published an information request on the situation and treatment of members of Kurdish political parties and found that:

Sources report that there were "hundreds of attacks" on HDP offices surrounding the 2015 elections (Human Rights Watch 2016; Freedom House 2016). In a November 2015 report submitted to the UN Committee on the Elimination of Racial Discrimination (CERD), the Association for Monitoring Equal Rights (AMER), an Istanbul-based NGO that monitors discrimination and promotes human rights (AMER n.d.), recorded 12 attacks against HDP stands and HDP offices between May 2015 and September 2015, which occurred in Istanbul, Canakkale, Antalya, Mersin, Adana, Kocaeli, Alanya, Tekirdag, and Ankara (AMER and Istanbul-GöçDer 2 Nov. 2015, Annex 3, 5-8). According to the same source, the attacks included bombings, assaults, mob attacks, vandalism, a lynching attempt, and arson (ibid.). In the majority of cases, there were no records of anyone being indicted for the violence (ibid.). According to a report by the Organization for Security and Co-operation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR), the HDP indicated that there were 129 attacks on HDP offices between 6 September and 9 October 2015 (OSCE 23 Oct. 2015, 5).

Some examples of violence against the HDP reported by sources include the following:

- Human Rights Watch reports that there were two bombings of HDP offices prior to the June 2015 election (Human Rights Watch 2016). AMER similarly reports that, on 18 May 2015, there were bombings of HDP election offices in Mersin and Adana, which occurred at the same time; three people were injured in Adana (AMER and Istanbul-GöçDer 2 Nov. 2015, Annex 3, 5-6).
- On 5 June 2015, there was a bombing attack on an HDP election rally in Diyarbakir that killed four people (Human Rights Watch 2016; Hurriyet 10 Oct. 2015).
- On 20 July 2015, there was an attack against "pro-HDP activists" in the predominantly Kurdish town of Suruc, which killed 30 people (AFP 10 Oct. 2015). The attack was blamed on the Islamic State (IS) (ibid.).

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<sup>1474</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *B. Political Pluralism and Participation*: 9 / 16 (-1)

<sup>1475</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 6., National/Racial/Ethnic Minorities*

- AMER reports that on 8 September 2015, there was an attack on the HDP headquarters in Ankara by a mob of 500-600 people, who broke into the building and set fire to it (AMER and Istanbul-GöçDer 2 Nov. 2015, Annex 3, 7-8). The same source reports that HDP members informed the police of the threats they received, but the police were not effective in preventing the break in and arson (ibid.). One person was taken into custody for the violence (ibid.).
- On 10 October 2016, there was a bombing in Ankara that killed at least 86 people (AI 10 Oct. 2015; Hurriyet 10 Oct. 2015) or 95 people (AFP 10 Oct. 2015), including HDP members (ibid.; Hurriyet 10 Oct. 2015). The bombing targeted a peace rally, organized by multiple groups, including the HDP (AFP 10 Oct. 2015; AI 10 Oct. 2015). Demirtas criticized the government for not conducting an effective investigation (Hurriyet 10 Oct. 2015).<sup>1476</sup>

In correspondence with the Research Directorate, the Jalal Talabani Chair of Kurdish Political Studies at the University of Central Florida, a position dedicated to the study of Kurdish politics, noted that “The level of persecution experienced by the BDP [Peace and Democracy Party] and HDP members generally follows the evolution of the armed conflict between the Turkish state and the PKK insurgents. In periods of truce and negotiations, BDP/HDP politicians are less likely to experience harassment, detention, arrest, and mistreatment. A series of operations (called KCK operations), started in spring 2009, targeted many BDP members who were accused of being part of a scheme (KCK) controlled by the PKK leadership. A large number of politicians and activists were detained and later arrested. With the initiation of the so-called “peace process” in early 2013, these operations came to an end and many BDP members who had been arrested were released. However, the rekindling of the armed conflict in July 2015 brought a new wave of legal operations targeting HDP/BDP members including their arrests. There were also many allegations of mistreatment by security forces”.<sup>1477</sup>

The same Canadian Information requests added the following sources with regards to treatment of Kurdish political opponents in late 2015/early-mid 2016:

The HDP indicated to OSCE/ODIHR that between 24 July and 9 October 2015, 2,308 HDP members were taken into custody and 542 were arrested (OSCE 23 Oct. 2015, 5). OSCE reports that some HDP members were charged with "defamation of public authorities, including insult of the president" (ibid.). [...]

Agence France-Presse (AFP) reports that, on 1 May 2016, the police used tear gas against HDP members who staged a protest in the Bakirkoy area of Istanbul (AFP 1 May 2016). [...]

Sources report that on 20 May 2016, the Turkish parliament voted to strip its members of parliamentary immunity from prosecution, which could lead to the prosecution of HDP members of parliament (Reuters 20 May 2016; Chair 20 May 2016; EurActiv 20 May 2016), and others who oppose Erdogan (ibid.). According to the Chair, 53 of 59 HDP members of parliament have legal cases against them and the revoking of parliamentary immunity means that they can now be subject to arrest and detention (Chair 20 May 2016).<sup>1478</sup>

<sup>1476</sup> Research Directorate, Immigration and Refugee Board of Canada, [Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples' Democratic Party \(Halklarin Demokratik Partisi, HDP\); whether HADEP and other older acronyms are still in use \(2011-2016\)](#), 14 June 2016, 2. *Violence Against HDP Members*

<sup>1477</sup> Research Directorate, Immigration and Refugee Board of Canada, [Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples' Democratic Party \(Halklarin Demokratik Partisi, HDP\); whether HADEP and other older acronyms are still in use \(2011-2016\)](#), 14 June 2016, 3. *Treatment of BDP and HDP Members by Authorities*

<sup>1478</sup> Research Directorate, Immigration and Refugee Board of Canada, [Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples'](#)



According to the Human Rights Association “In the first 9 months of the year [2016], 40.573 violations of human rights in total took place in the Kurdish region”.<sup>1479</sup> For information on the human rights abuses committed in the context of curfews and anti-terrorism operations in the South-East, see the December 2016 report of the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks following his visit to Turkey in April 2016.<sup>1480</sup>

## ii. Treatment of political opponents

This section should be read in conjunction with sections [4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état](#) and [5.a Treatment of political opponents](#).

### Post-attempted coup situation: up to 6<sup>th</sup> January 2017

Physicians for Human Rights published a report in August 2016 on the situation in South East Turkey which noted the following with regards to the treatment of those criticising the government's treatment of Kurds following the attempted coup:

The imposition of a three-month, nationwide state of emergency by President Erdoğan and his government in the immediate aftermath of the failed coup is, in many ways, an expansion of a de facto state of emergency that has kept the country's Kurdish dominated southeast under intermittent siege since July 2015 and silenced any criticism of the government's tactics against the Kurds. These tactics included widespread, round-the-clock curfews which cut off entire cities and resulted in hundreds of civilian deaths.

This report details the widespread grave human rights violations committed by Turkish security forces in the southeast over the past year. The Turkish government's response to Kurdish opposition has failed to respect international human rights norms, and is a warning for political dissidents in the rest of the country. Under the state of emergency, Turkey is blatantly abdicating its human rights responsibilities in its quest to eradicate political dissent and silence critics of any kind. [...]

The implications for people living in Turkey, and particularly those in the southeast, are devastating. [...] Even before the failed coup, the government punished any individuals or organizations that challenged the government's use of harsh military tactics to quell an armed uprising by Kurdish youth in the southeast. The sweeping post-coup purges in the education, legal, and security sectors, combined with relentless persecution of people voicing dissent – including human rights defenders and journalists – is devastating for the Kurds specifically, and the people of Turkey generally.

For the Kurds, there is no longer any space for journalists or human rights activists to document persecution of the Kurdish population and demand equality and justice. The justice system, which has largely failed the Kurds over the past 30 years, has now been stripped of any vestiges of independence, causing serious concerns about access to justice or redress for the violations described in this report. For the people of Turkey generally, the message is clear: no criticism of the government will be tolerated.<sup>1481</sup>

Following the coup, Amnesty International's researcher on Turkey stated in an article published in August 2016 that “In the south-east of the country, where there have been clashes between members of Kurdish separatist group the PKK and security forces, the government has overseen an

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[Democratic Party \(Halkların Demokratik Partisi, HDP\); whether HADEP and other older acronyms are still in use \(2011-2016\)](#), 14 June 2016, 3. *Treatment of BDP and HDP Members by Authorities*

<sup>1479</sup> Human Rights Association, [Report on Recent Situation in the Kurdish Region of Turkey](#), 1 November 2016

<sup>1480</sup> Commissioner for Human Rights of the Council of Europe, [Memorandum on the Human Rights Implications of Anti-Terrorism Operations in South-Eastern Turkey](#), 2 December 2016

<sup>1481</sup> Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Summary*, p. 3-4

onslaught on Kurdish towns and neighbourhoods, which includes round-the-clock curfews and cuts to services. The military have conducted operations in residential areas resulting in hundreds of thousands being displaced and unable to return. In the febrile post-coup atmosphere, it is likely that the situation for dissenters will further deteriorate. A blurring of the distinction between culpability for the coup and being a Gülen sympathizer has already been visible. The authorities' definition of 'traitor' could be broadened further still to encompass secular, leftist or Kurdish critics".<sup>1482</sup>

The Assessment Capacities Project (ACAPS) noted in its 'Crisis Analysis' on Turkey that "Since the coup attempt, elected Kurdish representatives can be charged with terrorism for alleged links with the PKK, and immediately be replaced by politicians aligned with Erdogan".<sup>1483</sup>

Al Jazeera reported on 7 August 2016 that:

A day after Turkey's failed coup attempt, all major political parties united against the "unparalleled attack on the Turkish democracy", issuing a joint declaration to condemn it. [...] President Recep Tayyip Erdogan also put aside acrimony with the leaders of two opposition parties, inviting them to the presidential palace for talks in a gesture of national unity. [...]

But the leader of the pro-Kurdish Peoples' Democratic Party (HDP), Selahattin Demirtas, was excluded from both the post-coup talks in the palace and the rally, on the grounds that his party allegedly supports the outlawed Kurdistan Workers' Party (PKK). The HDP's exclusion, however, has given rise to concerns that Turkey is denying a large section of society representation in discussions about the nation's future. [...]

"They do not want to include the HDP in these post-coup meetings," he added, "because they do not want the Turkish public to change its negative perception of the HDP - a perception that was constructed [by the government]. We do not see any indication that the HDP's political exclusion is going to end anytime soon ... We don't have any reason to be hopeful about a peace process."

Analysts agreed that Erdogan's decision to snub Demirtas, who strongly condemned the coup attempt, at a time of perceived national solidarity shows that a renewed Kurdish peace process will not be on the cards in the near future.

"After the coup attempt, Turkish people's priority is safety," Ali Faik Demir, an expert on Turkish politics and foreign policy at Istanbul's Galatasaray University, told Al Jazeera. "It won't be possible for the government to negotiate a peace deal in this environment".<sup>1484</sup>

The news service DW.com reported on 25 July 2016 that:

[...] the notable absence of Selahattin Demirtas and Figen Yuksekdag, leaders of the pro-Kurdish Peoples' Democratic Party (HDP), Turkey's second-largest opposition party, undermined the meeting's message as a "call for unity" fostering concerns that the parties involved will become no more than clans of yes-men, supporting Erdogan's ambitions to remove political opponents and further consolidate power. [...]

HDP co-chair Demirtas noted in moments of crisis, nations come together to show solidarity, which is what we are seeing both in the streets and the political arena, creating conditions unfavorable to dissent. Still, Turkey is a multi-cultural nation and to join together in the name of Turkish solidarity, is a dangerous sign of events that have yet to unfold for the nation's minorities, such as Kurds, Alawites and its 2.7 million Syrian refugees.

This may serve as an explanation not only for the exclusion of HDP leaders from today's meeting, but also for the attacks on minority neighborhoods that spread across the nation following the coup attempt. Some suspect the exclusion of the HDP from unity talks may be a precursor to increased fighting in the Kurdish southeast, and the possible expulsion of HDP MPs now that immunities have been lifted.<sup>1485</sup>

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<sup>1482</sup> Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

<sup>1483</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Conflict with the Kurdistan Worker's Party \(PKK\)](#), Last update 05/01/2017

<sup>1484</sup> Al Jazeera, [How could failed coup affect Kurdish peace process?](#), 7 August 2016

<sup>1485</sup> Dw.com, [The state of emergency for Turkey's opposition](#), 25 July 2016

Human Rights Watch's Benjamin Ward, Deputy Director of the Europe and Central Asia Division, noted on 3 August 2016:

in response to the rising popularity of the peaceful pro-Kurdish Peoples' Democratic Party (HDP) after it won 13 percent of the vote in the June 2015 general election and seats in parliament. The government has sought to conflate the party with the armed Kurdistan Workers' Party (PKK), lifting the parliamentary immunity for Peoples' Democratic Party members and seeking to prosecute those who peacefully advocate the rights of Kurds as though they were members of a terrorist cell plotting violence.<sup>1486</sup>

The US Congressional Research Service noted in a report dated 26 August 2016 that:

In the aftermath of the failed coup, next steps regarding the PKK and HDP and prospects for resuming Turkey-PKK negotiations are uncertain. Despite the HDP's quick condemnation of the plot, along with all other parties in parliament, Erdogan continues to exclude HDP leaders from cross-party meetings and events. Some HDP figures have voiced concern that CHP and MHP solidarity with the AKP might isolate them or leave them prone to a future government crackdown. According to August 2016 reports, prosecutors have reportedly prepared indictments against key HDP figures.<sup>1487</sup>

The Wall Street Journal, reporting on the crackdown on 26 September 2016, noted that:

A post-coup crackdown in Turkey has expanded into the restive Kurdish minority's heartland, exacerbating tensions after a rare show of solidarity by Kurdish lawmakers with the democratically elected government. [...]

President Recep Tayyip Erdogan says the moves are part of a campaign against Kurdish terror groups, billing it as the biggest operation yet against the PKK. But the fresh crackdown worries some in Turkey and its Western allies that the policies are stoking ethnic rivalries, rather than capitalizing on a brief sense of national unity to negotiate an end to the PKK's three-decade uprising. [...]

Prosecutors have pressed on with PKK-related terrorism charges against dozens of lawmakers from the pro-Kurdish People's Democratic Party, or HDP, while Mr. Erdogan dropped some 1,500 charges against other opposition lawmakers for insulting the president.

"There is a systematic embargo against us," said Figen Yuksekdag, co-chair of the HDP. "If the HDP is ostracized, that will raise the risk of a coup and civil war."<sup>1488</sup>

The Middle East Eye reported in October 2016 that "Turkish police clashed with protesters in Diyarbakir [...] using tear gas and water cannon to prevent them demonstrating against the detention of the Kurdish-majority city's co-mayors. [...] Hundreds of protesters tried to march to the town hall in Diyarbakir, the largest city in Kurdish-majority southeastern Turkey, some throwing rocks at police, an AFP correspondent said. Officers responded using batons, tear gas and water cannon to repel the protesters, the correspondent said".<sup>1489</sup>

According to the International Crisis Group, on 31 October 2016 the Democratic Regions Party (DBP) co-chair announced 700 party officials under arrest, with 42 DBP municipal co-chairs arrested between September and 28 November 2016.<sup>1490</sup>

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<sup>1486</sup> Human Rights Watch, [The Government Response to Turkey's Coup Is an Affront to Democracy](#), 3 August 2016

<sup>1487</sup> US Congressional Research Service, [Turkey: Background and U.S. Relations](#), 26 August 2016, *The Kurdish Issue*, p17

<sup>1488</sup> The Wall Street Journal, [Turkey's Post-Coup Crackdown Hits Kurds](#), 26 September 2016

<sup>1489</sup> Middle East Eye, [Clashes in Turkey over Kurd mayors arrested for 'terrorism'](#), 26 October 2016

<sup>1490</sup> International Crisis Group, [Crisis Watch](#), November 2016, *Turkey*

The Washington Post reported that “In the early hours of Nov. 4, Turkish police arrested 12 members of the predominantly Kurdish Peoples’ Democratic Party, including co-chairs Selahattin Demirtas and Figen Yuksekdag. The arrests will almost certainly escalate the country’s ongoing war with the Kurdistan Workers’ Party (PKK), not only further undermining Turkey’s democracy and stability but increasing the likelihood that Turkish-Kurdish tensions will compromise the U.S. campaign against the Islamic State in northern Syria”.<sup>1491</sup> Reporting on the same incident, Amnesty International noted that the detention of 12 deputies from the Kurdish-rooted leftist Peoples’ Democracy Party (HDP) marked “the latest escalation in the onslaught on dissent amid Turkey’s state of emergency”.<sup>1492</sup> It further noted that “The detentions – on a range of “terrorism”-related charges – come on the heels of mass closures of Kurdish media outlets, the ousting of at least 24 pro-Kurdish mayors and rolling blackouts on internet access that hinder communications. ‘Today’s detention of HDP deputies is the latest escalation in the government’s evisceration of Kurdish opposition voices in public life,’ said John Dalhuisen, Amnesty International’s Europe Director”.<sup>1493</sup> Moreover, “Investigations have been initiated against 54 out of 59 deputies from the HDP, the third-largest party in Turkey’s Parliament. Parliamentary immunity was lifted in May in a step seen as enabling the prosecution of the party’s deputies”.<sup>1494</sup> Reporting on the same arrests, the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported on 12 December 2016 that out of the 12 MPs arrested, three were later released on bail and “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”.<sup>1495</sup>

According to Human Rights Watch, “effectively closing down parliamentary politics for the Kurdish political movement in Turkey carries grave risks for the human rights of Kurds and all other citizens in Turkey and the country’s democracy”.<sup>1496</sup>

The International Crisis Group reported that on 11 November 2016 the Interior Ministry “shut down 370 associations with alleged links to PKK and other groups state defines as ‘terrorist’, prompting criticism from rights groups and liberals”.<sup>1497</sup>

The UN Special Rapporteur on the right to freedom of opinion and expression David Kaye stated in his preliminary conclusions following his November 2016 visit to Turkey that:

Opposition voices are especially hit hard. Of immediate concern is the situation for the HDP and other opposition parties facing, or potentially facing, terrorism-related accusations. On 20 May 2016, the parliamentary immunity of members of parliament was lifted, causing serious concern that criticism of Government may be characterized as promotion of terrorism. Several HDP leaders have been imprisoned on the bases of emergency decrees, while they also face Ministry of Interior charges of making false propaganda. 117 investigations have been initiated recently in addition to 683 existing cases. 500 cases belong to HDP and members of parliament of HDP. The co-chairs of the HDP alone

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<sup>1491</sup> Washington Post, [Erdoğan’s crackdown on pro-Kurdish party plays into the hands of Turkey’s enemies](#), 4 November 2016

<sup>1492</sup> Amnesty International, [Turkey: HDP deputies detained amid growing onslaught on Kurdish opposition voices](#), 4 November 2016

<sup>1493</sup> Amnesty International, [Turkey: HDP deputies detained amid growing onslaught on Kurdish opposition voices](#), 4 November 2016

<sup>1494</sup> Amnesty International, [Turkey: HDP deputies detained amid growing onslaught on Kurdish opposition voices](#), 4 November 2016

<sup>1495</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraph 22

<sup>1496</sup> Human Rights Watch, [Turkey: Opposition Party Leaders, MPs Jailed - Government Widens Crackdown on Independent Media, pro-Kurdish Opposition](#), 7 November 2016

<sup>1497</sup> International Crisis Group, [Crisis Watch](#), November 2016, Turkey

face 103 cases. Since the attempted coup, approximately two thousands members of the HDP have been detained.<sup>1498</sup>

The International Crisis Group noted that following the twin bombings in central Istanbul claimed by PKK affiliate Kurdistan Freedom Falcons (TAK) on 10 December 2016 that killed 36 police and eight civilians and wounded over 150 others, the “crackdown on Kurdish Peoples’ Democratic Party (HDP) and Democratic Regions Party (DBP) representatives intensified”.<sup>1499</sup> This included the arrest of two HDP MPs arrested 13 December and the detention of 924 people on charges of PKK membership and terrorist propaganda by counter-terrorism police.<sup>1500</sup>

Al Monitor similarly reported on 14 December 2016 that following the Istanbul bombing “the Turkish regime increased its grip on the pro-Kurdish Peoples’ Democratic Party (HDP). Hundreds of party members and others were arrested in a nationwide crackdown on Kurdish and pro-Kurdish activists. At the time of this writing, some 600 people had been detained and more arrests are expected. Two more lawmakers were added to the 10 HDP lawmakers already behind bars. The party’s co-chairs are in prison, as well”.<sup>1501</sup>

The International Crisis Group noted that TAK also claimed responsibility for the 17 December 2016 suicide car bomb targeting a bus that was carrying off-duty soldiers that killed fourteen and wounded 55 in the Central Anatolian city of Kayseri.<sup>1502</sup> Following this attack, “nationalist mobs targeted nineteen HDP offices around [the] country and [the] party HQ”.<sup>1503</sup>

In December 2016 Human Rights Watch issued a report ‘Silencing the Media: The Government’s Deepening Assault on Critical Journalism’ which found that “Human Rights Watch has also extensively documented the problem of arbitrary and abusive terrorism trials of mainly Kurdish political activists, journalists, lawyers, and students for their alleged links with the armed Kurdistan Workers’ Party (PKK). Suspects under investigation on charges of membership of armed organizations are almost automatically placed in pretrial detention, due to the gravity of the charge. Courts, without providing compelling reasoning, have then repeatedly prolonged incarceration of defendants once their trials are underway and pending a verdict. A new trend has seen authorities jailing journalists under criminal investigation for spreading terrorist propaganda”.<sup>1504</sup>

The Middle East Eye reported on 29 December 2016 that “Asli Erdogan, one of Turkey's most celebrated novelists, was released from jail [...] after 132 days of pre-trial detention and declared that she could barely believe she was free. The writer was in prison on charges of ‘terror propaganda’ because of her links to a pro-Kurdish newspaper, in a case that has caused an international outcry over freedom of expression”.<sup>1505</sup>

In December 2016 the Brookings Institution issued a policy paper which considered that “In the aftermath of the coup attempt on July 15, pressure on Kurdish movement further intensified since emergency laws that were put in effect across the country allowed authorities to ban protests and

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<sup>1498</sup> OHCHR news, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey, 14-18 November 2016](#), 18 November 2016

<sup>1499</sup> International Crisis Group, [Crisis Watch](#), December 2016, Turkey

<sup>1500</sup> International Crisis Group, [Crisis Watch](#), December 2016, Turkey

<sup>1501</sup> Al Monitor, [Outrage over Istanbul bombing turns anti-Kurdish](#), 14 December 2016

<sup>1502</sup> International Crisis Group, [Crisis Watch](#), December 2016, Turkey

<sup>1503</sup> International Crisis Group, [Crisis Watch](#), December 2016, Turkey

<sup>1504</sup> Human Rights Watch, [Silencing the Media: The Government’s Deepening Assault on Critical Journalism](#), December 2016, Summary p.3

<sup>1505</sup> Middle East Eye, [Prominent Turkish novelist freed from prison](#), 29 December 2016

prohibit political mobilization against the government”.<sup>1506</sup> According to the Assessment Capacities Project “In September and November, more than 60 elected Kurdish politicians were arrested as part of a terrorism investigation, including Diyarbakir mayors on 25 October; HDP co-chairs and a dozen MPs on 4 and 6 November; and the Van mayor and HDP co-leader on 17 November. Protests have spread across Turkey and in some European cities. HDP has announced its intention to suspend its activities at the Turkish parliament as of 6 November”.<sup>1507</sup>

In December 2016 Amnesty International published a report ‘Displaced and Dispossessed: Sur Residents’ Rights to Return Home’ which considered that “Developments in the south-east have been significantly influenced by the response of the Turkish authorities following the violent coup attempt of 15 July this year. As part of a wider and systematic assault on dissent under the state of emergency declared shortly after the coup, the authorities have targeted opposition Kurdish voices, with blanket closures of media outlets, the imprisonment of journalists, the replacement of elected officials across the region with government appointed administrators and the mass closures of civil society organizations. The Sur and Diyarbakir Metropolitan municipality mayors, key actors in providing support for displaced families in the city, have been replaced by government trustees and NGOs providing direct humanitarian and other assistance have been shut down”.<sup>1508</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In a January 2017 Research Memo, the Immigration and Refugee Board of Canada cited the following experts as stating:

In correspondence sent to the Research Directorate, a research associate at the University of Coventry, the author of a book published in 2017 on the Kurds in Turkey, and whose fields of research include the Kurdish issue, stated that the Kurdish population seems to suffer disproportionately from the effects caused by the laws and decrees related to the state of emergency (research associate, 17 Jan. 2017). The same source indicated that the government exercises judicial authorities conferred on it under the state of emergency to “arbitrarily” decide what constitutes a crime on an “ad hoc” basis (ibid.).

