



Home Office

# **Country Policy and Information Note**

## **Turkey: Kurdistan Workers' Party (PKK)**

**Version 3.0**

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# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis of COI; and (2) COI. These are explained in more detail below.

## Analysis

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

### **Independent Advisory Group on Country Information**

Independent Chief Inspector of Borders and Immigration

5th Floor

Globe House

89 Eccleston Square

London, SW1V 1PN

Email: [chiefinspector@icinspector.gsi.gov.uk](mailto:chiefinspector@icinspector.gsi.gov.uk)

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Analysis

Updated: 6 August 2018

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state because of the person's actual or perceived membership of, or association with, the Partiya Karkerên Kurdistanê (Kurdistan Workers' Party) (PKK) and/or its affiliates.

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### 1.2 Points to note

- 1.2.1 For the purposes of the analysis in this note, the PKK includes its various affiliated groups unless otherwise stated (see [Partiya Karkerên Kurdistanê \(PKK\) and affiliates](#) in the country information section). The affiliated groups include:

- Koma Civakên Kurdistan (KCK) (Kurdistan Communities Union)
- Halkların Birleşik Devrim Hareketi (HBDH) (People's United Revolutionary Movement)
- Yekîneyên Parastina Sivîl (YPS) (Civil Defence Units)/Yurtsever Devrimci Gençlik Hareket (YDG-H) (Patriotic Revolutionary Youth Movement)
- Teyrebazen Azadiya Kurdistan (TAK) (Kurdistan Freedom Falcons)

- 1.2.2 For claims based on involvement with Kurdish political parties, see the Country Policy and Information Note on [Turkey: Kurdish political parties](#).

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## 2. Consideration of issues

### 2.1 Refugee Convention reason

- 2.1.1 Actual or imputed political opinion.
- 2.1.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

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### 2.2 Exclusion

- 2.2.1 The PKK and its affiliated groups have been responsible for serious human rights abuses. The PKK is banned in Turkey and designated as a terrorist organisation. It has been proscribed in the UK since March 2001 under the Terrorism Act 2000. It is also on the European Union list of terrorist organisations (see [Partiya Karkerên Kurdistanê \(PKK\) and affiliates](#) and [Conflict with the PKK](#)).

- 2.2.2 If the person has been involved with the group, decision makers must

consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), and the instruction on [Restricted Leave](#).

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## 2.3 Credibility

- 2.3.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

- 2.3.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

- 2.3.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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## 2.4 Assessment of risk

### a. Members or sympathisers of the PKK and its affiliates

- 2.4.1 In July 2015, a ceasefire between the government and the PKK collapsed, resulting in an escalation of violence by the PKK and PKK-affiliated groups, primarily in south-east Turkey. In response, the government began counter-terrorism operations using armoured vehicles, heavy artillery and bombing in 2015. Violence reached a peak in mid-2016, when fighting took place in urban areas of the south east for the first time. Levels of violence have abated since then and fighting has returned to rural areas of the south east, the border areas with Syria, and in Syria itself (see [Conflict with the PKK](#)).

- 2.4.2 It was reported that 2,981 people died in the two years following the end of the ceasefire of July 2015. Nearly half were PKK militants (1,378), followed by state security force members (976) and civilians (408). The Government, however, claimed to have killed 11,000 PKK militants during this time period. Between January and June 2018, 2,300 members of both the Turkish and Kurdish armed forces, and other factions, were killed in Turkish military operations in Afrin (see [July 2015 onwards: casualties](#)).

- 2.4.3 Turkish law has a broad definition of terrorism and does not distinguish between those who incite violence, those who are alleged to support violence but have not used it themselves, and those who reject violence but sympathise with the goals of a particular movement. It has been reported that the Government has used counter-terrorism laws, plus emergency powers brought in following the coup attempt of July 2016, to target its opponents, including the PKK. The two-year state of emergency was brought to an end on 18 July 2018, but at the time of writing it is unclear what the impact of this will be. A new draft anti-terrorism law grants local governors authority to limit access for specific people to parts of their province if they suspect the person will disrupt public order, it also allows authorities to press ahead with mass dismissals of civil servants and hold suspects in custody

for up to 12 days, and it broadens the scope to ban demonstrations. At the time of writing, it is too early to know the impact that such a law could have (see [Anti-terror legislation](#), [Use of anti-terrorism legislation](#) and [The political climate](#)).