The Associate Professor at the University of Binghamton [whose areas of research include the Kurdish issue] stated the following with respect to the decrees issued under the state of emergency:

They aim to reduce political awareness among Kurdish population. As a result, they increased restrictions on Kurdish language and Kurdish social, cultural and economic activities. Kurdish private institutions such as Kurdish language institutions, Kurdish TV channels and print media were mostly banned. (16 Jan. 2017).[...]

Furthermore, the Research Associate at the University of Coventry explained that the “purge” was not limited to Kurdish politicians, noting the suspension of teachers in the Kurdish region and the arrest of pro-Kurd journalists (17 Jan. 2017).<sup>1509</sup>

In a February 2017 report which focused on key human rights concerns in South-East Turkey between July 2015 and 31 December 2016 the OHCHR reported with regards to the post attempted coup situation that:

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<sup>1506</sup> Brookings Institution, [Two Routes to an Impasse: Understanding Turkey’s Kurdish Policy](#), December 2016

<sup>1507</sup> Assessment Capacities Project, [Turkey Crisis Analysis](#), last updated 23 December 2016, *Conflict with the Kurdistan Workers’ Party (PKK)*, last updated 23 December 2016

<sup>1508</sup> Amnesty International, [Displaced and Dispossessed: Sur Residents’ Rights to Return Home](#), 6 December 2016, 1. Summary p.5

<sup>1509</sup> Immigration and Refugee Board of Canada, [Turkey: The situation and treatment of Kurds and Alevis after the coup attempt in July 2016, including in the large cities \(July 2016–January 2017\) \[TUR105723.FE\]](#), 26 January 2017, 2. Situation of the Kurds

OHCHR recognizes the complex situation that Turkey has been facing by almost simultaneously conducting the security operation in South-East Turkey, addressing the 15 July 2016 attempted coup and dealing with a number of terrorist attacks. However, OHCHR is seriously concerned about the adverse effects on the enjoyment of human rights by the measures undertaken following the declaration of the state of emergency. In South-East Turkey, these measures appear to have largely targeted dissent in general and political parties of the opposition in particular, disproportionately affecting citizens of Kurdish origin. Of particular concern is the massive scale of dismissals of public officials, especially of school teachers; the mass arrest of members of parliament belonging to the People's Democratic Party (HDP) and of municipal mayors in majority Kurdish areas; and the closure of almost all Kurdish language local and national media outlets and the arrests of their journalists. Moreover, decrees published using emergency powers have severely restricted access to justice and fair trial guarantees.<sup>1510</sup>

Al Jazeera reported that in February 2017 “Turkish police have detained more than 800 people over alleged links to Kurdish fighters in nationwide operations, according to state media. Police conducted simultaneous raids in 37 different provinces and taken 834 people into custody, state-run Anatole Agency quoted police forces as saying”.<sup>1511</sup> The same source noted that before these arrests, the Peoples' Democratic Party (HDP) stated that more than 300 of its members and executives had been detained, bringing the total held in 2017 thus far to around 1,200.<sup>1512</sup>

On 14 February 2017 the Middle East Eye reported that “Turkish police have detained more than 600 people over alleged links to Kurdish militants in the past two days, state media said on Tuesday, a crackdown the pro-Kurd opposition party said was aimed at sidelining it ahead of an April referendum”.<sup>1513</sup>

The Assessment Capacities Project (ACAPS) noted in its ‘Crisis Analysis’ on Turkey that “during the latest wave in mid-February, more than 1,000 people were detained for alleged links with the PKK and since the attempted coup, around 8,000 pro-Kurdish HDP and 2,500 DBP (regional pro-Kurdish party) members have been detained”.<sup>1514</sup> Furthermore, “As of late April [2017], of the 59 HDP MPs, one has been sentenced for alleged terrorism plots, 11 MPs are under arrest warrants, and 13 MPs are pursued”.<sup>1515</sup>

In March 2017 Human Rights Watch reported that “The Turkish government has jailed 13 members of the pro-Kurdish democratic opposition in parliament on terrorism charges and taken direct control of 82 municipalities in the Kurdish southeast region, suspending and incarcerating elected mayors [...] The crackdown on democratically elected officials not only violates their rights to political association and participation, and freedom of expression, but also interferes with the rights of constituents who voted for them and whom they serve in office”.<sup>1516</sup> Furthermore, ‘Selahattin Demirtaş and Figen Yüksekdağ, the co-leaders of HDP, and 11 of its other parliament members are in jail facing terrorism charges. [...] The HDP informed Human Rights Watch that since the July 2016 attempted coup in Turkey, 5,471 of its party officials, including heads of provincial and district branches, had been detained, with 1,482 sent to pretrial detention. The BDP sister party told Human Rights Watch that 3,547 of its party officials had been placed in pretrial detention since July 2015.

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<sup>1510</sup> Office of the United Nations High Commissioner for Human Rights, [Report on the human rights situation in South-East, July 2015 to December 2016](#), February 2017, paragraph 12

<sup>1511</sup> Al Jazeera, [Turkey: Hundreds detained over alleged links to PKK](#), 14 February 2017

<sup>1512</sup> Al Jazeera, [Turkey: Hundreds detained over alleged links to PKK](#), 14 February 2017

<sup>1513</sup> Middle East Eye, [Turkey detains 600 over alleged links to Kurdish militants](#), 14 February 2017

<sup>1514</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Latest update 31 August 2017

<sup>1515</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Latest update 31 August 2017

<sup>1516</sup> Human Rights Watch, [Turkey: Crackdown on Kurdish Opposition](#), 20 March 2017

The arrests have undermined the ability of parties to conduct a campaign over the upcoming referendum, officials from both parties say”.<sup>1517</sup>

For an April 2017 list of HDP detainees, see:

- ❖ James in Turkey, [HDP operation: which MPs have been arrested?](#) Regularly updated

According to the International Crisis Group reporting in May 2017 on the crackdown on the Kurdish movement since the failed coup:

Ankara has systematically sought to silence, discredit and marginalise the HDP and its DBP sister party, particularly after the June 2015 parliamentary election in which HDP received 13 per cent of the national vote and the AKP lost its absolute majority. Most unprecedented has been removal of elected DBP mayors and the transfer of their responsibilities to governors or district governors already in office under a September 2016 amendment of the law on municipalities that allows trustees to be appointed to substitute for elected mayors or municipal council members “who have engaged in or supported terrorism”.

The removal of Kurdish movement representatives was followed by widespread purges of municipal staff on charges of PKK affiliation after the declaration of emergency rule in July 2016. So far, 136 DBP co-mayors have been removed, 84 of whom have been arrested, while the interior ministry has appointed 83 trustees to run relevant municipalities. The government justified the municipal upheavals as necessary to establish public order and security as well as provide better service. But the removal of elected figures and staff with local familiarity has had concrete negative impacts, particularly on use of the Kurdish language and access to services related to women’s needs.

Nationally, HDP parliamentarians and locally HDP branch officers have been victims of a crackdown, coinciding with the 16 April referendum campaign. The state also has sought to empower alternative Kurdish actors in an effort to drive a wedge between Kurdish movement representatives and their supporters.<sup>1518</sup>

In May 2017 the Stockholm Center for Freedom reported that ‘Five members of the pro-Kurdish Peoples’ Democracy Party (HDP) have been detained in Mardin over alleged charges of terrorism’, one of whom was a mother with a 3 month old baby.<sup>1519</sup>

According to the June 2017 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey, “Approximately 2,000 members of the HDP have been detained since the attempted coup and 13 Party deputies are currently in prison”.<sup>1520</sup>

The ACAPS further noted that “As of 13 July, four HDP MPs have been sentenced from months to years for allegedly spreading terrorist propaganda and links with terrorist groups. Two of them have consequently lost their seats at the assembly, and the remaining two face a similar threat”.<sup>1521</sup>

In July 2017 Al-Monitor reported that “Tugba Hezer Ozturk and Faysal Sariyildiz of the Peoples’ Democratic Party (HDP) lost their seats for failing to attend any parliamentary sessions since October 2016. Hezer, from Van province on the Iranian border, and Sariyildiz, from Sirnak on the Iraqi border,

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<sup>1517</sup> Human Rights Watch, [Turkey: Crackdown on Kurdish Opposition](#), 20 March 2017

<sup>1518</sup> International Crisis Group, [Managing Turkey’s PKK Conflict: The Case of Nusaybin](#), 2 May 2017 III. *Crackdown on the Kurdish Movement p.9*

<sup>1519</sup> Stockholm Center for Freedom, [Five People Including A Mother With 3-Month-Old Baby Detained Over HDP Membership](#), 26 May 2017

<sup>1520</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey](#), 21 June 2017, paragraph 58

<sup>1521</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Latest update 31 August 2017



face a panoply of charges surrounding their alleged ties to the Kurdistan Workers Party (PKK). Both are believed to be in Europe. [...] In February, the parliament stripped former HDP Co-chair Figen Yüksekdağ and fellow HDP lawmaker Nursel Aydoğan of their seats, also over alleged ties to the PKK”.<sup>1522</sup>

On 8 September 2017 Middle East Eye reported that a Turkish court has ordered the release of Ayhan Bilgen, a parliamentarian who was the former spokesman for Turkey's pro-Kurdish Kurdish Peoples' Democratic Party's (HDP) opposition party; “The court ruled that Ayhan Bilgen be released after a monthly review of his detention since he was arrested in the southern city of Diyarbakir over accusations that he was a member of an armed terrorist group”.<sup>1523</sup>

On 11 September 2017 the Stockholm Center for Freedom reported that “Figen Yüksekdağ, jailed former co-chair of pro-Kurdish Peoples' Democratic Party (HDP) is facing a sentence of 10 years in jail over alleged “terrorist propaganda” and “defaming the Turkish Republic.” Mersin 2nd High Penal Court continued the case on Monday against Yüksekdağ, who was arrested on Nov. 4, 2016, along with nine other HDP lawmakers, and has been in prison since then, in her absence with prosecutors seeking a sentence of 10 years in prison over a speech she delivered at Nevruz celebrations in the southern province of Mersin in 2016”. The same source further noted that “There are currently 10 HDP deputies behind bars in Turkey including Selahattin Demirtaş, the co-chair of the party”.<sup>1524</sup>

### iii. Treatment of civil servants and government officials

This section should be read in conjunction with section [6. Change in the situation or treatment of civil servants and government officials and their family members since the attempted Coup d'état.](#)

#### Post-attempted coup situation: up to 6<sup>th</sup> January 2017

Al Jazeera reported on 9 September 2016 that:

Turkey is conducting the largest military operations in its history against Kurdish fighters in the southeast of the country, President Recep Tayyip Erdogan has said.

His statement on Thursday came as the government [...] killed scores of PKK fighters.

Erdogan said in a speech to provincial governors in Ankara that the operations targeting civil servants with links to the PKK was a key element of the fight against the armed group.<sup>1525</sup>

Al Monitor reported on 13 September 2016 that the purges of the Kurdish community indicate a lack of will to come to a peace settlement:

The purges [of teachers and mayors] — carried out by misusing the powers made available by the state of emergency, the original purpose of which was to fight the putschists — mesh with a short but memorable sentence that Yildirim had uttered in early September. Referring to the Kurdish problem, he declared, “There'll be no settlement schmettlement.”

And he was right. The settlement of the Kurdish problem is not on the government's agenda, not even as lip service. The termination of “the solution process” was the core of the bargain Erdogan struck with his nationalist and conservative Sunni base ahead of the Nov. 1, 2015, snap elections, which he called to reclaim his parliamentary majority, lost in the June 7 polls. And this deal will continue until the early elections or the referendum that Erdogan hopes for to formalize his de facto, authoritarian

<sup>1522</sup> Al Monitor, [Turkish parliament expels more pro-Kurdish lawmakers in absentia](#), 27 July 2017

<sup>1523</sup> Middle East Eye, [Turkish court orders release of pro-Kurdish party's former spokesman](#), 8 September 2017

<sup>1524</sup> Stockholm Center for Freedom, [Turkey Demands 10 Years In Prison For Jailed Former Co-Chairperson Of Pro-Kurdish HDP](#), 11 September 2017

<sup>1525</sup> Al Jazeera, [How could failed coup affect Kurdish peace process?](#), 7 August 2016

presidential regime with a constitutional amendment. This, in turn, means the conflict in the southeast will drag on indefinitely as no early election or a referendum has been scheduled. With “no settlement schmettlement” on the cards and emergency-rule powers used to oust a legal Kurdish party from local administrations and teachers from schools, the repercussions in the southeast are not hard to predict. In the highly politicized Kurdish grassroots, the government’s excesses are likely to erode faith in democratic processes and stoke the propensity to violence. The perception that Kurds are purged from the public sector just for being Kurds could spread far and wide, ossifying a sense of inequality that would be difficult to mend. Finally, the government’s hard-line measures should be expected to strengthen the Kurdish separatist current that upholds violence and terrorism.<sup>1526</sup>

The Guardian reported on 6 October 2016 that “The AKP [Adalet ve Kalkınma Partisi – Justice and Development Party] has extended the post-coup purges of Turkish society to the Kurds, not limiting the scope to followers of the US-based cleric Fethullah Gülen, whom the government blames for the coup attempt. Erdoğan argues that Gülenists and the PKK are one and the same”.<sup>1527</sup>

### Kurdish teachers

Al Monitor reported on the 12 September 2016 about the crackdown on Kurdish teachers:

The first signal of a clampdown on Kurdish public employees came Sept. 2 when Prime Minister Binali Yıldırım said thousands of teachers would be removed from schools in the mainly Kurdish southeast and reappointed elsewhere on the grounds they worked to advance the PKK’s agenda. In an even more ominous warning two days later, he said, “They will face what FETO [Gülenist Terror Organisation] has faced, and this is not limited to teachers only. Terrorism is present within the state and local administrations as well. All public servants who rub shoulders with terrorism will be dealt with and weeded out one by one.”

His statement drew harsh reactions from top officials of both the HDP and the main opposition Republican People’s Party, which questioned how the targeted teachers were found to be PKK backers without any due legal process. Despite the outcry, the Education Ministry suspended 11,285 teachers Sept. 8, all of them members of the leftist Education and Science Laborers Union (Eğitim Sen), which is popular with the Kurds.<sup>1528</sup>

On 8 September 2016 Hurriyet Daily News reported that “More than 11,000 teachers have been suspended over suspected links to the outlawed Kurdistan Workers’ Party (PKK)”, with the number of suspensions expected to increase to 14,000 according to Prime Minister Binali Yıldırım’s recent speech on the issue.<sup>1529</sup> According to the same source “The Education Ministry has been working on the list of suspected teachers for a year, daily Habertürk reported on Sept. 8, adding that reports and complaints received from people in the east and southeast contributed to the preparation of the list”.<sup>1530</sup>

Al Jazeera noted in a reported dated 9 September 2016 that the “teachers suspended for their alleged links to the PKK will be able to receive two thirds of their salaries until the end of a formal investigation, according to the state-run Anadolu Agency”.<sup>1531</sup>

On 19 August 2016, The Atlantic detailed interviews with Kurds who had been suspended from their positions:

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<sup>1526</sup> Al Monitor, [Turkey’s emergency rule stokes Kurdish separatism](#), 13 September 2016

<sup>1527</sup> The Guardian, [‘What about our human rights?’: Kurds feel force of Turkey’s crackdown](#), 6 October 2016

<sup>1528</sup> Al Monitor, [Kurds become new target of Ankara’s post-coup purges](#), 12 September 2016

<sup>1529</sup> Hurriyet Daily News, [More than 11,000 teachers suspended over PKK links](#), 8 September 2016

<sup>1530</sup> Hurriyet Daily News, [More than 11,000 teachers suspended over PKK links](#), 8 September 2016

<sup>1531</sup> Al Jazeera, [Turkey conducting ‘largest ever’ operations against PKK](#), 9 September 2016

The state of emergency, Esmer [a member of Turkey's Human Rights Association] argued, has effectively legalized the intimidation of the president's long-time adversaries. "The purge has become a form of collective punishment," Esmer said. "It's not about getting coup plotters. It's about cleansing the country."

Among the rivals Erdogan may now be seeking to sideline, with or without explicit reference to the coup attempt, are members of the Kurdish minority. [...]

[...] Nihat Kiratli, a Kurdish teacher based in the city of Diyarbakir, and Fatma Yildizhan, a Kurdish health worker, were suspended after the coup attempt. Other Kurds have been implicated for attending Gülen-operated schools, which, in less-developed regions of Turkey, are often the only educational facilities available.

Both Kiratli and Yildizhan told their bosses that they had no links to the Gülen movement. Instead, they suspected they had been targeted for participating in a December 2015 protest against the Turkish military's occupation of Kurdish cities, an operation that began in mid-2015 when a two-year peace process between Erdogan's government and Kurdish militants broke down and violence erupted. Kiratli told me he hadn't taken part in other political activities, but had nevertheless been suspended from work after his boss found his name on a list of people who, according to the government, supported "terrorist activities."<sup>1532</sup>

The BBC reported on 4 October 2016 that:

In the Kurdish areas, education has been hit twice this year: First by violence between security forces and PKK militants and then by the purge that followed the attempted coup.

In Diyarbakir, the biggest Kurdish city in the region, 4,000 teachers have been suspended.

Ali, a high-school student, moved to Diyarbakir to continue his education after clashes in his hometown, Sirnak, closed all the schools.

But he has been stymied here too. Since the coup attempt 19 teachers in his new school have been dismissed, meaning there is very little tuition left.

He now uses the past tense when discussing his ambitions. "Going to university," he says, "was my dream."

"I was working very hard to get a good job. But even our teachers are jobless now. What's the point?"

The schoolyards in Diyarbakir are mostly silent as school directors search desperately for new teachers.

The government says they will deploy 20,000 teachers to fill in.

But time passes by. In this region, there is little hope among students, teachers and parents that education standards can be maintained.<sup>1533</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership noted that "In the aftermath of the attempted coup, a large number of Kurdish teachers have been suspended over alleged links to terrorism".<sup>1534</sup> According to a November 2016 Human Rights Association report, "Thousands of teachers were dismissed mainly because of their legal and official union-related works. They are accused of 'supporting terrorist organization' merely because they went on a one-day general strike in order to call for peace in the region".<sup>1535</sup>

In August 2017 the Huffington Post published a public letter by Ibrahim Kurtulus, a member of the Federation of Turkish American Associations, Inc, criticizing their previous article about the plight of the Kurds in Turkey.<sup>1536</sup> The Huffington Post noted that "Kurtulus calls into question the loyalty of 14,000 Kurdish teachers who were recently removed from their posts due to unfounded claims of terroristic association. We are talking about innocent civilian teachers—while Kurtulus is making the

<sup>1532</sup> The Atlantic, [Voices of Turkey's Purged](#), 19 August 2016

<sup>1533</sup> BBC, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

<sup>1534</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.4. *Human rights and the protection of minorities, Freedom of expression p.29*

<sup>1535</sup> Human Rights Association, [Report on Recent Situation in the Kurdish Region of Turkey](#), 1 November 2016

<sup>1536</sup> Huffington Post, [The Kurds' Treatment In Turkey Is Indefensible](#), 10 August 2017

extraordinary claim that all of them are PKK terrorists or have related affiliations, he does not produce a shred of evidence about the teachers' culpability. Instead, he turns a blind eye to the consistent abuse of and discrimination against the Kurds, and worships Erdogan for jailing thousands of breadwinners and leaving their families in utter despair".<sup>1537</sup>

### Kurdish mayors

Al Jazeera reported purges of Kurdish mayors on 12 September 2016:

Turkey has removed 24 mayors accused of links to Kurdish separatist fighters, replacing them with state-appointed trustees in a major shake-up under emergency powers enacted after a failed coup attempt.

The mayors were suspended from their posts over the past month on suspicion of links to the Kurdistan Workers' Party (PKK), a group that has been waging a deadly insurgency in the southeast since 1984, an interior ministry statement said.

Another four mayors were removed on suspicion of links to the US-based cleric Fethullah Gulen, a former ally of President Recep Tayyip Erdogan who is now blamed for the July 15 failed coup attempt. All 28 mayors were replaced on Sunday with state-appointed trustees.<sup>1538</sup>

The Guardian noted further that "Since then, more elected mayors in the region have been removed from their posts. Ankara accuses local politicians of supporting the PKK [Partiya Karkerên Kurdistanê – Kurdistan Workers' Party]. Süleyman Soylu, the interior minister since September, said the government could not allow 'terrorists' to hold municipal office. The pro-Kurdish People's Democratic party (HDP) spoke of a 'coup'".<sup>1539</sup>

In October 2016 Minority Rights Group International reported that "The detention of Gültan Kışanak and Firat Anlı, the co-mayors of Diyarbakır Metropolitan Municipality on Tuesday, 25 October 2016, is a very serious violation of human rights and further undermines any hope of a peaceful settlement to Turkey's Kurdish conflict. [...] Kışanak is a prominent former member of Parliament, before becoming Diyarbakır's first woman mayor in 2014. Along with Anlı, her co-mayor, they were taken into custody on Tuesday. They are both members of the pro-Kurdish Democratic Regions Party (DBP). Kışanak had just returned home from Ankara and was arrested at the airport after having testified before a parliamentary commission looking into the failed July coup attempt. According to a statement by the prosecutor, the two co-mayors are accused of links with the banned Kurdistan Workers' Party (PKK). The detentions follow the removal of 28 elected mayors of Kurdish-majority towns and their replacement by government-appointed trustees in September – a move that led to widespread demonstrations. However, so far, the Ministry of Interior has found no evidence to link DBP-led municipalities with the PKK, but the suppression [sic] still continues".<sup>1540</sup>

Human Rights Watch reporting on the same incident noted that "The decision denies thousands of voters their right to local political representation. [...] The mayors removed were elected by an estimated 1,959,000 voters. A total of 30 elected mayors, including Kışanak and Anlı, are in pretrial detention and many more under criminal investigation on suspicion of terrorism offenses".<sup>1541</sup>

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<sup>1537</sup> Huffington Post, [The Kurds' Treatment In Turkey Is Indefensible](#), 10 August 2017

<sup>1538</sup> Al Jazeera, [Turkey removes 24 mayors over 'PKK links'](#), 12 September 2016

<sup>1539</sup> The Guardian, ['What about our human rights?': Kurds feel force of Turkey's crackdown](#), 6 October 2016

<sup>1540</sup> Minority Rights Group International, [Turkey: MRG condemns detention of Diyarbakır co-mayors](#), 26 October 2016

<sup>1541</sup> Human Rights Watch, [Deepening Crackdown Over 2 Days - Cumhuriyet Journalists Held; Kurdish Media Closed; Mayors Jailed](#), 31 October 2016

The November 2016 European Commission Turkey progress report on the preparation for EU membership reported that “33 mayors were suspended over alleged terrorist ties or links to the Gülen movement, including the co-mayors of Diyarbakir who were subsequently arrested. Trustees were assigned to these municipalities by decree issued under the state of emergency. The Democratic Regions Party DBP, party governing in most of these municipalities, applied to the Constitutional Court to annul the appointment of trustees in 24 cases”.<sup>1542</sup>

TurkeyPurge reported in December 2016 that “The Ministry of Interior Affairs recently announced in a written statement that as part of a state of emergency in Turkey, the mayors of all local administrations are required to obtain permission from the ministry if they want to travel abroad”.<sup>1543</sup>

In its December 2016 report the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States noted that “as of 9 December 2016, according to figures provided by the Union of Southeastern Anatolia Region Municipalities (GABB):

- 55 BDP [Peace and Democracy Party] co-mayors have been arrested;
- 70 BDP mayors have been dismissed;
- 43 trustees have been appointed in the 103 municipalities won by the BDP at the last local elections of 30 March 2014.<sup>1544</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In a February 2017 report which focused on key human rights concerns in South-East Turkey between July 2015 and 31 December 2016 the OHCHR reported with regards to the post attempted coup situation that “The removal from office of democratically-elected representatives of citizens of Kurdish origin appears to have had an unexpected negative consequence on women’s human rights in South-East Turkey. Since the early 2000s, municipal authorities of Kurdish origin in the region had been appointing a pair of officials to executive positions, consisting of a man and a woman, both of whom had the title of ‘co-chair’ or ‘co-mayor’ or held similar functions, with the aim of promoting equal representation of women and men at all municipal levels. The ‘trusteeship’ appointments have interrupted this progressive practice”.<sup>1545</sup>

In March 2017 Human Rights Watch reported that “The Turkish government has [...] taken direct control of 82 municipalities in the Kurdish southeast region, suspending and incarcerating elected mayors”.<sup>1546</sup> In May 2017 the organisation Article 19 reported that “At least 87 municipalities in the southeast have been taken over by the government and their democratically elected mayors and officials removed or jailed”.<sup>1547</sup>

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<sup>1542</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.4. *Human rights and the protection of minorities, Freedom of expression p.29*

<sup>1543</sup> TurkeyPurge, [Mayors must secure permission for foreign trips under emergency rule](#), 18 December 2016

<sup>1544</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, *para. 51*

<sup>1545</sup> Office of the United Nations High Commissioner for Human Rights, [Report on the human rights situation in South-East, July 2015 to December 2016](#), February 2017, *paragraph 74*

<sup>1546</sup> Human Rights Watch, [Turkey: Crackdown on Kurdish Opposition](#), 20 March 2017

<sup>1547</sup> Article 19, [Turkey: UN Human Rights Council should address continuous deterioration of freedom of expression and other human rights](#), 15 May 2017

According to the International Crisis Group reporting in May 2017 on the crackdown on the Kurdish movement since the failed coup considered that:

So far, 136 DBP co-mayors have been removed, 84 of whom have been arrested, while the interior ministry has appointed 83 trustees to run relevant municipalities. The government justified the municipal upheavals as necessary to establish public order and security as well as provide better service. But the removal of elected figures and staff with local familiarity has had concrete negative impacts, particularly on use of the Kurdish language and access to services related to women's needs. [...] After the appointment of trustees, many municipality employees were suspended for alleged connections to the PKK/Kurdistan Communities Union (KCK). A 22 November 2016 executive decree dismissed 413 employees of municipalities across Mardin on the same charges. Nusaybin municipality lost half its personnel that day. [...]

The many staff who have not only lost jobs but been dismissed from professions cannot find other work, so have trouble sustaining themselves and sending their children to school.<sup>1548</sup> As one explained, the process of appealing dismissal has been in flux, necessitating multiple renewed applications, most recently with the announcement of a central commission in January that is not yet operational.<sup>1549</sup> Given how slow judicial processes are – particularly after the post-coup purges of prosecutors and judges and the unwillingness of lawyers to take up terrorism-charge cases – there is little confidence in legal remedies. And court cases, of course, require money. Locals sympathetic to the HDP view all this as “punishment” geared to them.<sup>1548</sup>

The Assessment Capacities Project (ACAPS) noted in its August 2017 ‘Crisis Analysis’ on Turkey that “81 of the 106 leaders of DBP municipalities have been seized by the government, and 52 pro-Kurdish mayors have been removed from office.”.<sup>1549</sup>

#### iv. Treatment of journalists and other media professionals

This section should be read in conjunction with section [5. b. Treatment of journalists and other media professionals](#).

##### Post-attempted coup situation: up to 6<sup>th</sup> January 2017

Reporting on the climate for journalists, Reporters Sans Frontières considered in a September 2016 report that “Countless journalists have been jailed in recent years on charges of “membership of a terrorist organization” simply because of perceived similarities between their views and the positions espoused by the targeted group. This has happened both to Kurdish journalists who have been accused of being PKK members, and Kemalist journalists accused of being part of a shadowy ultranationalist group called ‘Ergenekon’. In both cases, the journalists often end up being released after long periods of preventive detention when the political circumstances change and it has become clear that prosecutors had no evidence against them”.<sup>1550</sup>

Amnesty International released a statement on 19 August 2016 regarding the detention of employees of the newspaper Ozgur Gundem:

Amnesty International calls on the authorities to lift the temporary closure of Kurdish daily newspaper Özgür Gündem. The newspaper was closed for an indefinite period on 16 August 2016 on the decision of the judge of the Istanbul 8th Criminal Court of Peace. [...] Police detained 24 people, including

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<sup>1548</sup> International Crisis Group, [Managing Turkey's PKK Conflict: The Case of Nusaybin](#), 2 May 2017 III. *Crackdown on the Kurdish Movement* p.9-11

<sup>1549</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Lastest update 31 August 2017

<sup>1550</sup> Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

journalists, from the newspaper offices. Twenty two were detained for resisting police officers, while two editors, İnan Kızılkaya and Bilir Kaya were detained on suspicion of the terrorism offences cited in the decision to close the newspaper. [...]

The closure of Özgür Gündem and the detention of 25 people on 16 August is a heavy blow to freedom of expression at a time when many in Turkey are afraid to speak out against the government. The state of emergency has seen a clampdown of extraordinary proportions, with almost daily reports of journalists being detained and 131 media outlets shut by decree, accused of links to Fethullah Gülen, who the authorities believe masterminded the coup attempt. Özgür Gündem is not accused of such links; rather, it is known as one of only a few press outlets reporting critically on counter-terrorism operations in the south-east and reporting statements made by the PKK. It has faced continuous judicial harassment since its inception, including closure by courts in 1994 and, more recently, the pre-trial detention of three of its guest editors.<sup>1551</sup>

Minority Rights Group reported on 19 August 2016 that following the detention of Ozgur Gundem employees, "Twenty-two of them were released on 18 August and some declared that they had been ill-treated during police custody".<sup>1552</sup>

The Committee to Protect Journalists (CPJ) reported on 23 August 2016 that "An Istanbul court last night arraigned Bilir Kaya and İnan Kızılkaya, editor and news editor of Özgür Gündem, respectively, on charges of "being a member of a [terrorist] organization," the pro-Kurdish newspaper reported on its website. The two were sent to Istanbul's Metris Prison, pending trial".<sup>1553</sup>

The CPJ reported on 29 August 2016 that newspapers employees had been detained, noting that the authorities have persistently harassed workers of the *Welat* weekly papers since its founding in 1992:

Turkish authorities should immediately release 23 employees of the Kurdish-language daily newspaper *Azadiya Welat* detained yesterday in a police raid of the newspaper's office, the Committee to Protect Journalists said today.[...]

It was not immediately clear whether those detained were charged with a crime, but according to a report from the pro-Kurdish Dicle News Agency (DİHA), police told *Azadiya Welat* staff that the reason for the raid was a tip from a caller who was suspicious of the number of people coming into and out of the newspaper's office and believed terrorists were meeting there.<sup>1554</sup>

On 29 September 2016, the CPJ drew attention to Kurdish and Alevi broadcasters whose stations were shut down:

The government used emergency powers to order the stations closed last night, and police raided and sealed the offices of at least two of the broadcasters today, according to press reports. [...]

The broadcasters included pro-Kurdish and leftist radio stations, alongside a Kurdish-language channel for children and a channel that played Kurdish folk music. Also among the closed broadcasters is TV 10, which catered to an audience from Turkey's Alevi sect of Islam, the country's largest religious minority. The channel described the action as intended to "silence the Alevis' voice," according to reports.

"After silencing much of the critical press, Turkey is now targeting a wide swath of cultural and political expression by shuttering minority broadcasters," CPJ Deputy Executive Director Robert

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<sup>1551</sup> Amnesty International, [Turkey: Temporary closure of Ozgur Gundem latest blow to freedom of expression](#), 19 August 2016, *EUR 44/4697/2016*

<sup>1552</sup> Minority Rights Group, [MRG calls on Turkey government to end pressure on pro-Kurdish institutions and urges renewed dialogue with PKK for peaceful solution to current conflict](#), 19 August 2016

<sup>1553</sup> Committee to Protect Journalists, [Turkish court arraigns newspaper editors, columnist on terrorism charges](#), 23 August 2016

<sup>1554</sup> Committee to Protect Journalists, [Turkish police raid newspaper office, detain at least 23 employees](#), 29 August 2016

Mahoney said. "When the government sees even children's programming as a threat to national security, it is clearly abusing its emergency powers."<sup>1555</sup>

On 29 September 2016, the CPJ drew attention to Kurdish and Alevi broadcasters whose stations were shut down:

The government used emergency powers to order the stations closed last night, and police raided and sealed the offices of at least two of the broadcasters today, according to press reports. [...]

The broadcasters included pro-Kurdish and leftist radio stations, alongside a Kurdish-language channel for children and a channel that played Kurdish folk music. Also among the closed broadcasters is TV 10, which catered to an audience from Turkey's Alevi sect of Islam, the country's largest religious minority. The channel described the action as intended to "silence the Alevis' voice," according to reports.

"After silencing much of the critical press, Turkey is now targeting a wide swath of cultural and political expression by shuttering minority broadcasters," CPJ Deputy Executive Director Robert Mahoney said. "When the government sees even children's programming as a threat to national security, it is clearly abusing its emergency powers."<sup>1556</sup>

Al Monitor reported on 3 October 2016 that even Kurdish cartoon channels had been shut down:

The closed channels include the music-only Govend TV and Turkey's first Kurdish-language cartoon channel for children, Zarok TV. Zarok's chief broadcast coordinator, Dilek Demiral, expressed dismay at the move to Al-Monitor. "We are a cartoon channel. We broadcast cartoons from the Cartoon Network and similar channels after dubbing them into Kurdish and Zazaki. Those include the Smurfs, Garfield and SpongeBob. How could we possibly engage in separatist and subversive activities?" she said.

The moment the channel was taken off the air, it was broadcasting a puppet show called "The Rooster and the Cow," Demiral said. "Our only objective was to make sure that Kurdish children can watch cartoons in their mother tongue. We sought to provide some remedy for Kurdish children unable to speak and learn their mother tongue. So, the closure decision inflicts an injury on Kurdish children."

The other Kurdish-language TV channels the prime minister's office targeted had news programming in their broadcasts. Judging by the scope of the decision, it seems the only Kurdish channels that were spared were those that broadcast solely music videos.<sup>1557</sup>

Minority Rights Group published a report on 5 October 2016 regarding the closure of IMC TV and other channels:

IMC TV, an independent TV station described as pro-Kurdish, was shut down by the Turkish authorities, and all its property confiscated on 4 October 2016. Aside from its coverage of Kurdish issues, it was the only TV station in Turkey that broadcasted programmes on and by other minorities, such as Armenians and Circassians.

The ban on broadcast follows a spate of closures of other minority focussed media outlets after the failed coup attempt in July 2016.

On 28 September 2016, 12 TV and 11 radio stations were closed down. Zarok TV, a station broadcasting cartoons dubbed in Kurdish, such as the Smurfs, Garfield and Sponge Bob, was among those shut down. Zarok TV was the only station broadcasting programmes in Kurdish for children, and played an important role in teaching the Kurdish language. TV 10, a pro-Alevi TV channel, was also among the banned stations.

IMC TV's general coordinator [sic], Eyüp Burç, says, 'The government is trying to create a mono-voice and a mono-media, and IMC TV was an obstacle to this aim. We were the only media outlet that broadcasted objective news related to the Kurdish, Armenian and other minority rights issues.'

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<sup>1555</sup> Committee to Protect Journalists, [Turkey closes at least 20 TV, radio stations](#), 29 September 2016

<sup>1556</sup> Committee to Protect Journalists, [Turkey closes at least 20 TV, radio stations](#), 29 September 2016

<sup>1557</sup> Al Monitor, [Why is the Turkish government now targeting cartoons?](#), 3 October 2016



Eyüp Burç says that he and some other İMC TV staff have received death threats, and that he is also specifically targeted for being Ezidi, one of the most marginalised minorities in Turkey.<sup>1558</sup>

Human Rights Watch reported on 7 October 2016 that following the coup and the imposed state of emergency, the government closed down 131 media, publishing, and distribution outlets. Among these were Kurdish media:

Over the past few days, RTÜK officials accompanied by police also forcibly closed down five news channels partly broadcasting in Kurdish: Özgür Gün TV, Azadi TV, Jiyan TV, Van TV, and Denge TV, and the children's Kurdish-language channel Zarok TV. On October 5, İMC TV announced that the authorities had initiated steps to seize the broadcasting equipment and property belonging to the station and hand it over to the state broadcaster TRT. TRT announced that it had been appointed as the receiver handling the seizure after the closure of İMC TV.<sup>1559</sup>

According to an October 2016 Article 19 report, “The extension of the crackdown to Kurdish, Alevi and left-wing media uninvolved in the coup suggests that the state of emergency is being abused beyond its stated purpose and is used for harassing individuals and groups that are merely inconvenient to the government in power, not threats to the democratic system. Many are being detained and punished not for a threat they pose to the Turkish government, or to their fellow citizens, but because they disagree with the government's actions or policy, or are part of or sympathetic to a minority group”.<sup>1560</sup>

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States noted that “After the publication of the decree-laws 675 and 676 on 31 October 2016, 15 Kurdish media were closed, including the Dicle News Agency (DİHA) and Jin News Agency (JINHA)”.<sup>1561</sup>

Human Rights Watch reported that on 31 October 2016 “police detained Murat Sabuncu, the editor of the independent Cumhuriyet daily newspaper and, during the course of the day, 11 more of its journalists and managers. There are warrants out for the arrest of at least three more, including former editor Can Dündar. The Istanbul prosecutor alleges that the newspaper has “committed crimes on behalf of” both the armed Kurdistan Workers’ Party (PKK) and what the government refers to as the Fethullahist Terrorist Organization, led by the US-based cleric Fethullah Gülen”.<sup>1562</sup>

Also reporting on the raiding of the offices of Cumhuriyet and detention of some of its journalists at the end of October 2016 “on accusations of facilitating terrorist activities”, the Brookings Institution noted that “Turkish authorities shut down 15 other media outlets over the past few days. Yet the attack on Cumhuriyet is particularly alarming: It is Turkey’s oldest secular paper and has become the voice of the opposition, and the editorial board’s commitment to Kemalist principles (the founding, secular values of the Turkish republic) and liberal democracy is obvious in its op-ed page”.<sup>1563</sup> Furthermore, Reporters Sans Frontières noted “Nine Cumhuriyet journalists and other employees were detained on 5 November as part of an investigation into alleged links to terrorist organizations,

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<sup>1558</sup> Minority Rights Group, [MRG deplors closure of legitimate minority TV stations by Turkish government for alleged ‘terror propaganda’](#), 5 October 2016

<sup>1559</sup> Human Rights Watch, [Turkey: Independent TV News Silenced](#), 7 October 2016

<sup>1560</sup> Article 19, [Turkey: Joint letter calling on Grand National Assembly to end the state of emergency](#), 27 October 2016

<sup>1561</sup> Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, [Post-monitoring dialogue with Turkey: The failed coup in Turkey of 15 July 2016: some facts and figures](#), 12 December 2016, paragraph 47

<sup>1562</sup> Human Rights Watch, [Turkey: Deepening Crackdown Over 2 Days - Cumhuriyet Journalists Held; Kurdish Media Closed; Mayors Jailed](#), 31 October 2016

<sup>1563</sup> Brookings Institution, [Turkey: Getting worse before it gets better](#), 1 November 2016

namely the outlawed Kurdistan Workers' Party (PKK) and the Gülen movement" and that in mid November 2016 Akin Atalay, board chairman of the Turkish opposition newspaper Cumhuriyet, was arrested at Istanbul airport on his return from Germany.<sup>1564</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership noted that "Out of 39 Kurdish-language television and radio stations, 23 were closed on charges of spreading terrorist propaganda".<sup>1565</sup>

The UN Special Rapporteur on the right to freedom of opinion and expression David Kaye stated in his preliminary conclusions following his November 2016 visit to Turkey that:

Of particular concern is the apparent decimation of all forms of media in the southeast, particularly Kurdish media, leading to massive lack of access to information.