- 2.4.4 In June 2016, the Turkish military was granted immunity from prosecution when conducting counter-terrorism operations ([Immunity from prosecution](#)).
- 2.4.5 By the end of 2017 the Government had removed 106 elected mayors from their posts and replaced them with state-appointed trustees under emergency powers; the majority were removed, arrested or detained for alleged links with the PKK. Following the coup attempt of July 2016, about 10,000 to 12,000 teachers were suspended in the south east of the country, reportedly due to suspicions that they had links with the PKK. Teachers received two-thirds of their salaries while investigations were carried out, and an emergency decree provided for the reinstatement of those cleared of charges. It has not been possible to find information about the percentage of teachers who were reinstated (see [Removal of mayors](#) and [Suspension and reinstatement of teachers](#)).
- 2.4.6 The Ministry of Justice reported that, as of 15 July 2017, 55,665 people had been arrested on terrorism grounds following the coup attempt and some of these were alleged to sympathise with the PKK, although it is not clear exactly how many as sources frequently do not differentiate between Gulenists and PKK members when reporting on the impact of the failed coup attempt. It is reported that due process was not always followed, with evidence of allegations lacking and the use of anonymous witnesses. Lawyers were reluctant to take on cases of those accused of links with the PKK due to fear of Government reprisals and intimidation. Following the coup attempt, more than 4,000 judges and prosecutors were removed and replaced with judges sympathetic to the Government. There is little reporting of trials and convictions of persons suspected of involvement with the PKK (see [Numbers of arrests and detentions](#) and [Right to fair trial](#). For further information about the coup attempt and subsequent arrests and detentions, see the Country Policy and Information Note on [Turkey: Gülenism](#)).
- 2.4.7 It was reported that pre-trial detention was used extensively, leading to suspects being held in detention for long periods of time. Under emergency rules, suspects can be held for up to 14 days without judicial review or up to 24 hours without access to a lawyer, although the authorities did not always adhere to these limits. It is not clear at the time of writing how this may change now that the state of emergency has ended. Those detained on charges of terrorism are at increased risk of torture, with some reportedly subjected to abuses including long spells of solitary confinement, severe limitations on outdoor exercise and insufficient medical care. There were also allegations that visitors to those imprisoned accused of terrorism were subject to abuses. There were claims of extrajudicial disappearances and torture of political detainees (see [Conditions in detention](#)).
- 2.4.8 In the Turkey Country Guidance case of [IA and others \(Risk-Guidelines-Separatist\) \[2003\] UKIAT 00034](#), the Tribunal gave consideration of the potential risk to a person on return to Turkey and found that, 'The following are the factors which inexhaustively we consider to be material in giving rise



to potential suspicion in the minds of the authorities concerning a particular claimant.

a) The level if [sic] any of the appellant's known or suspected involvement with a separatist organisation. Together with this must be assessed the basis upon which it is contended that the authorities knew of or might suspect such involvement.

b) Whether the appellant has ever been arrested or detained and if so in what circumstances. In this context it may be relevant to note how long ago such arrests or detentions took place, if it is the case that there appears to be no causal connection between them and the claimant's departure from Turkey, but otherwise it may be a factor of no particular significance.

c) Whether the circumstances of the appellant's past arrest(s) and detention(s) (if any) indicate that the authorities did in fact view him or her as a suspected separatist.

d) Whether the appellant was charged or placed on reporting conditions or now faces charges.

e) The degree of ill treatment to which the appellant was subjected in the past.

f) Whether the appellant has family connections with a separatist organisation such as KADEK or HADEP or DEHAP [these were Kurdish political organisations which no longer exist with these names].

g) How long a period elapsed between the appellant's last arrest and detention and his or her departure from Turkey. In this regard it may of course be relevant to consider the evidence if [sic] any concerning what the appellant was in fact doing between the time of the last arrest and detention and departure from Turkey. It is a factor that is only likely to be of any particular relevance if there is a reasonably lengthy period between the two events without any ongoing problems being experienced on the part of the appellant from the authorities.

h) Whether in the period after the appellant's last arrest there is any evidence that he or she was kept under surveillance or monitored by the authorities.

i) Kurdish ethnicity.

j) Alevi faith.

k) Lack of a current up-to-date Turkish passport.

l) Whether there is any evidence that the authorities have been pursuing or otherwise expressing an interest in the appellant since he or she left Turkey.

m) Whether the appellant became an informer or was asked to become one.

n) Actual perceived political activities abroad in connection with a separatist organisation.

o) If the returnee is a military draft evader there will be some logical impact on his profile to those assessing him on his immediate return. Following Sepet of course this alone is not a basis for a refugee or human rights claim.