I am also concerned about repeated bans in the wake of terrorist attacks, thereby limiting the public's access to information. Particularly in the southeast, restrictions have amounted to complete media blackout on coverage of the conflict with the PKK..<sup>1566</sup>

In December 2016 Human Rights Watch issued a report 'Silencing the Media: The Government's Deepening Assault on Critical Journalism' which noted with regards to threats and physical attacks that:

Journalists who have worked in the southeast over the past year have told Human Rights Watch that after a brief period during which the Kurdish issue could be reported with relative freedom due to the rapprochement between the government and the PKK, they face serious obstacles to their work in the region again. Access has become extremely difficult. Some of those interviewed said that threats, physical violence and criminal investigations against those reporting on the ongoing conflict have become increasingly common.<sup>1567</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In a January 2017 Research Memo, the Immigration and Refugee Board of Canada cited the Research Associate at the University of Coventry as stating that at least 36 proKurd journalists have been arrested since the attempted coup (17 Jan. 2017).<sup>1568</sup>

Amnesty International explained in a May 2017 report that "The post-coup clampdown on freedom of expression was felt acutely by all those concerned about the Kurdish issue and human rights. Almost all Kurdish newspapers, TV and radio stations and news agencies have been closed down".<sup>1569</sup>

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<sup>1564</sup> Reporters Sans Frontières, [RSF deploras media crackdown in Turkey as Cumhuriyet chairman is arrested](#), 11 November 2016

<sup>1565</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.4. Human rights and the protection of minorities, Freedom of expression p.29

<sup>1566</sup> OHCHR news, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey, 14-18 November 2016](#), 18 November 2016

<sup>1567</sup> Human Rights Watch, [Silencing the Media: The Government's Deepening Assault on Critical Journalism](#), December 2016, Summary p.5

<sup>1568</sup> Immigration and Refugee Board of Canada, [Turkey: The situation and treatment of Kurds and Alevis after the coup attempt in July 2016, including in the large cities \(July 2016–January 2017\) \[TUR105723.FE\]](#), 26 January 2017, 2. Situation of the Kurds

<sup>1569</sup> Amnesty International, [Journalism Is Not a Crime: Crackdown on Media Freedom in Turkey](#), 3 May 2017 *Crushing the Kurdish media* p.13

In May 2017 Reporters Sans Frontières that “Turkish authorities are stepping up their persecution of those who took part in a campaign of solidarity with the pro-Kurdish daily *Özgür Gündem* and that, for the first time, they have imposed an actual prison sentence on a participant, Murat Çelikkan”.<sup>1570</sup> The same source further noted that:

Çelikkan “has not shown enough remorse,” an Istanbul court said on 16 May when it announced that it was sentencing this journalist and human rights activist to 18 months in prison on a charge of “propaganda for a terrorist organization.”

A total of 56 journalists, human rights defenders and intellectuals took part in the solidarity campaign, taking turns at being *Özgür Gündem*’s “editor for a day” from May to August 2016 because it had been hounded by the justice system. Forty-one of them were charged.

Most of those whose trials are already over have been convicted on the same charge as Çelikkan. They include university academic Beyza Üstün, who was given a suspended 15-month jail sentence on 16 May. [...]

Thirteen of the campaign’s participants have so far been convicted of “propaganda for a terrorist organization” (the PKK) or “publishing its statements.” They have been given suspended sentences that, combined, so far total 11 years and 10 months in prison. They have also been fined a total of 50,000 Turkish lira (13,200 euros).<sup>1571</sup>

Also in May 2017 Reporters Sans Frontières that Oğuz Güven, the editor of the opposition daily *Cumhuriyet*’s website, was jailed on a terrorism charge and is the 12th *Cumhuriyet* employee to be imprisoned.<sup>1572</sup>

In June 2017 the organisation Article 19 reported that “Turkey’s Kurdish population continues to be disproportionately affected, with arrests of Kurdish journalists and closures of pro-Kurdish media outlets and the forced replacement of elected local officials”.<sup>1573</sup>

In August 2017 the Committee to Protect Journalists noted that the authorities shut down 3 more pro-Kurdish outlets using the new decree 693 issued under the State of Emergency.<sup>1574</sup> See [1.a.i.2.p. Decrees of 25 August 2017 \(KHK/693 and 694\)](#).

In September 2017 the Committee to Protect Journalists reported that “Turkey’s interior minister yesterday accused the local BBC service of terrorism after the broadcaster reported on a Turkish drone strike in the country’s southeastern Hakkari province that left four dead, according to the daily *Evrensel*”.<sup>1575</sup>

On 11 September Middle East Eye reported that a Turkish court ordered that “five staff members of the opposition daily *Cumhuriyet* being tried on charges of ‘terror activities’ remain in custody. The court said the newspaper correspondents and executives, some of whom have already been detained for 10 months, should remain in detention until more evidence is presented. [...] Prosecutors are seeking up to 43 years in jail for the newspaper staff, who stand accused of targeting Erdogan through ‘asymmetric war methods’. [...] On 28 July, an Istanbul court freed seven of the newspaper’s staff after 271 days, including respected cartoonist Musa Kart and Turhan Gunay, editor

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<sup>1570</sup> Reporters Sans Frontières, [First jail sentence in Kurdish newspaper solidarity trials](#), 22 May 2017

<sup>1571</sup> Reporters Sans Frontières, [First jail sentence in Kurdish newspaper solidarity trials](#), 22 May 2017

<sup>1572</sup> Reporters Sans Frontières, [Website editor is 12th Cumhuriyet employee to be jailed](#), 17 May 2017

<sup>1573</sup> Article 19, [Turkey: HRC must address free expression violations](#), 15 June 2017

<sup>1574</sup> Committee to Protect Journalists, [Turkey Crackdown Chronicle: Week of August 20, 2017](#), 21 August 2017

<sup>1575</sup> Committee to Protect Journalists, [Turkey Crackdown Chronicle: Week of September 10, 2017](#), 11 September 2017

of the books supplement. But some of the paper's most prominent staff remain in custody, among them commentator Kadri Gursel and investigative journalist Ahmet Sik".<sup>1576</sup>

#### v. Treatment civil society, human rights and political activists

This section should be read in conjunction with section [5. c. Treatment of civil society, human rights and political activists](#).

##### Post-attempted coup situation: up to 6<sup>th</sup> January 2017

The International Crisis Group reported that on 11 November 2016 the Interior Ministry "shut down 370 associations with alleged links to PKK and other groups state defines as 'terrorist', prompting criticism from rights groups and liberals".<sup>1577</sup> Al Monitor reported that the 22 November 2016 decree which ordered the closure of "550 associations, 19 private medical centers and nine media outlets for 'links with terrorist organizations or entities and groups, which the National Security Council has determined to be involved in activities against the national security of the state' affected 46 organisations in Diyarbakir alone, the largest city in Turkey's Kurdish-majority southeast."<sup>1578</sup> For example it ordered the closure of the Sarmasik Association, which operated a foodbank in Diyarbakir's Kayapinar district which used to provide 32,000 destitute people with monthly food packages.<sup>1579</sup>

The World Organization Against Torture reported in November 2016 that "Since the breakdown of the ceasefire between the Turkish State and the PKK, those speaking out on abuses in the SouthEast of the country have faced threats, intimidation, persecution and sometimes imprisonment[.] Kurdish women human rights defenders are amongst those bearing the brunt of the State crackdown".<sup>1580</sup>

In December 2016 Amnesty International issued a report 'Displaced and Dispossessed: Sur Residents' Rights to Return Home' which considered that "Developments in the south-east have been significantly influenced by the response of the Turkish authorities following the violent coup attempt of 15 July this year. [...] The Sur and Diyarbakir Metropolitan municipality mayors, key actors in providing support for displaced families in the city, have been replaced by government trustees and NGOs providing direct humanitarian and other assistance have been shut down".<sup>1581</sup>

##### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In March 2017 the International Federation for Human Rights (FIDH) reported on the arrest and conditional release of Mr. Raci Bilici, Vice-President of the Human Rights Association (IHD) and Chairperson of IHD Diyarbakir:

According to the information received, on March 21, 2017, Mr. Raci Bilici was interrogated by the Public Prosecutor in the morning, before being heard by the Criminal Peace Judge on Duty in

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<sup>1576</sup> Middle East Eye, [Turkish court orders 5 reporters for opposition daily to remain in custody](#), 11 September 2017

<sup>1577</sup> International Crisis Group, [Crisis Watch](#), November 2016, Turkey

<sup>1578</sup> Al Monitor, [Turkey's emergency rule hits thousands of destitute Kurds](#), 6 December 2016

<sup>1579</sup> Al Monitor, [Turkey's emergency rule hits thousands of destitute Kurds](#), 6 December 2016

<sup>1580</sup> World Organization Against Torture, [Women Human Rights Defenders International Coalition \(WHRDIC\) is in solidarity with resilient women in Turkey](#), 21 November 2016

<sup>1581</sup> Amnesty International, [Displaced and Dispossessed: Sur Residents' Rights to Return Home](#), 6 December 2016, 1. Summary p.5

Diyarbakır in the afternoon. The court decided to release Mr. Raci Bilici on condition of judicial control. As a consequence, Mr. Raci Bilici is subjected to a travel ban and must check once a week at Diyarbakır's police station.

The Public Prosecutor announced that he would pursue an investigation under the Anti-Terrorism Law (Law 3713 of April 1991) for Mr. Bilici's alleged "relations with the Kurdistan Workers' Party (PKK)" punished by Article 314 of the Penal Code and submit an indictment to the court. The exact reasons for the charges remain unclear as the content of the case file remains confidential including for his lawyer pursuant to the Article 153.2 of the Turkish Criminal Code Procedure (No. 5271).

The Observatory recalls in particular that the Anti-Terrorism Law has been repeatedly used by the authorities as a tool to harass and imprison human rights defenders.

Mr. Raci Bilici's arrest took place against the background of an increased repression against those who have expressed critical views of the current administration, including human rights defenders, following the July 15, 2016, failed coup, and in a particularly tense political climate, ahead of the constitutional referendum set to take place on April 16, 2017.<sup>1582</sup>

The same source reported that on March 28, 2017, the Diyarbakır Heavy Penal Court sentenced Mr. Muharrem Erbey, human rights lawyer, former Vice-President of the Human Rights Association (IHD) and former Chairperson of IHD Diyarbakır "to six years and three months in prison after being convicted of 'being a member of an illegal organisation' pursuant to Article 314/2 of the Criminal Code. On the same trial, the Diyarbakır Heavy Penal Court further condemned 111 Kurdish figures to imprisonment and acquitted other 43. A few days after the sentencing, Mr. Erbey's lawyers filed an appeal with the Court of Cassation. Mr. Erbey is amongst the other 174 figures that were being prosecuted for alleged membership to the Kurdish Communities Union (KCK)".<sup>1583</sup>

The International Institute for Strategic Studies reported with regards to the April 2017 Constitutional referendum "Since the breakdown of the peace process and escalating conflict between Turkish security forces and the Kurdistan Workers' Party (PKK) following the 15 July 2016 coup, Erdogan has delivered a persistent and highly effective message: that rejecting constitutional reform equates to displaying solidarity with terrorists groups. This referendum, then, was about more than just Erdogan's grip on power, and could serve as a mandate to deal more vigorously with the Kurdish insurgency and challenge calls for autonomy in Turkey's southeast."<sup>1584</sup>

On 24 April 2017 Physicians for Human Rights reported that "A doctor and human rights defender in southeastern Turkey was convicted today for treating alleged members of anti-government Kurdish armed groups. A three-judge panel handed down a conviction against Dr. Serdar Küni, a member of the Human Rights Foundation of Turkey, who was arrested and detained last October. Physicians for Human Rights (PHR), which sent a delegation to attend Dr. Küni's trial in the Turkish city of Şırnak, said his conviction is unwarranted and a blatant attack against health professionals who are providing health care in Turkey's restive southeast".<sup>1585</sup>

In September 2017 Amnesty International published its submission to the UN Human Rights Council in which it argued that "Amnesty International considers that the routine and lengthy pre-trial detention of journalists, media workers and human rights defenders in Turkey is tantamount to punishment without conviction. People expressing dissent, especially in relation to the Kurdish issue, have been subjected to threats of violence and criminal prosecution. All dissenting sections of the

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<sup>1582</sup> International Federation for Human Rights (FIDH), [Turkey: Provisional release of Raci Bilici, Vice-President of the Human Rights Association \(IHD\) and Chairperson of IHD Diyarbakır](#), 24 March 2017

<sup>1583</sup> International Federation for Human Rights (FIDH), [Turkey: Conviction of Mr. Muharrem Erbey, human rights lawyer and former IHD President](#), 14 April 2017

<sup>1584</sup> International Institute for Strategic Studies, [Turkey approves constitutional amendment](#), 17 April 2017

<sup>1585</sup> Physicians for Human Rights, [PHR Condemns Baseless Criminal Conviction of Turkish Doctor](#), 24 April 2017

media have been targeted, including those focusing on the Kurdish issue; those accused of supporting the exiled cleric Fethullah Gülen, and the secular media".<sup>1586</sup>

#### vi. Torture and other ill-treatment and abuse

This section should be read in conjunction with [3.h. Torture and other ill-treatment and abuse](#).

For information on state perpetrated deaths of Kurdish citizens, see section [3 i. Extrajudicial and targeted killings, unlawful use of violence and harassment](#).

#### Post-attempted coup situation: up to 6<sup>th</sup> January 2017

Human Rights Watch provided some background to the torture of Kurds in a September 2015 report:

Torture and extrajudicial killings were serious problems in the predominantly Kurdish southeast during the height of the conflict between the Turkish state and the Kurdistan Workers' Party (PKK) in the 1990s. Despite legal reforms since 2005 aimed at improving safeguards against ill-treatment and legal representation for those in detention, Human Rights Watch has repeatedly documented police violence and the lack of accountability for police officers committing such abuses.

Renewed conflict between Turkish security forces and Kurdish militia has risen to worrying levels. The Turkish government, in a response to attacks attributed to the extremist group Islamic State (also known as ISIS) and the PKK near the border with Syria, has conducted massive counterterrorism raids across the country, blocking websites, and banning and dispersing protests.<sup>1587</sup>

In April 2016 Human Rights Watch made a submission to the UN Committee against Torture:

Human Rights Watch is concerned to report an increase in allegations of police torture or ill-treatment of detainees, including children, in southeast Turkey over the past nine months, and over the past five years a pattern of widespread police ill-treatment of demonstrators and excessive use of force to disperse protests. [...]

The renewed violence has provided the context too for numerous arrests of political activists and alleged armed youth on terrorism charges and ill-treatment of detainees.

The increase in allegations of ill-treatment and torture of detainees includes reports of ill-treatment at the moment of apprehension as well as in transit to and in formal places of detention. The increase in reports mainly concern individuals detained during or after security operations against PKK-affiliated groups or following armed clashes.<sup>1588</sup>

Amnesty International noted concerns in a report dated 30 June 2016:

Security operations in south-east Turkey in recent months are being carried out beyond the reach and protections of the law, as indicated by growing evidence of severe human rights violations, including torture and impunity for human rights abuses. During the 1990s, at the height of the conflict between the Turkish authorities and armed Kurdistan Workers' Party (PKK), Amnesty International documented systematic torture, widespread enforced disappearances and near total impunity for human rights abuses committed by members of the security forces. The Turkish authorities must not allow the clock to be turned back to this low point in Turkey's human rights record.

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<sup>1586</sup> Amnesty International, [Turkey: Deterioration of human rights situation must be addressed by the Human Rights Council - Written Statement to the 36th session of the Human Rights Council](#) [IOR 40/7043/2017], 4 September 2017

<sup>1587</sup> Human Rights Watch, [Turkey: Beaten, Threatened With Death by Police](#), 2 September 2015

<sup>1588</sup> Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016, 57th Session of the Committee against Torture

Recent legislative changes make a return to this grim era more likely. Measures passed by Turkey's Parliament on 23 June reduce judicial oversight of security operations and erect barriers to the effective investigation of military officials, who are already protected by an overwhelming culture of impunity for human rights abuses. [...]

The latest changes to the law are especially worrying in light of recent human rights violations during anti-terrorism operations. [...]

Amnesty International maintains that 24 hour round the clock curfews and accompanying restrictions are disproportionate limitations on the rights of residents in areas under curfew, and amount to collective punishment.<sup>1589</sup>

On 11 August, 2016, The Clarion Project reported the torture and ill treatment of members of the group, The Kurdish Peace Mothers, following the attempted coup:

On August 7, millions of people gathered at a meeting venue in Istanbul's Yenikapi area for a joint demonstration called the "Democracy and Martyrs Rally" to protest the July 15 coup attempt. [...]

Yet, as millions of Turks allegedly "stood for democracy," Kurdish mothers were being tortured by Turkish police. In fact, many Kurds across Turkey are almost daily exposed to murders, arbitrary arrests, lynching attempts or torture.

The day of the rally, the Peace Mothers Assembly of Amed (Diyarbakir) went to visit the Peace Mothers Assembly of Siirt. The Peace Mothers Assembly is a Kurdish women's initiative which began in 1996 with the stated aim of "resolving the Kurdish issue through peaceful means."

On the way back from the visit, they were sexually tortured by police officers. Nezahat Teke and Havva Kiran, members of the Peace Mothers Assembly of Amed, reported what happened to them in a press conference. [...]

"Female police officers forcibly undressed and frisked us. They stripped us bare-naked. But even that was not enough. They harassed us and told us to sit down and stand up repeatedly. We are their mothers' age but they did unacceptable things to us."

"They made us wait without water for hours," Teke continued. "We, the peace mothers, have requested peace for years. We have not had any other slogan or request. Do they also consider this a crime?"

"If there is a coup, we are against the coup, as well. We are against killings but we are also against such unlawfulness. We take to the streets so that no one will die [due to the war]. We are against even their deaths. But what do they do? They strip us naked and harass us. I later noticed that my 200 liras [\$65] were not in my wallet. This is not an issue of money, but this shows their ugliness."<sup>1590</sup>

On 19 August, the Atlantic published an article, citing reports of parents whose sons had been detained and subject to interrogations, overcrowding, and abusive conditions following the coup for suspected participation in the coup. The report noted that:

Yet as detentions continue, human-rights advocates I spoke to aren't just concerned about the treatment of inmates supposedly linked to the coup. They also fear the purge is widening in scope beyond suspected Gülen supporters, targeting the political opposition at large. [...]

Under the state of emergency, all detainees can be held up to 30 days without charge; many spend the first five without access to an attorney. When detainees do get to meet with a lawyer, a government official is present to monitor their conversation and record everything using a video camera, Esmer [a member of Turkey's Human Rights Association] said. Phone calls, he added, are out of the question (his friend, the judge, managed to call him between detentions).

The state of emergency, Esmer [a member of Turkey's Human Rights Association] argued, has effectively legalized the intimidation of the president's long-time adversaries. "The purge has become a form of collective punishment," Esmer said. "It's not about getting coup plotters. It's about cleansing the country."

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<sup>1589</sup> Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

<sup>1590</sup> The Clarion Project, [Turkey: Kurdish Mothers Tortured for Requesting Peace](#), 11 August 2016

Among the rivals Erdogan may now be seeking to sideline, with or without explicit reference to the coup attempt, are members of the Kurdish minority. The pro-Kurdish People's Democratic Party (HDP) came out publicly against the attempt, and opposes the spread of Gülenist influence in the country; Turkish Kurds generally share few, if any, beliefs with Gülen, who urged Erdogan to be more aggressive in Turkey's decades-long battle with Kurdish separatists.<sup>1591</sup>

In October 2016, Human Rights Watch published a report detailing how the weakening of safeguards through decrees adopted under the state of emergency has negatively affected police detention conditions and the rights of detainees. The report recounts 13 cases of torture and ill-treatment after the coup attempt, with varying degrees of severity [emphasis added]:

Turkish police have tortured and otherwise ill-treated individuals in their custody after emergency decrees removed crucial safeguards in the wake of a failed coup attempt in July, 2016, Human Rights Watch said in a report released today. [...]

[...] the emergency decrees remove crucial safeguards that protect detainees from ill-treatment and torture [...]

Law enforcement officers have applied these provisions not only to those accused of involvement with the coup attempt, but also to detainees accused of links with armed Kurdish and leftist groups, also depriving them of important safeguards against ill-treatment and unfair prosecution.<sup>1592</sup>

The Human Rights Watch report detailed one incident affecting "a group allegedly linked to the Kurdistan Workers' Party (PKK) [involving] 19 Kurdish men and women of ages ranging from 18 to 35 were detained on August 11 and held in police custody for 17 days".<sup>1593</sup> The report noted:

Three Istanbul-based lawyers told Human Rights Watch that in the context of a wider operation against a group allegedly linked to the Kurdistan Workers' Party (PKK), 19 Kurdish men and women of ages ranging from 18 to 35 were detained on August 11 and held in police custody for 17 days. They were detained on suspicion of being PKK members. [...]

One lawyer told Human Rights Watch that he had seen seven of those held in the Atışalanı Police Station on the sixth day of their detention. They had reported to him that a team of police officers from the special forces had beaten them, sworn at and threatened them and that they had been given little food for the first three days of their detention. Held in overcrowded cells without beds, the detainees reported that they were sleeping in rotation on blankets on the floor. The lawyer said that on a second visit to his clients, they reported the beatings had stopped. [...]

A second lawyer [...said five detainees] reported to him that they had been beaten repeatedly, individually taken to a darkened room and stripped naked, beaten on the testicles with a baton and threatened with rape with a baton. They said the police made the threats to get them to break their silence and give statements. As a result of the threats and fear of repercussions if they did not give statements to the police, the five had decided to give statements to the police in the presence of the lawyer. [...]

Detainee F.P. reported similar treatment, describing at length being beaten and having his throat squeezed, being taunted and threatened with rape with a baton by a police officer. [...]

All detainees complained before the court where they were brought on August 28 that police officers had tortured and otherwise ill-treated them during detention.<sup>1594</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership noted that "There was backsliding on the prevention of torture and ill-treatment, especially in the context of counter-terrorism operations in the south-east. Allegations of torture

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<sup>1591</sup> The Atlantic, [Voices of Turkey's Purged](#), 19 August 2016

<sup>1592</sup> Human Rights Watch, [Turkey: Emergency Decrees Facilitate Torture](#), 25 October 2016

<sup>1593</sup> Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, IV. *Allegations of Ill-treatment and Torture, Incident 13, p. 41*

<sup>1594</sup> Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, IV. *Allegations of Ill-treatment and Torture, Incident 13, pp. 41 - 43*



and illtreatment are not properly investigated or punished, with few, usually overly lenient, sanctions given”.<sup>1595</sup>

According to a November 2016 Human Rights Association report, “Tortures against the Kurdish prisoners have increased severely as well as the maltreatments during detention. The duration for detention was prolonged up to 30 days while there are serious limitations on meeting with lawyers. To make things worse, people face serious physical and psychological torture during detention and under custody despite the fact that the Turkish laws and international conventions signed by Turkey strictly forbid all kinds of torture. There are also serious violations of the right to receive health treatment. Besides, 756 prisoners, including 300 people having crucial conditions, are not provided with healthcare in spite of several applications and formal requests made by our association”.<sup>1596</sup>

The World Organization Against Torture reported in November 2016 that “Ayla Akat a leading woman human rights defender and Kurdish political activist in Turkey, who also served as an elected Member of Parliament between 2007 and 2015, was taken into custody on 26 October [2016] in Diyarbakir/Amed. Partners in Diyarbakir informed the WHRDIC that during her arrest, Ayla was dragged across the floor, physically abused and harassed”.<sup>1597</sup>

In December 2016, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Nils Melzer issued his preliminary observations and recommendations following his November 2016 visit to Turkey which stated in relation to the situation in the South-East:

My team and I received numerous troubling testimonies of torture and other forms of ill-treatment of both male and female inmates suspected to be members or sympathisers of the PKK. Most instances of ill-treatment were reported to have been inflicted by the police or gendarmerie in connection with the arrest itself, as well as during interrogation, in most cases allegedly in order to obtain forced confessions or denunciation of others. Many inmates reported that they had been arrested based on false accusations made against them under torture. While my team and I generally received no allegations and collected no evidence with regard to currently ongoing torture or ill-treatment, we did receive a small number of allegations by inmates of occasional brutality and degrading treatment in their current place of detention, in particular of male guards or soldiers manhandling or sexually harassing female detainees during transfers and denying them privacy during medical examinations, or both visitors and inmates being subjected to disrespectfully conducted naked searches on the occasion of open visits.

Again, the majority of those reporting to have been subjected to torture or ill-treatment said that they did not file complaints to the authorities for fear of retaliation against them and their families and because of their distrust in the independence of the prosecution and the judiciary and, consequently, their willingness or ability to adequately investigate and adjudicate their claims. Those who reported to have filed formal complaints alleged that no follow-up had been made by the prosecutor’s office.<sup>1598</sup>

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<sup>1595</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 4.23. Chapter 23: *Judiciary and fundamental rights*, p.70

<sup>1596</sup> Human Rights Association, [Report on Recent Situation in the Kurdish Region of Turkey](#), 1 November 2016

<sup>1597</sup> World Organization Against Torture, [Women Human Rights Defenders International Coalition \(WHRDIC\) is in solidarity with resilient women in Turkey](#), 21 November 2016

<sup>1598</sup> OHCHR news, [Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016](#), 2 December 2016

In a February 2017 report which focused on key human rights concerns in South-East Turkey between July 2015 and 31 December 2016 the OHCHR reported with regards to the post attempted coup situation that:

International and national NGOs have documented an increased number of reports of torture and ill-treatment of detainees in police custody and other places of detention in the context of security operations in South-East Turkey since July 2015 and, in particular, following the coup attempt. According to a report published by an NGO in South-East Turkey torture and ill-treatment methods include police beating and punching of detainees; sexual violence, including rape and threat of rape; deprivation of basic needs, such as water, food and sleep; deprivation of medical supplies (due to which some prisoners allegedly contracted hepatitis B); forcing detainees to kneel handcuffed from behind for hours; and verbal abuse, psychological violence and intimidation. Some victims were reportedly photographed nude, leaving them fearful that those images could be used for blackmail or published to humiliate them further. OHCHR has received reports that medical personnel have been under pressure not to release medical reports showing evidence of torture or ill-treatment, for fear of harassment and retaliation by the authorities.<sup>1599</sup>

Al-Monitor reporting on prison conditions in April 2017 noted that “reports of ill-treatment have continued to date, including overcrowded wards and denial of medical care and sufficient food”.<sup>1600</sup> The same source further noted that:

It was in this atmosphere that dozens of Kurdish inmates, charged or convicted for links with the outlawed Kurdistan Workers Party (PKK), launched a hunger strike in six prisons across the country in February to protest oppression and unlawful practices by the prison authorities. Yet little seemed to change, and on March 30, top Kurdish politicians announced they were joining the hunger strike. Among them was Selahattin Demirtas, the co-chair of the Peoples’ Democratic Party (HDP), who has been behind bars since November, along with about a dozen other HDP members of parliament. In a joint statement from a high-security prison in the northwestern province of Edirne, Demirtas and HDP lawmaker Abdullah Zeydan said they were protesting the “inhumane practices” of the prison authorities and their “complete lack of good intention” to end the hunger strikes. This was the highest-profile outcry from the prisons so far, and it seemed to work surprisingly fast. The following day, Demirtas announced the hunger strike at the Edirne prison had ended after the prison administration agreed to engage in dialogue to resolve the problems. Yet the hunger strikes in other jails are continuing. The day the strike in the Edirne prison ended, inmates in a jail in Hatay announced they were launching one. About 85 prisoners in four jails remain on hunger strike.<sup>1601</sup>

In July 2017 Al-Monitor reported that “Mesut Gokhan, an inmate at a jail in the southern border province of Kilis, was allegedly tortured by prison guards after they intercepted a letter addressed to him written in Kurdish. HDP lawmaker Leyla Birlik has petitioned the parliament to investigate claims that wardens beat the soles of Gokhan’s feet so badly that he could not walk. He was denied medical treatment and put in solitary confinement”.<sup>1602</sup> An August 2017 article from the same source noted that “Zilan Aldatmaz, who is arrested co-mayor of Saray district of Turkey’s Van province, was reportedly tortured by the prison guardians in Elaziğ T Type Prison, according to the remarks by her lawyer Resul Aslan”.<sup>1603</sup> Also in August 2017 “Abdi Aykut, an old Kurdish villager who was subjected

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<sup>1599</sup> Office of the United Nations High Commissioner for Human Rights, [Report on the human rights situation in South-East, July 2015 to December 2016](#), February 2017, paragraphs 49 and 50

<sup>1600</sup> Al Monitor, [What’s going on in Turkey’s prisons?](#) 3 April 2017

<sup>1601</sup> Al Monitor, [What’s going on in Turkey’s prisons?](#) 3 April 2017

<sup>1602</sup> Al Monitor, [Turkish parliament expels more pro-Kurdish lawmakers in absentia](#), 27 July 2017

<sup>1603</sup> Al Monitor, [Jailed Co-Mayor Of Saray District Of Turkey’s Van Province Severely Tortured By Prison Guards](#), 11 August 2017

to systematic torture and maltreatment during 14 days under police detention, has told about the methods of severe tortures applied by police to pro-Kurdish media".<sup>1604</sup>

The Assessment Capacities Project (ACAPS) noted in its August 2017 'Crisis Analysis' on Turkey that "since mid-February, new curfews have been implemented in Mardin, Diyarbakir, and Elazig provinces, where mass arrests and alleged torture against civilians was reported. Since late May, new curfews have been implemented until further notice in 43 villages in Lice, Hani, Kocakoy and Dicle districts".<sup>1605</sup>

## **b. Other minorities**

### **i. Overview of pre-attempted coup situation**

According to the Council of Europe report dated 4 October 2016:

At the beginning of 2016 the total population of Turkey was 78 million, the majority being Sunni Muslim. In the absence of official data about the composition of the population, there are no clear figures demonstrating the size of the minority communities in the country. Estimates differ widely. It is estimated that between 10% and 23% of the population are Kurdish (approximately 8 to 18 million) and that 7-12% belong to other ethnic minorities. Estimates of the number of Alevi even vary between 10% and 40% (8 to 23 million). The size of other minority groups is variously estimated at 500 000 to 5 million Roma, 40 000 to 90 000 Armenians, 20 000 Jews and 3 000 to 4 000 Greeks.<sup>1606</sup>

Minority Rights Group (MRG) listed the following groups as being minorities in Turkey

- Alevis
- Armenians
- Assyrians
- Caferis
- Caucasians
- Jews
- Kurds
- Laz
- Reformist Christians
- Roma
- Rum Orthodox Christians
- (Y)Ezidies<sup>1607</sup>

The U.S. Department of State in its annual human rights report covering 2015 reported that:

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other national or ethnic minorities, including Assyrians, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to fully exercise their linguistic, religious, and cultural rights. The NGO Human Rights Joint Platform

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<sup>1604</sup> Al Monitor, [Kurdish Victim Of Torture Reveals Severe Ill-Treatments Under Police Custody In Turkey](#), 23 August 2017

<sup>1605</sup> Assessment Capacities Project (ACAPS), [Crisis Analysis: Turkey, Vulnerable Groups](#), Latest update 31 August 2017

<sup>1606</sup> Council of Europe, [ECRI report on Turkey](#), 4 October 2016, 5<sup>th</sup> monitoring cycle, paragraph 60

<sup>1607</sup> Minority Rights Group International, [Turkey](#), Undated

claimed that the government's failure to recognize national minorities resulted in a failure to identify specific needs, led to discrimination, and left vulnerable populations unprotected. [...] Public gatherings on April 24 to commemorate events relating to the Armenian issue and the tragic events of 1915 were peaceful and received police protection where necessary. In the period leading up to the June parliamentary elections, President Erdogan used disparaging rhetoric targeting a variety of minorities, including Armenians. [...] Observers estimated there were more than two million Roma in the country. Romani communities reported being subject to disproportionate police violence and continued housing loss due to urban transformation projects that extended into their traditional areas of residence. The Romani community also continued to face problems with access to education, health care, and housing. Roma reported that their ability to take advantage of government offers to subsidize rent on new apartments was impinged due to discriminatory rental practices. Roma reported workplace discrimination and asserted their children often were singled out in the classroom, leading to high dropout rates. Early marriage also remained a problem in the Romani community; 67 percent of Romani youth ages 13 to 17 were married. The government has implemented financial support for weddings for couples older than the legal marriage age in an effort to curtail this traditional practice. In 2014 the government drafted an action plan to improve life for Romani citizens that included increased vocational training, business incentives, temporary municipal employment, educational incentives, and the organization of Romani committees to monitor these actions. Implementation of the plan was in its initial stages during the year, with the formation of an all-Romani marching band and an educational initiative to train Romani children as hafiz (reciters of the Quran). According to the HRF, as of November [2015] two persons had lost their lives and six were injured in hate crimes directed towards Kurds, Alevi, Roma, Armenians, Jews, and transgender individuals.<sup>1608</sup>

The US State Department's report on International Religious Freedom, covering events in 2015 in Turkey noted:

The government continued to interpret the 1923 Lausanne Treaty, which refers broadly to "non-Muslim minorities," as granting special legal minority status exclusively to three recognized groups: Armenian Apostolic Orthodox Christians, Jews, and Greek Orthodox Christians. The government did not recognize the leadership or administrative structures of non-Muslim minorities (e.g., the patriarchates and chief rabbinate) as legal entities, leaving them unable to buy or hold title to property or to press claims in court. [...] The government continued to consider Alevism a heterodox Muslim sect and did not financially support religious worship for Alevi Muslims. Alevi leaders said the government failed to meet their demands for religious reforms and expressed concerns about security. Sufi and other religious-social orders (tarikats) and lodges (cemaats), banned officially since 1925, remained active and widespread as the government did not enforce the ban. Non-Sunni Muslims did not receive the same protections as recognized non-Muslim minorities.<sup>1609</sup>

The same US State Department's 2015 report on International Religious Freedom in Turkey further noted:

[...] Christians and non-Sunni Muslims faced threats of violence and vandalism of property. Anti-Semitic propaganda continued to target the Jewish community. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.<sup>1610</sup>

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<sup>1608</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), Section 6., *National/Racial/Ethnic Minorities*

<sup>1609</sup> United States Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, Section II. *Status of Government Respect for Religious Freedom: Government Practices*

<sup>1610</sup> United States Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, Section III. *Status of Societal Respect for Religious Freedom*

MRG noted in their State of the World's Minorities and Indigenous Peoples 2016 report on Turkey, published on 12 July 2016:

The year 2015 saw some signs of progress for minorities in Turkey, reflected in the election of a number of new members of parliament (MPs) from minority backgrounds, including the country's Armenian, Roma, Syriac and Yezidi communities, in general elections in June and November. However, significant challenges remain in terms of minority rights [... such as] the continued discrimination against minorities in education [...]

Land and property rights remain a significant barrier for religious minorities, a situation that has seen many important cultural heritage sites destroyed, appropriated or neglected.<sup>1611</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership noted that "Access to health services continued to improve, while medical services were largely accessible for Roma families. Procedures for the Roma to obtain civil documentation are cumbersome and should be made easier. Roma groups continued to face discrimination in social and economic life and in accessing employment and quality education. Absenteeism in school remained high, including in compulsory primary education, and child labour is a major problem in the Roma community. Urban development projects continued to disadvantage the Roma by depriving them of traditional job opportunities and solidarity networks. A significant court case was brought over the 2010 campaign to lynch and evict Roma".<sup>1612</sup>

## ii. Hate speech, arbitrary arrests and violent attacks

### Post-attempted coup situation: up to 6<sup>th</sup> January 2017

According to a Council of Europe report dated 4 October 2016:

Hate speech is on the rise and its increasing use by officials, including senior representatives of the state, is of major concern. The huge negative impact of such mediated hate speech has damaged social cohesion. There is no strong official reaction to such rhetoric and most hate speech goes unpunished. There is even reason to conclude that hate speech legislation is used to silence vulnerable groups. Numerous media do not comply with ethical standards and also spread hate speech.<sup>1613</sup>

The Globalist noted in a report dated 22 August 2016 that:

The day after the abortive coup, the religious leaders of the Jewish, Armenian, Greek-Orthodox, and Syriac communities denounced it in a joint declaration, joined later by representatives of the Alevi and Shiite faiths.

These gestures, however, did not suffice to shield them from the rising anti-minority sentiment of government supporters. On August 7, in a demonstration of solidarity, Turkey's Jewish and Christian religious leaders joined the "Democracy and Martyrs" rally, the government's million-strong anti-coup demonstration in Istanbul.

In denouncing the coup plotters, however, three of the speakers insulted religious minorities by tarring the plotters as "seeds of Byzantium," "crusaders," and as a "flock of infidels."

Indeed, there is an alarming trend among pro-government media to connect the coup plot to minorities. A pro-government journalist insisted two days after the abortive coup that Fethullah

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<sup>1611</sup> Minority Rights Group International, [State of the World's Minorities and Indigenous Peoples 2016 - Turkey](#), 12 July 2016, p. 180

<sup>1612</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 4.23. Chapter 23: *Judiciary and fundamental rights*, p.77

<sup>1613</sup> Council of Europe, [ECRI report on Turkey](#), 4 October 2016, 5<sup>th</sup> monitoring cycle, *Executive Summary*, p.9

Gulen – a U.S.-based Sunni cleric whom Erdogan accuses of being the coup mastermind – has a Jewish mother and an Armenian father, and is a member of the Catholic clerical hierarchy.

Another pro-government columnist claimed that the plotters may be hiding in churches. Unsurprisingly, it was not long before incitement led to physical attacks against minorities.

Churches in the Black Sea city of Trabzon and Anatolian city of Malatya – the scenes of lethal attacks against Christians a decade ago – were the first to be attacked after the coup. Later, an Armenian high school in Istanbul was vandalized. An Alevi worship hall there and homes in Malatya were next, and Christian tourists were harassed in Gaziantep.

These crimes point to an alarming trend of scapegoating Turkey's minorities. The country already knows the effects of such scapegoating: The anti-Jewish, anti-Christian, and anti-Alevi pogroms of the 1930s, 1950s, 1970s, and 1990s together cost the lives of hundreds of innocent people.<sup>1614</sup>

Voice of America noted on 19 July 2016:

An attack late Sunday by Erdogan supporters on members of the Alevi religious minority in Malatya, in eastern Turkey, raises fear among rights activists, dissidents, Kurds and religious minorities of widening polarization after the failed coup. News reports said pro-Erdogan demonstrators in Malatya also attacked a Protestant church and a Catholic church in the northern Black Sea city of Trabzon.<sup>1615</sup>

Bloomberg News also noted concerns from the Alevi community on the same day:

Alevis, a Shia-related religious minority that accounts for almost a quarter of the population, have been skirmishing with Erdogan's mainly Sunni supporters since Friday night.

While there's no immediate prospect of a Syria-style sectarian conflict, concerns among Alevis -- a sect closely related to Syria's Alawites -- are growing at the government's continued calls for its supporters to take to the streets. [...]

In Istanbul's Sultangazi district, the local muhtar, a district leader, described how each day since the coup attempt, groups of Sunni, flag-waving supporters of the government had tried to march through his predominantly Alevi area. [...]

"These are the same people killing Alevis (Alawites) in Syria," said Ahmet Turan, a 36-year-old local photographer. "They didn't accuse us of supporting the coup. They just chanted 'Allahu Akbar'. They're trying to show us they are strong and have more support now."

Similar clashes have been taking place in Alevi districts in Malatya, eastern Turkey, as well as in Ankara, the capital, said Ali Haydar Hakverdi, an Alevi legislator in the national parliament.

"This is our biggest concern," said Hakverdi. Calls delivered from the country's mosques to come out into the street on Friday had drawn a relatively small group of hardcore Islamists who were deliberately stoking religious tensions between Alevis and Sunnis, he said. So long as the government keeps crowds in the streets there is a risk that sectarian violence will grow and spread, he added.<sup>1616</sup>

Al Jazeera reported on 21 July 2016 that:

Clashes between Erdogan's supporters and Alevi communities across the country have flared since Saturday. According to Ertugrul Kurkcu, a national parliamentarian and leading member of the HDP- the socialist, Pro-Kurdish party, minority communities across the country have started establishing volunteer neighbourhood protection groups.

"People are now setting up self-defence units to protect against AKP mobs," he says, referring to supporters of the ruling party. "The most vulnerable groups are women, Alevis and Kurds," he adds.<sup>1617</sup>

Following the attack on the church in Malatya, the Daily Express reported on 1 August 2016 that:

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<sup>1614</sup> The Globalist, [After the Coup: Backlash Against Turkey's Minorities](#), 22 August 2016

<sup>1615</sup> Voice of America News, [Turkey Crackdown Grows as Erdogan Encourages Protests](#), 19 July 2016

<sup>1616</sup> Bloomberg, [Sectarian Tension Builds in Turkey as Erdogan Crackdown Widens](#), 19 July 2016

<sup>1617</sup> Al Jazeera, [Turkey: United against a coup, divided on the future](#), 21 July 2016

Nor was Malatya [Malatya] alone. In the Black Sea city of Trabzon others attacked the Santa Maria church, smashing windows and using hammers to break down its door.[...]

"There's no doubt that the government uses the mosques to get its message across to its grassroots supporters," said Mr Kabakci [a pastor in Istanbul]. "There's is an atmosphere in Turkey right now that anyone who isn't Sunni is a threat to the stability of the nation" he added.

"Even the educated classes here don't associate personally with Jews or Christians. It's more than suspicion. It's a case of 'let's get rid of anyone who isn't Sunni'" <sup>1618</sup>.

Global Research also noted reports of violence against minorities following the coup in a report dated 1 August 2016:

On July 16, pro-Erdoğan mobs beheaded and beat to death captured soldiers – many of whom were conscripts who were unaware they were taking part in a coup, having been told by their commanders that they were responding to a terrorism alert in Istanbul. Since then these mobs have, with support from the police, attacked neighbourhoods that are populated by Kurds, the Alevi religious minority, other minorities and leftists in Istanbul, Ankara and other cities. <sup>1619</sup>

Al Monitor published a report on 9 September 2016 detailing concerns from the Alevi community:

On the night of the July 15 coup attempt, a friend called from Nurtepe, a predominantly Alevi neighborhood of Istanbul. She was concerned about the hundreds of men marching on her street with sticks in their hands chanting Allahu akbar (God is Great). Turkish President Recep Tayyip Erdogan had called upon the people to come out on the streets and some saw it as an opportunity to intimidate Alevi neighborhoods. [...]

Al-Monitor interviewed over 100 Alevis from different parts of the country to discuss this issue, which Turkey's mainstream media does not cover.

Erdal Dogan, a prominent human rights attorney, told Al-Monitor, "Any sort of military coup or intervention is a political situation almost all Alevis would refuse and resist; that was the first reaction of the Alevi community on July 15. Yet, the coordinated lynching attempts in heavily Alevi neighborhoods confirmed Alevi fears about security." Indeed, my friend's observations in Nurtepe were not isolated, several other Alevi districts were attacked in Hatay, Istanbul, Ankara and particularly Malatya.

Dogan said, "Alevis were worried about the putschists as much as they are worried about the jihadi tone that the democracy rallies took."

Even if Alevis are the biggest victims and one of the most distant groups to the Gulen movement, pro-government media outlets published articles trying to generate conspiracy theories about Alevis collaborating with coup plotters. For example, daily *Turkiye* posted on its first page that "Alevi muhtar [elected head of a village or neighborhood] was ordered to massacre Sunnis." The allegations had no concrete evidence, no names of the muhtar, towns or other officials — just that it was in Hatay province on the border with Syria. Alevi leaders all around the country promptly issued a solidarity message against the coup attempt before tensions escalated any further.