'We cannot emphasise too strongly the importance of avoiding treating these factors as some kind of checklist. Assessment of the claim must be in the round bearing in mind the matters set out above as a consequence of a careful scrutiny and assessment of the evidence. The central issue as always is the question of the real risk on return of ill treatment amounting to persecution or breach of a person's Article 3 rights. The existing political and human rights context overall is also a matter of significance [...]' (paragraphs 46-7).

- 2.4.9 The Turkish government has a legitimate right to act against terrorism – including acts committed by the PKK and its affiliates – and to use all lawful and proportionate means to do so. This includes seeking to prosecute those who belong to, or profess to belong to, or invite support for, the organisation.
- 2.4.10 Those fleeing prosecution or punishment for a criminal offence are not normally refugees. However, prosecution may amount to persecution if it involves victimisation in its application by the authorities; for example, if it is the vehicle or excuse for persecution of a person or if only certain groups are prosecuted for a particular offence and the consequences of that discrimination are sufficiently severe. Punishment which is cruel, inhuman or degrading (including punishment which is out of all proportion to the offence committed) may also amount to persecution.
- 2.4.11 In order for the person to qualify on the basis of a breach of Article 6 of the European Convention on Human Rights (right to a fair trial), they need to demonstrate a real risk of a flagrant violation of that right. Decision makers should consider whether a person has demonstrated that the alleged treatment in the country of return would be so serious as to amount to a flagrant violation or a flagrant denial of the protected right. For further information, see the [Asylum Instruction on Considering human rights claims](#).
- 2.4.12 In general, members of, and those associated with, the PKK and its affiliates are likely to face prosecution, rather than persecution, on return to Turkey on the grounds of membership of, or support for, an armed terrorist organisation, but each case must be considered with regard to its individual circumstances and it is up to a person to show that they would not be subject to due process on return.

#### b. Relatives of members or sympathisers of the PKK and its affiliates

- 2.4.13 Following the coup attempt of July 2016, there has been evidence of friends and relatives of suspected terrorists being subjected to punishment; for example, there have been instances of the wives of men suspected of terrorist involvement being imprisoned (see [Relatives of suspected PKK members or supporters](#)).
- 2.4.14 It is likely that relatives of known members or supporters of the PKK and its affiliates would face questioning by the Turkish authorities, possibly some police harassment or discrimination, and in some cases, detention. However, the available evidence does not indicate that family members or friends are targeted in general, or that the treatment is in general sufficiently serious by its nature or repetition that it will reach the high threshold of being persecutory or otherwise inhuman or degrading.

2.4.15 However, each case must be considered on its individual facts. The onus is on the person to show that on the particular facts of their case, they are at real risk of serious harm and that this amounts to persecution on the basis of their actual or imputed political beliefs.

2.4.16 For further guidance on assessment of risk and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

2.5.1 As the person's fear is of persecution or serious harm by the state they would not be able to avail themselves of the protection of the authorities.

2.5.2 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

2.6.1 As the person's fear is of persecution or serious harm by the state they will not be able to internally relocate to escape that risk.

2.6.2 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Updated: 25 June 2018

## 3. Partiya Karkerên Kurdistanê (PKK) and affiliates

### 3.1 Partiya Karkerên Kurdistanê (Kurdistan Workers' Party)

3.1.1 International Crisis Group (ICG) noted that the PKK is listed as a terrorist organisation by Turkey, the U.S. and the EU<sup>1</sup>. The UK proscribed the PKK in March 2001; the Home Office publication of proscribed terrorist organisations includes information about what proscription involves.<sup>2</sup>

3.1.2 The European Asylum Support Office 'Country Focus' report on Turkey, dated November 2016 (EASO 'Country Focus' report 2016), quoting various sources, stated:

'The PKK has been responsible for numerous serious human rights abuses. [...] Founded by Abdullah Öcalan in 1978 as a Marxist-Leninist separatist organisation, the Kurdistan Workers' Party (Partiya Karkerên Kurdistanê, PKK), primarily composed of Turkish Kurds, launched an armed struggle against the Turkish Government in 1984 in order to create a Kurdish state on Turkish territory. In the 1990s, the PKK changed its goal into gaining autonomy for Kurds. Since the start of the conflict in 1984, over 40 000 people were killed. The PKK leader, Abdullah Öcalan, has been imprisoned since 1999.