A prominent sociologist from Istanbul [...] is concerned about the impact of the state of emergency law on Alevi communities of eastern Turkey. He said, "One of my colleagues in Dersim, an Alevi of about 60 years of age, told me, 'People of Istanbul or Izmir do not know what emergency law means, but for us, all of our life will be altered.' Now the city faces a double-edged sword with multiple areas announced as 'special sections' where your freedom of movement is significantly curtailed. Particularly people who are engaged in farming or raising livestock are quite bitter because their livelihood is directly affected by these regulations. [...] Streets are deserted, people are scared to hold gatherings."

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<sup>1618</sup> Daily Express, [Turkey's backlash: Christians pay price as extreme Islam surges after attempted coup](#), 1 August 2016

<sup>1619</sup> Global Research, [Turkey's "Democratic Dictatorship": After Failed Coup, Erdoğan Cracks Down](#), 1 August 2016

There are several issues that deeply worry the Alevi community. Alevis are not a homogenous group. While most are Turkish and some are quite nationalistic, there are those who are ethnic Kurds. But all are secular, so the intensification of Islamic rhetoric since July 15 scares Alevis.<sup>1620</sup>

Voice of America (VOA) reported on 25 September 2016:

Threatened by Islamic extremism, Christian and Jewish groups in Turkey are growing more fearful amid increasing terror attacks and the government's state of emergency following a failed coup attempt, representatives of the minority communities told VOA.

Christian and Jews represent about two-tenths of one percent of Turkey's mostly Muslim population of 79 million. But pro-government media outlets as well as some government officials have accused them of playing a role in the July coup attempt and have stepped up the rhetoric against Christians and Jews.

At a "Democracy and Martyrs" rally in August, a pro-government, million-strong anti-coup demonstration in Istanbul, three of the speakers linked religious minorities to coup plotters, calling them "seeds of Byzantium," "crusaders," and a "flock of infidels." [...]

Turkish human rights lawyer Orhan Kemal Cengiz told VOA pro-government media have "embraced an alarming narrative of scapegoating Turkey's religious minorities and connecting the coup plot to them."

"Particularly pro-government media outlets have taken an anti-U.S. and anti-EU attitude, which I can call a xenophobic attitude, in which they attempt to demonize the West and accuse it of the coup attempt," he said. "And this narrative targets and harms non-Muslims in Turkey."

Scholar Rifat Bali, who has written several books on Turkish Jews, says that even though the report of minority ties to the coup have no foundation, Christians and Jews are being targeted.<sup>1621</sup>

The news publication, Your Middle East, noted concerns following the coup from the Armenian community in a report dated 31 July 2016:

Increasingly, the AK Party has promoted a new form of nationalism, rooted in Sunni Muslim identity. In the wake of the coup, religious conservatives and nationalists have dominated the demonstrations. Under the banner of Recep Tayyip Erdoğan, the two movements have gathered together to form a grass-root alliance.

Having emerged stronger from these events, there is concern the president will pursue an Islamist-nationalist agenda more forcefully. At odds with such a platform, minorities fear for their future. [...]

Kurds are not the only ones worried by what lies ahead. The rampant nationalism that ensued from the coup has struck a similar note for Turkey's Armenian community. [...] An age-old problem, Talar [a worker at the Armenia rights group, Hrant Dink Foundation] says he has recently experienced an upsurge in anti-Armenian resentment. He expects it to "double" in the aftermath of the coup [...]

Though he is more scared by the crowds than the state itself, Talar says a more assertive Erdoğan will not bode well for his community. "In a society where Islamism and nationalism are gaining ground, us non-Turkic Christians cannot live peacefully. Being Armenian in Turkey was always difficult, but the fallout from the coup was a blow to our courage." For the past few days, his family have urged him to stay at home and avoid the squares. He says this has never happened in the past.<sup>1622</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership noted that "hate speech against minorities [...] continue to be a source of a serious concern".<sup>1623</sup>

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<sup>1620</sup> Al Monitor, [How will Turkey's Alevis react to Syrian gambit?](#), 9 September 2016

<sup>1621</sup> Voice of America News, [Christians, Jews in Turkey Growing More Fearful of Islamic Extremism](#), 25 September 2016

<sup>1622</sup> Your Middle East, [As failed coup sets Turkey on a new path, minorities fear for their future](#), 31 July 2016

<sup>1623</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 2.4. Human rights and the protection of minorities Overall situation p.25



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In a January 2017 Research Memo, the Immigration and Refugee Board of Canada cited the following experts on the situation of Alevis post the attempted coup:

[...] a research assistant at the University of Sydney, a graduate of Bogaziçi University in Istanbul and the London School of Economics, whose doctoral dissertation was on the transformation of the Alevi movement in the diaspora, stated the following with respect to the treatment of the Alevis by Turkish society since the failed coup in 2016:

Following the 2016 coup attempt in Turkey, the government called the citizens onto the streets to protest against the so called coup d'état. Some protestors—ignited by the atmosphere on streets—became violent especially in some of the districts where the Alevi population resided. One example was the Pasaköskü district in the city of Malatya where the masses gathered on streets and insulted against the Alevi residents. Another example was in Antakya where a violent group attacked Arab Alevis. Other cases of harassment [have occurred] in districts of Gazi, Nurtepe, Ikitelli, Sari Gazi, Okmeydani in Istanbul, Tuzlucağayir in Ankara and Pazarcik in Maras. (15 Jan. 2017). [...]

The Research Assistant at the University of Sydney also stated the following on how the Alevis in Turkey have been treated by authorities since the coup in 2016:

At state level, following the coup attempt, the government has declared state emergency measures and started to detain thousands of state officials, military officers, academics and journalists. In social media, news were circulated that a great number of detained soldiers and officers were Alevi, but it remains difficult to assess whether these news were correct or not. Nonetheless, it is well known that the AKP government, and in particular the previously PM and now president Erdogan denigrated Alevis publicly a number of times. (15 Jan. 2017).<sup>1624</sup>

An April 2017 Stockholm Center for Freedom article noted that “İstanbul Sultangazi municipality ordered the demolition of Pir Sultan Abdal Cemevi, a house of worship for Alevis, on the grounds that the building was unlicensed, the T24 news portal reported. The ruling came only two days after a historic referendum on switching Turkey’s system of governance to an executive presidency amid reports of voting fraud allegations across the country. [...] Zeynal Odabaş, the head of the cemevi, said the demolition decision was taken last year but was only sent for implementation right after the April 16 referendum. ‘The demolition decision was only conveyed when the ‘yes’ side emerged in the aftermath of the referendum. This is deliberate. We will not be deceived and we will not let even a single brick be brought down’”.<sup>1625</sup>

In a May 2017 report the Stockholm Center for Freedom considered that “Kurds, Alevis, the members of the Gülen movement, Christians, Jews, foreigners and many others, declared as pariah and enemy by Erdoğan one time or another, have received their share of bitter verbal attacks by Erdoğan and his associates. The government controlled media perpetuated this hate further with fake and fabricated stories, amplified and transmitted to a larger audience”.<sup>1626</sup>

In June 2017 the Stockholm Center for Freedom reported that “An Alevi spiritual leader has been arrested by an İstanbul court over his alleged links to the Gülen movement. Turkeypurge.com has

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<sup>1624</sup> Immigration and Refugee Board of Canada, [Turkey: The situation and treatment of Kurds and Alevis after the coup attempt in July 2016, including in the large cities \(July 2016–January 2017\) \[TUR105723.FE\]](#), 26 January 2017, 2. *Situation of the Kurds*

<sup>1625</sup> Stockholm Center for Freedom, [İstanbul Municipality To Demolish Sultangazi Cemevi, Signaling Further Crackdown On Alevis](#), 18 April 2017

<sup>1626</sup> Stockholm Center for Freedom, [SCF Study Reveals Horrible Pattern Of Hate Speech By Erdoğan, The Chief Hatemonqer In Turkey](#), 22 May 2017

learned that Süleyman Alan was detained by police on May 24, 2017 and arrested by an Istanbul court later the same day. He was later transferred to a prison in Kırklareli Province”.<sup>1627</sup>

Also see [3.b. Freedom of religion](#).

## 8. Change in situation of or treatment of IDPs since the attempted Coup d'état

### Background to the conflict in south east Turkey and the implications for IDPs

According to an Internal Displacement Monitoring Centre (IDMC) report published in December 2013:

There were estimated to be more than 954,000 IDPs in Turkey as of the end of 2013. Most fled their homes between 1986 and 1995 during the armed conflict between the Kurdistan Workers' Party (PKK) and the security forces in the south-east of the country. Displacement was also due to village raids and forced evacuations in the same area and around the same period by the authorities.

[...] Turkey's internal displacement figures are outdated and disputed. Commissioned by the government in 2006, Hacettepe University in Ankara found that between 954,000 and 1.2 million people were forced to flee their homes between 1986 and 2005, the vast majority of them Kurdish. The results of the only survey of its kind have yet to be fully endorsed by the government, which previously put the number of IDPs at 378,000. NGOs have reported between one and three million. Most IDPs have been left to fend for themselves. Two decades after their displacement, around half were still living in cities close to their places of origin such as Batman, Diyarbakir, Hakkari and Van. The remainder live mainly in urban areas of western and northern Turkey. Many lived in substandard, illegally built housing and are at risk of eviction.

Many IDPs benefitted from a green card system that provided free health care to the poorest members of the population, but a lack of broader government support has hampered their local integration. Poverty has forced IDPs' children to work rather than going to school, and some women have resorted to negative coping mechanisms including prostitution to get by.<sup>1628</sup>

The 2016 Global Overview report published by the Internal Displacement Monitoring Centre confirms that the total number of IDPs as of 31 December 2015 was 954,000.<sup>1629</sup> This number was last updated in 2014 through research and academia.

The US State Department noted in its annual report covering events in 2015 that:

The renewal of conflict in the Southeast displaced an estimated 100,000 to 200,000 persons. The Ministry of Interior reported that during the conflict between security forces and the PKK from 1984 to the early 2000s, 386,360 persons had been displaced, of whom 190,000 eventually returned to their homes.<sup>1630</sup>

A report published by the Norwegian Refugee Council and the IDMC in May 2015 noted that “The authorities in [...] Turkey [...] failed to pay IDPs enough attention or respond to their needs”.<sup>1631</sup>

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<sup>1627</sup> Stockholm Center for Freedom, [Turkey's Alevi Spiritual Leader Arrested By Government Over Coup Charges](#), 27 June 2017

<sup>1628</sup> Internal Displacement Monitoring Centre, [Turkey: Internal displacement in brief](#), 31 December 2013

<sup>1629</sup> Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), [Global Report on internal displacement](#), May 2016, *Tables, Table 3: Conflict-related displacement in 2015*, p. 103

<sup>1630</sup> US State Department, [Country Report on Human Rights Practices for 2015](#), updated 14 June 2016, Turkey, *Section 2d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*

<sup>1631</sup> Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), [Global Overview 2015: People internally displaced by conflict and violence - Europe, The Caucasus and central Asia](#), 6 May 2015, *Europe, the Caucasus and central Asia, National and international response*, p. 47

With regards to the background of the recent spike in violence, Human Rights Watch noted that “With the collapse of a peace process between the Turkish state and the imprisoned leader of the armed Kurdistan Workers’ Party (PKK) in summer 2015, conflict in the mainly Kurdish southeast resumed”.<sup>1632</sup> In their ‘Submission to the UN Committee against Torture on Turkey’ on 22 April 2016, Human Rights Watch further noted that:

The breakdown in 2015 of the government-initiated peace process with Abdullah Öcalan, the imprisoned leader of the armed Kurdistan Workers’ Party (PKK), has been accompanied by an increase in violent attacks, armed clashes, and serious human rights violations since summer 2015. The latter includes violations of the right to life and mass displacement of residents in eight southeastern towns where the security forces and PKK-affiliated youth groups have engaged in armed clashes, as well as denial of access to basic services including healthcare, food and education for residents placed under blanket curfew conditions for extended periods and in some cases months at a time.<sup>1633</sup>

The International Crisis Group produced a report in March 2016 detailing the human cost of the PKK conflict in Turkey shedding light on the how the authorities are assisting IDPs:

Since 1 January 2016, the state has introduced compensation measures to aid the displaced, such as rent-support. Diyarbakır’s governor told Crisis Group during a visit to the province: “[As of late January] we have spent 3,857 million TL [around \$1.34 billion] in cash. Each family is getting 1,000 TL [some \$350] per month since November. [...] Displaced Sur residents largely verified state assistance claims, though as of late January many were unaware the support was readily available or had increased from 300 TL to 1,000 TL (\$105 to \$350). [...]

To address interruption of education and health access of the displaced families, the state enabled these services to be provided wherever families moved. Though the government provided remedial courses in theory, access remained limited. Crisis Group interviews with displaced families showed some remained unaware the state was providing remedial courses in other districts and did not know where they needed to apply to sign up their children.<sup>1634</sup>

Amnesty International noted in June 2016 that the Turkish authorities have not granted access to the South East region to international organisations:

Human rights violations during anti-terrorism operations [in South East Turkey] are occurring with almost no oversight from outside observers. The Turkish authorities have denied access to international organisations, creating what amounts to a black-out zone over areas under curfew.<sup>1635</sup>

In June 2016, the Council of Europe provided some background information regarding the displacement of people in Turkey associated with the escalating conflict.<sup>1636</sup> The Council noted “the extent and consequences of these security operations on civilians affected by the curfews (1.6 million people) or who had to leave the areas under curfew (355 000 people). Those who remained were subject to restrictions in access to water, electricity, education and health care, including

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<sup>1632</sup> Human Rights Watch, [A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, *I. Background, Torture in Turkey*, p. 14

<sup>1633</sup> Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016, *57th Session of the Committee against Torture*

<sup>1634</sup> International Crisis Group, [The Human Cost of the PKK Conflict in Turkey, The Case of Sur](#), 17 March 2016, *C. Remedying Loss of Home, Public Services, and Businesses*, p. 10

<sup>1635</sup> Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

<sup>1636</sup> See Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016

emergency medical care, which proved fatal for many residents”.<sup>1637</sup> The Council further noted the following:

Security operations have dramatically intensified in south-east Turkey since August 2015. The Assembly is very worried about the human consequences of the lengthy, round-the clock curfews imposed in 22 districts, including Sur, Silvan (province of Diyarbakır), Nusaybin, Dargeait (province of Mardin), Sirnak Center, Cizre, Silopi, Idil (province of Sirnak) and Yüksekova (province of Hakkari). These curfews are affecting 1.6 million people and have resulted in the displacement of 355 000 people and in restrictions in access to water, electricity, education and health care, including emergency medical care, which has proved fatal for many residents [...]

Despite efforts deployed by the Turkish authorities to provide the displaced persons with food and accommodation, temporary jobs in State agencies and social aid, including compensation for lost income, the future of the displaced persons is uncertain. It seems that large parts of the areas under curfew were destroyed during and after the curfews, and during the subsequent clearance operations to remove buried explosive devices [...]

According to the figures gathered by the Human Rights Foundation of Turkey, there were 65 officially confirmed, open-ended and round-the-clock [all day] curfews in at least 22 districts of seven cities in southeast Turkey between 16 August 2015 and 20 April 2016. Some 1.6 million people have been affected by these curfews, which resulted in 355 000 displaced persons. [...] The Commissioner for Human Rights, Mr Niels Muižnieks, also questioned the very weak basis (namely an administrative decision based on a law that does not even mention the word “curfew”) on which to impose such drastic restrictions of basic human rights, for a huge population and for months on end. For Amnesty International, these daily 24-hour curfews lasting for over 90 days (at the time of our committee hearing) amounted to a form of collective punishment, forbidden by international law.<sup>1638</sup>

The June 2016 Council of Europe report also detailed information relating to the expropriation of property:

The adoption by the government of an emergency decree on expropriation on 21 March 2016 related to Sur (Diyarbakır) has raised concern among displaced persons. The lack of information about legal procedures, future urban construction projects and the right of displaced persons to return to live in their neighbourhoods poses many questions. Lack of transparent information fuels fears and insecurity among those concerned [...]

The adoption by the Council of Ministers of an emergency decree on expropriation on 21 March 2016 raised many concerns among displaced persons. It concerned notably Sur (Diyarbakır), enabling the expropriation of 6292 plots of land (out of 7714 plots – that is to say 82%). The remaining 18% belonged either to the Housing Development Administration of Turkey (TOKİ30) or were already owned by the State Treasury. Overall, at the end of this process, every plot of land in Suriçi would be turned into public property. We were informed by the Governor that this decree had been adopted to accelerate the reconstruction process and allow the return of the displaced families, and that the expropriated owners would receive one third of the value of their property on a bank account, and that the ownership title would be transferred to the State Treasury. This expropriation process was however challenged by a platform of local NGOs, which lodged a complaint in court. In the meantime, they feared that reconstruction work had already begun.<sup>1639</sup>

The June 2016 Council of Europe report also noted the lack of support and lack of information about whether displaced people will be able to return home:

The displaced population, who fled the clashes and lost everything they had overnight, are still prevented from approaching the area. The emergency expropriation decree that was adopted on 21 March 2016 for the Sur area, was also challenged by the residents. In Sur, we met some displaced

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<sup>1637</sup> Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, p. 24

<sup>1638</sup> Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 10, 12 and

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<sup>1639</sup> Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 15 and 26

persons who were in need of information, help and support, and felt insecure about the future. Impunity was another source of concern; as was effective investigations into alleged abuses by security forces [...]

The lack of information about legal procedures, future urban construction projects and the right of displaced persons to return to live in their neighbourhoods raise many questions and lack of transparent information fuels fears and insecurity among those concerned.<sup>1640</sup>

The Internal Displacement Monitoring Centre (IDMC) noted provisional estimates for 2016, citing 355,000 new people were displaced in Turkey by conflict and violence, bringing the total internally displaced to 1.3 million persons.<sup>1641</sup> The Assessment Capacities Project (ACAPS) noted in its 'Crisis Analysis' on Turkey that "500,000 have been displaced by escalating tensions and activities between the PKK and the Turkish security forces since December 2015, according to the latest estimates. Previous figures indicated a displacement [sic] of 355,000 people, as of March [2016]".<sup>1642</sup>

The IDMC reported in September 2016 that:

Significant new displacement has been registered in southeastern Kurdish areas since the start of 2016, the result of renewed hostilities between the government and the Kurdistan Workers' Party (PKK). IDMC is aware of at least 355,000 people displaced between January and March [...] The figure does not include the thousands of people displaced in the aftermath of an attempted coup on 15 July, or those evacuated in relation to hostilities with ISIL that took place during August.<sup>1643</sup>

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

TeleSUR reported on 30 July 2016 that:

While Turkey's President Recep Tayyip Erdogan is jailing and firing thousands of academics, journalists and politicians for alleged affiliation with the coup attempt of July 15, his government's operation against the Kurdistan Workers' Party, or PKK, guerrilla insurgency in the southeast has continued unabated – with an estimated 80 percent of one Kurdish city forcibly displaced. Nusaybin, a district of Mardin, has had over 70,000 of its civilians forcibly displaced, with about half of its population—or 45,000 people—unable to return to their homes because of damage, according to a Migrants' Association report published Friday.<sup>1644</sup>

In an August 2016 article Amnesty International reported that "In the south-east of the country, where there have been clashes between members of Kurdish separatist group the PKK and security forces [...] The military have conducted operations in residential areas resulting in hundreds of thousands being displaced and unable to return".<sup>1645</sup>

AI Monitor reported on an event close to an IDP camp near the Turkish Syrian border on 15 August 2016:

An Aug[ust] 15 attack on a bus carrying fighters from FSA [Turkish Army and Free Syrian Army] factions occurred just as they were about to cross the border near the Atmeh camp for the internally displaced into Turkey's Hatay region. Dozens were killed in the attack, for which IS claimed

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<sup>1640</sup> Council of Europe, *The functioning of democratic institutions in Turkey*, 6 June 2016, paragraphs 29 and 30

<sup>1641</sup> Internal Displacement Monitoring Centre, *Turkey*, undated

<sup>1642</sup> Assessment Capacities Project (ACAPS), *Crisis Analysis: Turkey, IDPS*, Last update 23 December 2016

<sup>1643</sup> Internal Displacement Monitoring Centre, *Internal Displacement Update, January – August 2016*, 16 September 2016, *Turkey*

<sup>1644</sup> TeleSUR, *Erdogan Onslaught Displaces 80% of Residents in Kurdish City*, 30 July 2016

<sup>1645</sup> Amnesty International, *Turkey's many shades of fear*, 15 August 2016

responsibility.<sup>1646</sup>

The Guardian reported on 23 August 2016, that the border town of Karamis in Gaziantep in Turkey, which hosts large numbers of refugees and IDPs<sup>1647</sup>, was ordered, to evacuate.<sup>1648</sup> The report noted that “Turkish authorities have ordered residents to evacuate the border town of Karkamış after it was hit by mortar rounds fired from an area of Syria controlled by Islamic State”.<sup>1649</sup>

On 13 September 2016, the UN High Commissioner for Human Rights noted ongoing concerns for IDPs in south-east Turkey, requesting cooperation from the Turkish authorities to grant the organization access:

My concerns regarding the rights of people living in south-east Turkey remain acute. We have received repeated and serious allegations of on-going violations of international law as well as human rights concerns, including civilian deaths, extrajudicial killings and massive displacement. We continue to receive reports of destruction and demolition of towns and villages in the south-east. Due consideration must be given to the humanitarian and protection needs of thousands of displaced and otherwise affected people. I have requested access to this area for a comprehensive independent assessment by my staff. But despite our on-going cooperation with the Turkish authorities across a number of other topics, that access has not been granted. We have therefore set up a temporary monitoring capacity based in Geneva, and we will continue to inform this Council of our concerns.<sup>1650</sup>

ACAPS, a non-profit consortium of NGOs, reported on Turkey in October 2016 that “IDPs in the southeast face urgent protection, shelter, and health needs.”<sup>1651</sup>

In December 2016 Amnesty International issued a report ‘Displaced and Dispossessed: Sur Residents’ Rights to Return Home’ which described the conditions in displacement and prospect for return for the half a million persons displaced by violence, large-scale destruction of property and by ongoing curfews in areas across the south-east following the July 2015 collapse of the ceasefire between the armed Kurdistan Workers’ Party (PKK) and the Turkish state.<sup>1652</sup> The report considered that:

Developments in the south-east have been significantly influenced by the response of the Turkish authorities following the violent coup attempt of 15 July this year. [...] the rights of families, displaced and dispossessed of their homes, are being neglected. The vast majority of residents from the main curfew area in Sur remain forcibly displaced. Despite important, but insufficient and far from universal assistance from the authorities, many displaced families have been unable to access adequate alternative housing. Other rights, such as children’s education, have not been adequately respected. Likewise, the displaced residents’ rights to return to their homes or area of habitual residence appear to be in grave danger with continuing curfews, damaged or destroyed infrastructure and homes and continuing house demolitions. At least 60% of the entire Sur district has been expropriated by the government, paving the way for an announced urban regeneration project that is being developed without the required consultation of affected residents and foresees transfers of residents to areas far from Sur. The current process across the region as a whole is suggestive of a premeditated plan to displace residents, destroy and rebuild the areas to ensure security through

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<sup>1646</sup> Al Monitor, [How Kurdish-Arab strife is hindering work of Syria's 'White Helmets'](#), 9 September 2016

<sup>1647</sup> Al Jazeera, ['Gaziantep is as safe as Germany and the US'](#), 25 September 2016

<sup>1648</sup> The Guardian, [Turkey tells border town to evacuate due to skirmish with Isis](#), 23 August 2016

<sup>1649</sup> The Guardian, [Turkey tells border town to evacuate due to skirmish with Isis](#), 23 August 2016

<sup>1650</sup> UN Human Rights Office of the High Commissioner, [Zeid's Global Human Rights Update](#), 13 September 2016

<sup>1651</sup> ACAPS, [Turkey](#), last updated 13 January 2017, *Overview: Key Priorities*

<sup>1652</sup> Amnesty International, [Displaced and Dispossessed: Sur Residents’ Rights to Return Home](#), 6 December 2016, 1. Summary p.5-6

changes in infrastructure and transfers of population.<sup>1653</sup>

According to the Assessment Capacities Project as of December 2016, “500,000 have been displaced by escalating tensions and activities between the PKK and the Turkish security forces since December 2015, according to the latest estimates. Previous figures indicated a displacement of 355,000 people, as of March. They have relocated mostly within Kurdish areas. Overall needs are access to healthcare and safe shelters. Recurrent curfews and destruction of thousands of buildings have jeopardised returns. Over 70,000 people have been displaced in Nusaybin, a district of Mardin, and about 45,000 are unable to return because their homes are damaged. 24,000 of the 40,000 displaced in Sur are also unable to return home due to the widespread destruction of buildings in the town. New displacement was triggered by the failed coup of July and IS-related fighting near the border with Syria in August. Figures are not yet available”.<sup>1654</sup>

#### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In a February 2017 report which focused on key human rights concerns in South-East Turkey between July 2015 and 31 December 2016 the OHCHR reported with regards to the post attempted coup situation that:

The number of reported displaced persons (IDPs) in South-East Turkey is estimated between 355,000 to half a million people, mainly citizens of Kurdish origin. The displaced population is reported to have moved to neighbouring suburbs, towns and villages, or to other regions within Turkey.

Humanitarian assistance to over 355,000 internally displaced people has reportedly been very limited. According to available information, no international organization has been granted access to assess humanitarian needs and provide assistance to the population in South-East Turkey, including internally displaced persons. Local NGOs reported that Government assistance has been conditioned upon having a clean criminal record, in violation of basic humanitarian principles governing emergency humanitarian responses. [...]

The highest number was reported to be displaced from Sur where, according to local reports, 95 per cent of the population was displaced at the end of the security operations. The population displaced from areas affected by security operations is reported to have either moved to neighbouring towns and villages; to Diyarbakır, Van and Batman city centres; or to other regions within Turkey. Many of the IDPs now have no home to go back to, either because they were destroyed in the course of security operations or because the Government proceeded with plans of demolition and / or expropriation, all of which are significant obstacles to the return of IDPs.<sup>1655</sup>

Reporting on those displaced from Nusaybin between March and June 2016, a July 2017 International Crisis Group report stated that “Following the initial displacement, the district governorate apparently paid displaced citizens who applied a monthly social aid of some 600 Turkish liras (TL, about \$160). A total of 6.5 million TL (about \$1.8 million) was paid to 13,000 people by the interior ministry through local governorates. The environment and urban planning ministry disburses another form of assistance monthly, rent aid of 745 TL (about \$200), to displaced residents who sign contracts for new housing. These are negotiated at the local Urban Transformation Bureau that opened on 8 February in the centre of Nusaybin. Since then, ministry officials say, 100 to 150 residents visit daily”.<sup>1656</sup> The same source further noted that “Nevertheless, despite diligent efforts by the central government and their local outposts to compensate for material losses, residents

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<sup>1653</sup> Amnesty International, [Displaced and Dispossessed: Sur Residents' Rights to Return Home](#), 6 December 2016, 1. Summary p.5-6

<sup>1654</sup> Assessment Capacities Project, [Turkey Crisis Analysis](#), last updated 23 December 2016, *Displacement*, last updated 23 December 2016

<sup>1655</sup> Office of the United Nations High Commissioner for Human Rights, [Report on the human rights situation in South-East, July 2015 to December 2016](#), February 2017, paragraphs 14, 15 and 47

<sup>1656</sup> International Crisis Group, [Turkey's PKK Conflict Kills almost 3,000 in Two Years](#), 20 July 2017

complain that the process has dragged along, and they have been promised a lot without concrete results. A Nusaybin resident explained: ‘We went to the office and submitted our petitions three times without receiving any information on when the process would be initiated. There are big promises, but nothing is being done right now. They are making us wait under very difficult conditions, and they also stopped paying rent aid’.<sup>1657</sup>

Reporting on the narrow win for the “yes” campaign in the April 2017 Constitutional Referendum, Reuters noted that “Some 500,000 mostly Kurdish citizens, most of whom would likely have opposed the referendum, are internally displaced; many were unable to register and the government did little to help them do so”.<sup>1658</sup>

In June 2017 Amnesty International reported that “Hundreds of residents in neighbourhoods of the Sur district in Diyarbakır province, south eastern Turkey, are at imminent risk of forced eviction. For over a month now, their water and electricity supplies have been cut off, in an apparent attempt to force them out. They have not been adequately consulted or compensated”.<sup>1659</sup>

## 9. Change in the situation of or treatment of diverse individuals of sexual orientation and gender identity since the attempted Coup d’état

### Pre-attempted coup situation

Same sex sexual acts are legal in Turkey.<sup>1660</sup> However, Radio Free Europe noted that “rights groups say hate crimes against the LGBT community are common”<sup>1661</sup> and The Guardian observed that “reports of harassment and abuse are common”.<sup>1662</sup>

Freedom House noted in its annual report covering 2015 that “Same-sex sexual activity is not explicitly prohibited, but LGBT people are subject to widespread discrimination, police harassment, and occasional violence. There is no legislation to protect people from discrimination based on sexual orientation or gender identity”.<sup>1663</sup>

A working paper published by the German Stiftung Wissenschaft und Politik noted that “even the most recent changes to the Turkish Criminal Code in March 2014 failed to incorporate the terms ‘ethnic affiliation’ or ‘sexual orientation and identity’ into the catalogue of criteria. Because of this, it is only with difficulty that Roma, Kurdish, and LGBTI persons can plead for their rights in the face of discrimination or hate crimes”.<sup>1664</sup>

Similar was reported by the U.S. Department of State in its annual report covering 2015:

While the law does not explicitly discriminate against LGBTI individuals, legal references to “offenses against public morality,” “protection of the family,” and “unnatural sexual behavior” sometimes served as a basis for discrimination by employers and abuse by police. LGBTI prostitutes reported

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<sup>1657</sup> International Crisis Group, , [Turkey’s PKK Conflict Kills almost 3,000 in Two Years](#), 20 July 2017

<sup>1658</sup> Reuters, [Commentary: The real winners, and losers, in the Turkish referendum](#), 17 April 2017

<sup>1659</sup> Amnesty International, [HUNDREDS AT IMMINENT RISK OF FORCED EVICTION](#), 29 June 2017

<sup>1660</sup> ILGA, [State Sponsored Homophobia 2016](#), June 2016, *Global Legislation, Overview*, p36

<sup>1661</sup> Radio Free Europe/Radio Liberty, [Turkey: Murder of LGBT activist prompts protest in Istanbul](#), 2016

<sup>1662</sup> The Guardian, [What's it like being LGBT in Turkey?](#), 22 August 2016

<sup>1663</sup> Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *F. Rule of Law: 6 / 16 (-1)*

<sup>1664</sup> Zülfükar Çetin, [The Dynamics of the Queer Movement in Turkey before and during the Conservative AKP Government](#), Working Paper, Research Group EU/Europe 2016/01, Stiftung Wissenschaft und Politik, January 2016, 2.1. *Reforming the Criminal Code, Articles 3 and 122*, p. 16



police detained them to extract payoffs. LGBTI advocates accused courts and prosecutors of creating an environment of impunity for attacks on transgender persons involved in prostitution. [...]

KAOS-GL, a domestic NGO focused on LGBTI rights, maintained that due to this failure to acknowledge the existence of LGBTI individuals, authorities withheld social protection from LGBTI individuals. KAOS-GL reported that neither the Ministry of Family and Social Policies nor the Ministry of Labor and Social Security would engage with LGBTI groups or consider the rights of LGBTI persons or their need for services and protection.

During the year LGBTI individuals continued to experience discrimination, intimidation, and violent crimes.

Human rights attorneys reported police and prosecutors frequently failed to pursue aggressively cases of violence against transgender persons. They often did not arrest suspects or hold them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim “unjustifiable provocation” under the penal code and request a reduced sentence. That provision states punishment “will be reduced if the perpetrator commits a crime under the influence of rage or strong, sudden passion caused by a wrongful act.” Judges routinely applied the law to reduce the sentences of those who killed LGBTI individuals. Courts of appeal upheld these verdicts based, in part, on the “immoral nature” of the victim. [...]

LGBTI individuals faced discrimination in employment.<sup>1665</sup>

International Lesbian, Gay, Bisexual Trans and Intersex Association (ILGA) reported in its annual review covering 2015 that “Violence was a common thread linking many of the major events involving LGBTI people in 2015 ... Of particular concern was the consistent hate speech from leading political figures and the fact that such actions were not publicly condemned”.<sup>1666</sup>

The UN Human Rights Council’s Special Rapporteur noted in a report in May 2015 that:

The Special Rapporteur highlighted the vulnerability of lesbian, gay, bisexual and transgender persons in Turkey. The Special Rapporteur recommended that Turkey enact comprehensive and specific legislation on hate crimes in accordance with international standards and review legislation to include language sensitive to gender identity and sexual orientation.

The challenges relating to the protection of lesbian, gay, bisexual and transgender persons are exacerbated by the attitude of some family members of such individuals, as well as the trend observed by the Special Rapporteur during his visit, whereby law enforcement officials and the judiciary seem to take a lenient attitude towards crimes committed against such individuals.<sup>1667</sup>

According to the NGO, Trans Respect, Turkey has the highest rate of reported murders of transgender persons in Europe, and the ninth highest rate of reported murder of transgender persons in the world.<sup>1668</sup>

In April 2016 Transparency International Turkey issued its National Integrity System Assessment, which found in relation to civil society organisations (CSOs) that “Concepts of ‘general morality’, ‘Turkish family structure’, ‘national security’, and ‘public order’ are also widely used to hinder

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<sup>1665</sup> U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 6., Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity*

<sup>1666</sup> ILGA, [Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People - 2016](#), 4 May 2016,

<sup>1667</sup> UN Human Rights Council, [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum Follow-up to country recommendations: Turkey](#), 6 May 2015, C. *Killings of lesbian, gay, bisexual and transgender individuals, paragraphs 42 – 46*

<sup>1668</sup> Trans Respect, [TMM IDAHOT 2016 Update](#), 12 May 2016

freedom of speech and association. LGBT rights organizations have faced court orders to close down of [sic] their Internet sites based on the 'general morality' concept".<sup>1669</sup>

With regards to the annual Pride march, which was cancelled in 2016, OBC Transeuropa reported that:

For the first time this year, after thirteen years, the Pride was banned. The justification was so as "not to offend the religious sensibilities of the citizens", the reason being that the event would have taken place during Ramadan, the Muslim sacred month. Yet the overlapping with Ramadan occurred [sic] also in previous years, and it was never invoked as a reason to ban the Pride.

With the 2016 event, new "sensibilities" appeared of an ultranationalistic character. A group called Anatolia Muslim Youth (Müslüman Anadolu Gençliği) launched an appeal for a counter-manifestation to stop "these perverts without any pride". And the members of the Alperen Ocakları, the youth section of the ultranationalist BBP, declared they were ready to stop the Pride "at any cost" because "they mock us, ignoring our values during our sacred month".<sup>1670</sup>

Amnesty International reported that "On the day of the banned Istanbul Pride march on 26 June, police used tear gas and plastic bullets against small groups of LGBTI activists and their allies who were in various locations around the Beyoğlu district of Istanbul. Twenty-nine activists were detained and were all eventually released on the same day. Istanbul Pride organizers were also prevented from reading a statement about the ban of the march for the second year".<sup>1671</sup>

According to Freedom House's 2016 'Freedom on the Net' report which covers the period June 2015 to May 2016, the blocking of websites "continues to increase steadily in Turkey" and "The TİB [Telecommunication and Communication Presidency] blocked access to five of the most commonly used LGBTI websites, namely GayLey, Travestice, Tracesti Sitesi, Turk Gay Bar, and Istanbul Gay".<sup>1672</sup>

The Council of Europe noted in its October 2016 report that:

Turkey does not collect data on racist and homo/transphobic violence. Civil society reports point to a high number of such hate crimes. Many LGBT, in particular transgender persons, but also members of other minority groups have been killed in recent years [...] Very few LGBT victims report hate crime to the authorities and many have suffered violence and sexual abuse from the police. [...] Concerning many alleged hate crimes there is no information about adequate investigation and sentencing and the number of disciplinary measures and verdicts against law enforcement officers remains limited. [...] Prejudice against LGBT persons is widespread and the political mainstream is not sympathetic to them. As a result, LGBT persons tend to stay invisible and neither the Criminal Code nor the draft anti-discrimination law provide them with basic protection. Young LGBT people lack assistance during the difficult phase of their coming out and many LGBT persons suffer from bullying, harassment and discrimination.<sup>1673</sup>

The November 2016 European Commission Turkey progress report on the preparation for EU membership considered that "hate crime and violations of human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons continue to be a source of a serious concern".<sup>1674</sup> The source further explained:

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<sup>1669</sup> Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 13 *Civil Society*, p. 225

<sup>1670</sup> OBC Transeuropa, [Turkey: LGBT, state of emergency](#), 19 September 2016

<sup>1671</sup> Amnesty International, [Urgent Action: Pride ban enforced by excessive use of force](#), 6 July 2016

<sup>1672</sup> Freedom House, [Freedom on the Net 2016: Turkey](#), November 2016

<sup>1673</sup> Council of Europe, [ECRI Report on Turkey](#), 4 October 2016, *Summary*, p.10

<sup>1674</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 1.2. *Summary of the report* p.7

There are serious concerns with regard to fundamental rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The new Law on the National Human Rights and Equality Institution does not explicitly include sexual identity and sexual orientation among grounds for discrimination. In the military disciplinary system, homosexuality is still defined as a 'psychosexual disorder' and in the military's medical regulation as an illness. An antihomophobia march was banned in Ankara in May. The June LGBTI movement pride parade in Istanbul was not allowed to go ahead for the second consecutive year. Intimidation and violence against the LGBTI community increased including the killing of at least two persons. LGBTI organisations who came under threat from fundamentalist terrorist groups did not receive protection from the government. Hate crimes, attacks and murders as well as police violence against transgender people and activists are a source of serious concern. There is no specific legislation against these crimes. Some media outlets promote hate speech against LGBTI persons. The law suits filed by LGBTI persons in such cases usually do not result in effective investigations or sanctions by the judiciary. Discrimination over the right to employment on the basis of sexual orientation remains widespread.<sup>1675</sup>

More detailed information regarding the legal discrimination faced by LGBTI person under the criminal and civil code, labour law and the military conscription law can be found in the following working paper published by the German 'Stiftung Wissenschaft und Politik':

- ❖ Zülfükar Çetin, [The Dynamics of the Queer Movement in Turkey before and during the Conservative AKP Government](#), Working Paper, Research Group EU/Europe 2016/01, Stiftung Wissenschaft und Politik, January 2016

#### Post-attempted coup situation up to 6<sup>th</sup> January 2017

Washington Post reported at the end of July 2016 that following the coup attempt, room for dissent is further under threat, including for LGBT persons:

[...] in the wake of the failed military coup, the space in which political opponents could criticize the government has all but disappeared....

Onur Fidangul is the president of a gay rights organization and was also active at the demonstrations at Gezi Park.... But since then, the government has lost what little tolerance it had for dissent. It has pursued Gezi Park activists with court cases and rejected permits for gay-pride parades. Journalists have been arrested for tweets, and others for "insulting" Erdogan.

"I'm very concerned about being targeted right now. So many people have already died" or lost their jobs, the 25-year-old Fidangul said after the failed coup.

"All the high-level politicians are hateful toward LGBT people," he said. "I'm afraid that the threats toward us will increase".<sup>1676</sup>

Since the coup attempt, there have been at least eight reported attacks and two suicides of LGBT persons.<sup>1677</sup> The most prolific murders are of the transgender activist Hande Kader and the Gay Syrian Wisam Sankari, which received widespread media coverage.

Pink News reported on the murder of Wisam Sankari:

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<sup>1675</sup> European Commission, [Turkey 2016 Report SWD\(2016\) 366 final](#), 9 November 2016, 4.22. Chapter 22: Regional policy and the coordination of structural instruments p.76

<sup>1676</sup> Washington Post, [In quest to punish coup plotters, Turkey squeezes out room for dissent](#), 25 July 2016

<sup>1677</sup> For a list of these events, see reports from the news portal site [LGBTI News Turkey](#)

A gay Syrian man has been found decapitated after being kidnapped and raped in Istanbul, local media has reported. The victim, Wisam Sankari, a Syrian refugee in Istanbul, was so badly mutilated that his friends had to identify him by the trousers he was wearing.

According to various local news sources, Sankari left his home on 23 July and was found dead on 25 July. Another report names the date he was found dead as Sunday 31 July.

Found in Yenikapi, he had been stabbed multiple times and had been decapitated. He arrived in Istanbul a year ago as a refugee.

But all reports say he had previously been kidnapped and raped by a crowd of men, and that he had attempted to leave Turkey as his life was in danger there. Rayan, Diya and Gorkem, Sankari's friends, spoke to KaosGL.org after his murder to say they had complained to authorities but that no action was taken.... Sankari and his other friends had been threatened with knives several times, and that they had also been faced with threats of rape from male groups".<sup>1678</sup>

Gay Star News reported some weeks later the murder of Hande Kader:

The burned remains of a transgender woman have been found near the Zekeriyaköy, a district in Istanbul, reports LGBTI News Turkey.

Hande Kader worked as a sex worker. Her friends and lover, who identifies only as D, reported her missing about a week ago.

... This is the second known murder of a Turkish trans woman this year. In January, Hande Öncü, was found murdered in Vienna. She had left Turkey in an effort to escape transphobic discrimination.

... Transgender people face widespread discrimination in Turkey. Earlier this summer, local police used tear gas and rubber bullets to break up a Trans Pride march in Istanbul, while the annual LGBT Pride march was refused permission by authorities to take place.<sup>1679</sup>

Following the murder of Hande Kader, Radio Free Europe noted that "More than 200 people have taken part in a protest in central Istanbul calling for justice over the murder of a transgender woman and LGBT activist".<sup>1680</sup> Reporting on the same demonstration the German Federal Office for Migration and Refugees noted further that "Activists say that about 40 transgender persons have been murdered since 2008. Although homosexuality is legal, human rights groups say that time and again so-called hate crimes are committed against LGBT people".<sup>1681</sup>

Hurriyet Daily News also reported on the rally and campaign that ensued:

Turkey's cultural and political circles were finally mobilized against the brutal murder of Hande Kader, a transgender sex worker, on Aug. 17 with a social media campaign titled #speakoutforhandekader and a statement delivered in parliament.... The case, just the latest link in a chain of violence against homosexuals and transgender people, has become a cause for human right activists who say Turkey's police and justice system turn a blind eye to aggression against transgender prostitutes. A large rally is to take place in Tünel, in downtown Istanbul, on the evening of Aug. 21. [...]

A meeting in parliament between various activists and representatives of the CHP [Republican People's Party] and the Peoples' Democratic Party (HDP) was more precise about what needs to be done. A joint statement read out at parliament said LGBT groups should have more access to the justice system and firm punishments should be given to the aggressors. "So far, most aggressors charged with violence against transgender sex workers have been able to go scot free," said the statement. [...]