'The PKK, with other political and armed groups, belongs to a Kurdish umbrella organisation, the Kurdistan Communities Union (Koma Civakên Kurdistan – KCK). [...]

'The PKK's original goal was to establish an independent Kurdish state in south-eastern Turkey, but in recent years it has spoken more often about autonomy within a Turkish state that guarantees Kurdish cultural and linguistic rights.'<sup>3</sup>

3.1.3 According to Jane's Sentinel Security Assessment:

'The PKK was renamed the Kurdistan Freedom and Democracy Congress (Kongra Azadî û Demokrasiya Kurdistan: KADEK) in April 2002, after claiming it had accomplished its mission. KADEK announced its dissolution in October 2003 and was re-established as the Kurdistan People's Congress (Kongra Gelê Kurdistan: KONGRA-GEL). The armed wing of KADEK - the People's Defence Force (Hezen Parastina Gel: HPG) - remained active. In early 2004, KONGRA-GEL split, with militants taking control of the organisation while others broke away to form a new political party. In April 2005, the group was restructured and resumed calling itself the PKK, or the "new" PKK.

'Originally established as a Marxist-Leninist group, seeking to promote a communist revolution in Turkey, the PKK subsequently embraced Kurdish nationalism and the goal of creating an independent Kurdish state. In

<sup>1</sup> ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

<sup>2</sup> GOV.UK, 'Proscribed Terrorist Organisations,' page 15, 22 December 2017, [URL](#)

<sup>3</sup> EASO, 'Country Focus' Report 2016, section 4.2.1, November 2016, [URL](#)

February 2005, the organisation redefined its theoretical objectives and announced that it was fighting to establish the Group of Communities in Kurdistan (Koma Civakên Kurdistan: KCK), a supra-national pyramidal structure of representative committees and assemblies co-ordinated under a People's Congress (KONGRA-GEL). In practice, the PKK's immediate objectives are greater cultural and political rights for Turkey's Kurdish minority, including the amendment of the Turkish constitution to include an explicit recognition of a Kurdish identity, a comprehensive amnesty for PKK militants, the participation of the PKK leadership in active politics in Turkey, and an amelioration of the prison conditions for the PKK leader Abdullah Öcalan leading eventually to his release. Following the initiation of the peace process in March 2013, the PKK adopted a strategy of shifting its effort from remote mountainous areas to urban centres in the country's southeast. This strategy has been carried out primarily by the front organisation of the Patriotic Revolutionary Youth Movement (Yurtsever Devrimci Gençlik Hareketi: YDG-H).<sup>4</sup>

3.1.4 Jane's Sentinel Security Assessment further stated:

'[D]ay-to-day leadership of the PKK, [...] is handled by senior commanders based in the group's headquarters in the Qandil Mountains in northern Iraq, including Murat Karayilan and Cemil Bayik, both of whom are veteran field commanders and members of the Kurdish Communities Union (Koma Civakên Kurdistan: KCK) Executive Committee. Other PKK commanders believed by the authorities to be influential within the group include Fehman Huseyin, Nurettin Halef al-Muhammad (the current head of the PKK's armed wing, who is also known as "Sofi Nurettin"), Sabri Ok, Bahoz Erdal, and Duran Kalkan.'<sup>5</sup>

3.1.5 Yasin Duman, an independent researcher who reviewed this CPIN (dated August 2017, version 2) in April 2018 on behalf of the Independent Advisory Group on Country Information (IAGCI), stated, '1. Fehman Huseyin and Bahoz Erdal are the same person, as Bahoz Erdal is the nom de guerre of Fehman Huseyin. 2. Nurettin Halef al-Muhammad's nom de guerre is Nurettin Sofi, not Sofi Nurettin.'<sup>6</sup>

3.1.6 An undated paper written by Joost Jongerden (Wageningen University, Netherlands) and Ahmet Hamdi Akkaya (Ghent University, Belgium) stated:

'[...] although the PKK is widely known for its strategic employment of violence, it would be wrong to characterize it only as a military organization. Especially since the 1990s, it has evolved into a transnational political and social movement [...], and during this period it has proven itself capable of simultaneous engagement in armed struggle and popular political mobilization, including by taking part in elections and controlling local governments. Today the PKK as a party complex is the only Kurdish force that is politically, militarily, and socially active in all parts of Kurdistan (controlled by Turkey, Syria, Iraq, and Iran) as well as in the diaspora.'<sup>7</sup>

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<sup>4</sup> Jane's Sentinel, 'Turkey: Non-State Armed Groups,' 3 February 2017, subscription source.

<sup>5</sup> Jane's Sentinel, 'Turkey: Non-State Armed Groups,' 3 February 2017, subscription source.

<sup>6</sup> IAGCI review, Turkey, August 2017, Yasin Duman, April 2018

<sup>7</sup> Academia.edu, 'Kurds and the PKK,' undated, [URL](#)

### 3.2 Koma Civakên Kurdistan (KCK) (Kurdistan Communities Union)

#### 3.2.1 A March 2018 article on the Global Rights website included:

‘The Kurdistan Communities Union or KCK (Kurdish: Koma Civakên Kurdistan), formerly named Koma Komalên Kurdistan (KKK) (the Peoples’ Confederation of Kurdistan), the “umbrella organization of the Kurdish freedom movement” (ANF) – is a Kurdish political organization committed to implementing Abdullah Öcalan’s ideology of Democratic Confederalism; “it also serves as an umbrella group for all the Apoist political parties of Greater Kurdistan, including the PKK (Kurdistan Workers’ Party), PYD (Democratic Union Party), PJAK (Kurdistan Free Life Party), and PÇDK (Kurdistan Democratic Solution Party).”<sup>8</sup>

#### 3.2.2 The EASO ‘Country Focus’ report 2016 stated that ‘KCK is considered the political branch of the Kurdish movement which claims autonomy for the Kurds. It has five subdivisions: the ideological, the social, the political, the military and the women’s division.’<sup>9</sup>

#### 3.2.3 Further information about the KCK is available at [Kurdish Issue](#).<sup>10</sup>

### 3.3 Halkların Birleşik Devrim Hareketi (HBDH) (People’s United Revolutionary Movement)

#### 3.3.1 Quoting various sources, the EASO ‘Country Focus’ report 2016 stated:

‘On 12 March 2016, a PKK-led umbrella organisation, the People’s United Revolutionary Movement (Halkların Birleşik Devrim Hareketi / HBDH), comprising nine illegal leftist and proKurdish extremist groups was established, led by senior PKK leader Duran Kalkan. The HBDH was created to represent extreme leftist militancy, opposing the Turkish state and the AKP. Its mission is “to unite and strengthen Turkey’s revolutionary forces and promote armed struggle against the Turkish government”. Its means are said to be propaganda and terrorist attacks through unified efforts of different groups. Its focus is on Turkey, but it could also participate in the fighting in Syria. The HBDH held its first meeting in February 2016 in Latakia, Syria.’<sup>11</sup>

### 3.4 Yekîneyên Parastina Sivîl (YPS) (Civil Defence Units)/Yurtsever Devrimci Gençlik Hareket (YDG-H) (Patriotic Revolutionary Youth Movement)

#### 3.4.1 Quoting various sources, the EASO ‘Country Focus’ report 2016 stated:

‘The PKK affiliate forces consist of the Civil Defense Units (YPS), the youth branch of PKK, formerly known as the Patriotic Revolutionary Youth Movement (Yurtsever Devrimci Gençlik Hareket /YDG-H). These forces, deployed by the PKK in the cities, consist of a small number of trained militants – including some who gained experience of urban warfare from

<sup>8</sup> Global Rights, Kurdish communities Union, 11 March 2018, [URL](#)

<sup>9</sup> EASO, ‘Country Focus’ Report 2016, section 4.2.1, November 2016, [URL](#)

<sup>10</sup> Kurdish Issue, ‘Backgrounder on the KCK,’ 29 November 2011, [URL](#)

<sup>11</sup> EASO, ‘Country Focus’ Report 2016, section 4.2.1, November 2016, [URL](#)



fighting against ISIS during the 2014-15 siege of Kobani – supplemented by a larger number of young, mostly relatively untrained, volunteers.