Kader is just the latest in a long list of cases of harassment, violence and murder against transsexuals in Turkey. According to findings of the Red Umbrella Sexual Health and Human Rights Association

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<sup>1678</sup> Pink News, [Gay Syrian man kidnapped, raped and decapitated in Istanbul, local media reports](#), 3 August 2016

<sup>1679</sup> Gay Star News, [Burned remains of missing transgender woman found in Turkey](#), 15 August 2016

<sup>1680</sup> Radio Free Europe/Radio Liberty, [Turkey: Murder of LGBT activist prompts protest in Istanbul](#), 22 August 2016

<sup>1681</sup> BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 22.08.2016](#), 22 August 2016

(Kırmızı Şemsiye), an NGO that advocates the legal, political and social rights of transsexual sex workers, at least 40 transsexuals have been killed in Turkey between 2008 and 2016. According to Red Umbrella, 267 cases of human rights violations against transgender people were reported between November 2014 and June 2016. Seven of these 267 cases resulted in murder.

Kemal Ördek, the founder and chair of Red Umbrella and the writer of a book called "Being Trans in Turkey," says these figures are likely too low. "There is widespread trans-phobia and what I call whore-phobia. The moment a transgender sex worker reports abuse, they are subject to abuse throughout the whole process - from the police to the justice system. This is a horrible situation, access to justice mechanisms is almost nonexistent," Ördek said in a telephone interview with the Hürriyet Daily News.<sup>1682</sup>

The murders have sparked fear amongst LGBT persons according to various sources. For example, a Turkish LGBT organization called KAOS GL interviewed friends of the late Wisam Sankari:

Diya [the victim's friend] says they live in fear and with the thought of "who is next" following Wisam's death and says they are afraid to go out on the street:

"I am so scared. I feel like everyone is staring at me on the street. I was kidnapped twice before. They let me go in Cerkezkoy and I barely got home one time. I went to the UN for my identification but they did not even respond to that. No one cares about us. They just talk. I get threats over the phone. I speak calmly so something does not happen. It does not matter if you are Syrian or Turkish, if you are gay you are everyone's target. They want sex from you and when you don't they just tag along. I don't have identification, who would protect me? Who is next?"<sup>1683</sup>

The Guardian reported that three flatmates of Wisam Sankari "fear they face a similar fate, after receiving death threats in the days since his murder [...] There have been people in the street and people on the phone, who said: 'He will get you next,' said one of Sankari's friends, a chef who, like his flatmates, asked to remain anonymous for safety reasons. 'There was also a voice message on Facebook'" <sup>1684</sup>.

France 24 reported at the end of August 2016 that following the attempted coup, LGBT rights are at greater risk:

After last month's failed coup in which the government instituted a state of emergency, the rights of minorities including gays, women and LGBT members have been whittled away.

While the Turkish capital has been a safe haven for many fleeing persecution and war in neighbouring Syria and Iraq, hate crimes against LGBT people have increased.

"Since the coup-attempt, a number of my transgender friends have called me and talked about how they were discriminated against because of their ID Cards and appearance," Deniz Çelebi said [the director of SPOD, a national LGBT organisation based in Istanbul].

Turkish lawyer and LGBT rights advocate Levent Pişkin said Erdogan's rampant purges have exacerbated the fears of minorities.

"Actually, LGBT people in Turkey have never had legal rights," said Pişkin.

"But we knew there were judicial mechanisms to support us. Nowadays, most people feel more vulnerable."

...Although homosexuality is not a crime in Turkey as it is in many other Muslim countries, homophobia remains widespread. Almost 80 percent of Turks believe homosexuality is "morally unacceptable" according to a 2013 study by the US think tank PEW Research Center.

Pişkin said Kader's death is symptomatic of a country shifting away from secularism.

"An Islamic tendency has gradually been getting stronger," said Pişkin.

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<sup>1682</sup> Hurriyet Daily News, [Murder of transgender woman shines dark light on rights issues in Turkey](#), 20 August 2016

<sup>1683</sup> KAOS GL, [Syrian gay refugee killed in Istanbul](#), 4 August 2016

<sup>1684</sup> The Guardian, [Flatmates of gay Syrian refugee beheaded in Turkey fear they will be next](#), 7 August 2016

“The government has preferred war over strengthening our democracy. Therefore, our democratic rights and one’s right to life hang by a thread.”<sup>1685</sup>

LGBT News in Turkey reported at the end of September 2016 that since the state of emergency an association providing social support to trans people group has been targeted:

The property owner of Istanbul LGBTI Solidarity Association’s office on Beyoğlu’s Öğüt Street has asked the organization to vacate on the grounds that they do not condone their activities....

...Kivilcim Arat, association board member, said that they would not leave their flat, which they had newly renovated. Arat said the following:

“I link this situation [relates] to recent events. We have been using the same office since the day we were founded. Since the state of emergency [declared after the July 15 failed coup attempt] institutions doing alternative projects have been experiencing pressure. There is an attempt to remove us from the place [where] we have not experienced any problems in for seven years, with conservatism being used as an excuse”.<sup>1686</sup>

KAOS GL, a Turkish LGBT organization, reported on 17 October 2016 that:

*Transphobia in Turkey which is now relying on a legal ground, the current State of Emergency (OHAL), shows its effects on the streets of Ankara. Kaos GL asked Hande İmbat from Pink Life: how does the current situation of Turkey affect trans sex workers who have already been trying to survive in an undeclared state of emergency before the legal one?” ...*

*“the State of Emergency partially gave them right of masculinity and to protect the honor of the country. It is actually the legalization of violence. For example when a trans person is attacked in public, people think that s/he is a sex worker; therefore, people are afraid of that and they do not want to involve in”.*<sup>1687</sup>

According to KAOS GL, on 17 December 2016, “Syrian refugee transgender woman Werde was stabbed by knife in her house in Cihangir by a man pretending as a customer. After the crime, police could not identify the murderer from the security footage. Werde's friends went to the Forensic Medicine Institute on Sunday, December 18th, but they were not allowed to take the funeral. Her friends said that Werde's body has become unrecognizable”.<sup>1688</sup>

KAOS GL noted that “Uğur Büber, a student at Balıkesir University Turkish Language and Literature Department at southern Marmara region, an LGBTI activist and a witnesses of the October 10th massacre [Maraş massacre of more than one hundred Alevi civilians in the city of Kahramanmaraş] was taken into custody after his final exam on December 27, 2016, then sent to Kepsut L Type Prison for trial. During the interrogation, he was asked about his comments, analysis and critics on political agenda he shared with his friends on his personal Facebook account”.<sup>1689</sup>

KAOS GL reported on what they described as a LGBTI hate crime on 3 January 2017:

Famous fashion designer Barbaros Şansal was deported from Northern Cyprus because of a post on social media. Şansal, having been sent back to Turkey, was subjected to a lynch attempt at the İstanbul Atatürk Airport. Şansal was exposed to verbal harassment by a group of men while being taken off the plane by cops. The attackers, who swore [sic] at Şansal in a sexist tone, later surrounded Şansal and beaten him. The police took Şansal into custody. Attorney Efan Bolaç

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<sup>1685</sup> France 24, [Turkey transgender activist's death highlights rise in hate crimes](#), 19 August 2016

<sup>1686</sup> LGBT News in Turkey, [“Conservatism” Eviction for Istanbul LGBTI Office](#), 29 September 2016

<sup>1687</sup> KAOS GL, [Effects of attacks on the trans sex workers in Ankara](#), 17 October 2016

<sup>1688</sup> KAOS GL, [Refugee transgender woman was killed in Istanbul](#), 22 December 2016

<sup>1689</sup> KAOS GL, [LGBTI activist arrested due to social media activities!](#) 2 January 2017

announced via social media that Şansal had given testimony in the Police Station and that he will be taken to the prosecutor's office later today [sic].<sup>1690</sup>

### Post-attempted coup situation: 7<sup>th</sup> January - 11<sup>th</sup> September 2017

In its 2017 annual report on global prison trends, Penal Reform International noted that:

In some jurisdictions, there have been controversial moves to establish entirely separate prisons for LGBTI prisoners, including in Thailand and Turkey. In the latter, the Justice Minister announced plans to contract an LGBT-only prison in Izmir following a ruling from the European Court of Human Rights in 2012 that solitary confinement of a homosexual prisoner on the grounds of protection had violated the prohibition of torture and ill-treatment, and constituted discriminatory treatment. However, while the planned facility is justified as a safety measure, human rights advocates have argued that such segregation can lead to further discrimination.<sup>1691</sup>

On 16 January 2017 KAOS GL reported that "In Ankara two men and one woman attacked a trans sex worker with a pump rifle, then forced the wounded trans woman to a house. They then dropped her off at a hospital following a taxi driver's insistence".<sup>1692</sup>

In March 2017, KAOS GL reported on how the state of emergency was affecting Turkey's LGBTI community. It cited Ayşe Panuş- Eğitim-Sen (Education and Science Workers' Union) Istanbul No: 3 Branch LGBTI Commission as stating:

The coup attempt of July 15, 2016 resurrected existing homophobia and transphobia against LGBTI public servants. Just as it was before the coup attempt, unionized LGBTI workers found themselves in an environment of nationalist, religious, conservative and militarist violence.

Even though the LGBTI movement continues its organized resistance through this period, the present climate resulted in the closure of the cracks that were opened in the workplaces and unions. The threats against and the targeting of LGBTI public servants via the press, were ignored by the unions and the answer of the union administrators to questions asked was "We have no LGBTI." The union, heavily influenced by the conservative aspect of nationalist, conservative and militarist violence has abandoned LGBTI public servants both politically and with regards to social rights. Such institutional abandonment led the LGBTI public workers to a greater anxiety, as they were already forced to work hiding their identity.

After the declaration of the state of emergency, nationalist, conservative, militarist and male violence has escalated. Since government practices were eager for this drift, the expulsions and suspensions through government decrees resulted in the silencing of LGBTI public workers who have already been ignored politically within the union.<sup>1693</sup>

The same report cited Yalçın Koçak- Lawyer for Pink Life Association as stating:

Without a doubt, the "state of emergency" practice which has been going on since July 20, 2016 has had a negative impact on LGBTIs, as it did on many other sectors of the society. It should be stated that in such periods when security-based "unlawfulness" substitutes "the law," the victimization of the disadvantaged, socially marginalized and othered groups increases.

The "security concept" put in place with the state of emergency is causing great difficulties especially for trans sex workers. As the streets they work are under police blockade, their houses are getting closed. Many of the avenues where trans sex workers work were raided by the police under the guise

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<sup>1690</sup> KAOS GL, [Kaos GL: Lynch attempt against Barbaros Şansal is a hate crime!](#) 3 January 2017

<sup>1691</sup> Penal Reform International, [Global Prison Trends 2017](#), 2017 *Lesbian, gay, bisexual, transgender and intersex (LGBTI) prisoners p.21*

<sup>1692</sup> LGBTI News Turkey, [THEY INJURED A TRANS WOMAN WITH A PUMP RIFLE AND FORCED HER HOME!](#) 16 January 2017

<sup>1693</sup> LGBTI News Turkey, [KAOSGL: HOW DOES THE STATE OF EMERGENCY AFFECT TURKEY'S LGBTIS?](#) 22 March 2017

of “routine check.” Their work was not allowed. They were exposed to physical assault and insults. The only explanation the law enforcers gave was “We are under state of emergency, it shall be as we want.”

This “security concept” is making the streets less secure in general. The guarantee of impunity encourages transphobic, biphobic, homophobic people and gangs to assault. One can say that phobic assaults have increased all around the country during the state of emergency, that the assailants make use of the terrorized environment and build their defense on “state of emergency, national will, the unity of the state, honour etc.”<sup>1694</sup>

According to Yıldız Tar- Editor of KaosGL.org online newspaper:

[...] every day we receive news of rights violations on KaosGL.org. Trans sex workers in Izmir Alsancak were practically imprisoned in their homes due to police pressure. Violence by police has increased in the streets. Trans women across the country are trying to live in the throes of violence and survive the state of emergency.<sup>1695</sup>

Lastly, according to KeSKeSoR Amed LGBTI initiative:

As KeSKeSoR, we can no longer use many of the institutional spaces we once did. Due to bans on meetings and demonstrations in public spaces, the conditions for us to meet are eradicated. Despite our democratic struggle and due to the fact that events are seen as criminal, we can only hold events in commercial places to a limited social environment.<sup>1696</sup>

In March 2017 KAOS GL reported that Istanbul LGBTI Association Board Member and trans activist Kivilcim Arat was taken into custody at Istanbul Atatürk Airport on her way to a women’s rights conference in Germany. Reportedly, “During the detainment, she suffered from maltreatment. Police tried to put her to men’s section at custodial prison. She refused and after discussion she was lockdown alone”.<sup>1697</sup>

KAOS GL reported in April 2017 of the arrest of five LGBTI activists who were involved in campaigning for the “No” campaign against the proposed constitutional change that was voted upon on 16 April 2017 or for protesting its result.<sup>1698</sup> For further information on the treatment of persons campaigning for a “No” vote in the Referendum and “No” voters, see section [5.a Treatment of political opponents, i.Treatment of “No” campaigners](#).

In June 2017 KAOS GL reported that “A Victoria’s Secret branch at Istanbul Zorlu Center prevented a trans customer from shopping, claiming ‘customers are uncomfortable’.”<sup>1699</sup>

The June 2017 report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey found with regards to the LGBTI community that:

The Communication Technologies Authority has blocked access to five of the most commonly used lesbian, gay, bisexual, transgender and intersex websites by applying article 8 of Law No. 5651. [...]

The lack of legal and policy protections for lesbian, gay, bisexual, transgender and intersex individuals exacerbates a generally threatening environment for expression related to sexual orientation and

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<sup>1694</sup> LGBTI News Turkey, [KAOSGL: HOW DOES THE STATE OF EMERGENCY AFFECT TURKEY’S LGBTIS?](#) 22 March 2017

<sup>1695</sup> LGBTI News Turkey, [KAOSGL: HOW DOES THE STATE OF EMERGENCY AFFECT TURKEY’S LGBTIS?](#) 22 March 2017

<sup>1696</sup> LGBTI News Turkey, [KAOSGL: HOW DOES THE STATE OF EMERGENCY AFFECT TURKEY’S LGBTIS?](#) 22 March 2017

<sup>1697</sup> KAOS GL, [Kivilcim Arat is released from custody](#), 18 March 2017

<sup>1698</sup> KAOS GL, [5 LGBTI activists arrested for different reasons in April](#), 26 April 2017

<sup>1699</sup> LGBTI News Turkey, [KAOSGL: TRANSPHOBIA AT VICTORIA’S SECRET’S ISTANBUL ZORLU CENTER BRANCH](#), 30 June 2017



gender identity. The Internet and digital security tools provide an important source of protection for such people in Turkey and the compromising of digital platforms adds to their vulnerability. Lesbian, gay, bisexual, transgender and intersex people have a pervasive fear of being targeted by the Government, a result of bans on their groups, targeting by pro-government media, lack of protection for lawyers and advocates, restrictions on their ability to hold marches or otherwise express their views and blocks on social media applications which are friendly to their situation.<sup>1700</sup>

ILGA reported that in June 2017 the Istanbul Governor's Office issued a ban on Istanbul Pride for the third year in a row.<sup>1701</sup> The Governor's Office stated that it would be banned for the "security of participants and tourists" and "public order".<sup>1702</sup> Amnesty International described that permission for the Pride March had been denied on "spurious grounds" and that considered that "the repeated blocking of the Pride March in recent years is yet another example of the authorities' intolerance of dissent and difference, the deterioration of the human rights situation in Turkey in general, and the authorities' failure to uphold LGBTI rights".<sup>1703</sup>

KAOS GL noted than in advance of the Pride March, "The Alperen Hearths, an ultranationalist and Islamist youth organization has threatened the LGBTI+ Pride March".<sup>1704</sup> Speaking on a minor TV channel, KRT TV, the organization's Istanbul provincial head, Kürşat Mican stated "If the state allows it, we will not. We will not allow them to walk. Wherever they march, we'll also go. We will close down that street and they will not be able to go there. If we want, our numbers can reach 200,000".<sup>1705</sup> In May 2017 the first hearing of a trial against Kürşat Mican for the crime of "incitement of animosity and hostility or contempt" was held in which he did not turn up. The next hearing will take place on 5 October 2017.<sup>1706</sup>

Pink News reported that "It is believed that a number of lawyers working in conjunction with the organisers of the march were temporarily detained. On Facebook, they wrote that one of the lawyers had been 'subjected to bad treatment' in a police vehicle"<sup>1707</sup> ILGA noted that "Turkish police have used tear gas and fired rubber bullets to disperse people trying to gather together and march".<sup>1708</sup> Amnesty International described:

[...] a huge police operation including hundreds of plain clothes and riot police officers, water cannon trucks and a helicopter, effectively sealed off the area where the march was due to take place. Police officers also blocked side streets and refused entry to persons they viewed as potential marchers. While the policing operation prevented people wishing to march from assembling as a single group, police used unnecessary and abusive force, including dogs, tear gas and pellet projectiles against small groups of people attempting to celebrate the Pride. Amnesty International observers also witnessed police arbitrarily detaining people, apparently at random, from the assembled groups. Lawyers told Amnesty International that 26 people, including two children and at least one journalist covering the Pride were detained before being released. According to reports, around 15 counter protestors were also briefly detained by the police.<sup>1709</sup>

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<sup>1700</sup> UN Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey\\*](#), 21 June 2017, paragraphs 49, 65

<sup>1701</sup> ILGA, [LGBulleTin #71 – The week in LGBTI news \(January 6-12, 2017\)](#), 25 June 2017

<sup>1702</sup> Radio Free Europe/Radio Liberty, [Turkey Bans Gay Pride March For 'Security Reason'](#), 24 June 2017

<sup>1703</sup> Amnesty International, [Turkey, Blocking of Istanbul Pride March the latest blow to right to freedom of expression and peaceful assembly](#), 27 June 2017

<sup>1704</sup> KAOS GL, [Ultrnationalist group threatens Istanbul Pride](#), 20 June 2017

<sup>1705</sup> KAOS GL, [Ultrnationalist group threatens Istanbul Pride](#), 20 June 2017

<sup>1706</sup> LGBTI News Turkey, [BIANET: THE DEFENDANT WHO THREATENED LGBTIS AND HIS LAWYER DO NOT SHOW UP IN COURT](#), 18 May 2017

<sup>1707</sup> Pink News, [Turkish police use rubber bullets and dogs to break up banned Istanbul Pride](#), 25 June 2017

<sup>1708</sup> ILGA, [LGBulleTin #71 – The week in LGBTI news \(January 6-12, 2017\)](#), 25 June 2017

<sup>1709</sup> Amnesty International, [Turkey, Blocking of Istanbul Pride March the latest blow to right to freedom of expression and peaceful assembly](#), 27 June 2017

Hurriyet Daily News put the figure of detained persons at the Pride March at 44.<sup>1710</sup> According to KAOS GL “During the March, some of the detainees stated that in the police car they made them listen Quran forcefully. Most of the detainees were battered and police used rear-handcuffing as a torture method. Four lawyers who were giving legal support to Pride Week were also taken in to custody. Then after one hour they were released. Nationalist and Islamist groups attacking the event were walking around Taksim all day long. Some of those attackers were also taken into custody, but according to some witnesses police were approaching them very friendly during the custody.”<sup>1711</sup>

On 2 July 2017, according to KAOS GL anti-transphobia activists took part in a Trans Pride Walk during which 7 participants were taken into custody, although police did not give the reasons for the arrests.<sup>1712</sup>

KAOS GL, reporting in September 2017, noted that according to the public prosecutor’s indictment, Pride March participants who were identified by camera records were to be prosecuted on the grounds of “opposition to the Law No.2911 on Meetings and Demonstrations”.<sup>1713</sup>

In July 2017 KAOS GL noted that in the Thracian region of Turkey, Tekirdağ Çorlu a transgender sex worker was attacked with a knife by a customer.<sup>1714</sup>

On 17 August 2017 Bianet reported that according to the organisation Keskesor LGBTI, LGBTI activist Diren Coşkun who was arrested during an ID check at the Diyarbakır Courthouse when she went to get a password for E-devlet (E-state) “has been sent to Diyarbakır Type D Close Prison by the prison administration that ignores Coşkun’s gender identity”.<sup>1715</sup>

In August 2017 Al Monitor reported that ““It has been a year since the death of transgender sex worker Hande Kader and not a single suspect has been found and brought before the law,” reads a petition on Change.org, one of Turkey’s most widely used protest websites. The petition is the latest in a year-long campaign launched by transgender activist Deniz Sapka, who has been trying to keep up the pressure to bring Kader’s killers to justice. The tone of this last petition reflects the frustration of Turkey’s lesbian, gay, bisexual, transgender and intersex (LGBTI) community with the justice system regarding the death of 22-year-old Kader, who was burned, mutilated and killed a year ago after she was seen getting in a car with one or more clients in downtown Istanbul. Her body was found 10 days later”.<sup>1716</sup>

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<sup>1710</sup> Hurriyet Daily News, [Police detain 44 people at Istanbul’s banned LGBT Pride march](#), 25 June 2017

<sup>1711</sup> KAOS GL, [Indictment for Istanbul LGBTI+ Pride detentions was filed](#), 7 September 2017

<sup>1712</sup> LGBTI News Turkey, [KAOSGL: TRANS PRIDE TOOK PLACE IN HARBIYE IN SPITE OF BAN](#), 2 July 2017

<sup>1713</sup> KAOS GL, [Indictment for Istanbul LGBTI+ Pride detentions was filed](#), 7 September 2017

<sup>1714</sup> KAOS GL, [Trans woman was stabbed](#), 18 July 2017

<sup>1715</sup> Bianet, [LGBTI Activist Coşkun Detained on Remand Stays in Solitary Cell](#), 11 September 2017

<sup>1716</sup> Al Monitor, [No justice for trans Turkish woman murdered last year](#), 18 August 2017