‘According to the mission conducted by EuroMed Rights and FIDH in January 2016, since the resurgence of the conflict (July 2015), “the strategy of the PKK and its affiliated forces, in particular the Patriotic Revolutionary Youth Movement (YDG-H, the youth branch of PKK), has been to occupy all or parts of cities and to ‘remove’ them from civil government rule by isolating them through trenches and barricades”. This strategy has had severe consequences for the population which has served as a de facto shield for Kurdish fighters.’<sup>12</sup>

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### 3.5 Teyrebazen Azadiya Kurdistan (TAK) (Kurdistan Freedom Falcons)

#### 3.5.1 Quoting various sources, the EASO ‘Country Focus’ report 2016 stated:

‘The Kurdistan Freedom Falcons (Teyrênbazê Azadiya Kurdistan, TAK) is a very secretive Kurdish separatist organisation [...].

‘TAK says that it was a part of PKK, but has left the group because it denounced the PKK’s methods as “too feeble”. According to other sources it is still part of PKK, as an urban warfare unit. According to ICG, “[f]ormed as a breakaway faction of the PKK in August 2004, the group is designated a terrorist organisation linked to the PKK by the Turkish state; the U.S. designated it as a separate terrorist organisation in 2008”.

‘Explaining the split from PKK on its website, banned in Turkey, the group declares the “methods of struggle” of the PKK and the Kurdistan People’s Congress “too feeble”.

‘The TAK’s goal is an independent Kurdish state in eastern and south-eastern Turkey. According to some Turkish security analysts, Bahoz Erdal is the TAK’s leader, although this is not verified.

‘The group started its public operations in 2005 when it exploded a bomb in a tourist location, in Kuşadası. From 2005 onwards TAK launched more deadly attacks.

‘Although acknowledging that little is known about TAK, the Jamestown Foundation indicated, in 2006, that there are important ideological differences between the PKK and the TAK. While the PKK has mainly attacked military and government targets, TAK has spread its attacks wider, claiming responsibility for strikes on civilian, police and military targets. According to the Jamestown Foundation, “the geographical spread of TAK attacks also suggests that its members live in Kurdish migrant communities in western Turkey and in Istanbul, rather than in the Kurdish heartlands of the southeast that were the focus of PKK actions”. It added that the PKK statements, striving for negotiations, are now more carefully chosen whereas the TAK’s statements are “deliberately uncompromising”.

‘In 2010 TAK carried out two attacks, one on a bus of Turkish soldiers and their families, and the other on a police vehicle. Since 2015, it seems that activities of the TAK have become more intensive. The group has claimed

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<sup>12</sup> EASO, ‘Country Focus’ Report 2016, section 4.2.2, November 2016, [URL](#)

responsibility for a mortar attack that killed one worker at Istanbul Sabiha Gokcen Airport in December 2015. In 2016, TAK also claimed responsibility for an attack on a military convoy in Ankara (17 February) that killed 28 people, a car bomb attack in Ankara (13 March) that killed 37 people, and a car bomb (7 June) that destroyed a police vehicle in the Istanbul Vezneciler neighbourhood, killing 12 people and wounding dozens more. The group claimed that the June attack had been carried out in retaliation for Turkish Army operations in south-eastern Turkey, and it warned tourists to stay away from the country.

'Some experts, such as Sinan Ülgen (the head of the EDAM Think tank and a former Turkish diplomat) speculated that the PKK could hide itself behind the TAK in order not to tarnish its reputation when it carried out bloody actions.'<sup>13</sup>

### 3.5.2 According to Jane's Sentinel Security Assessment:

'The TAK has the goal of creating an independent Kurdish state. Given its tendency to indiscriminately target crowded civilian areas, the TAK's tactics have drawn criticism from the PKK leadership, on the grounds that they alienate foreign sympathisers to the Kurdish cause and risk the PKK losing its perceived moral high ground as the defender of an oppressed minority. PKK leaders have claimed that the TAK was a splinter group that broke away from the PKK. According to Turkish police sources, however, the TAK was but a front for the PKK, providing a scapegoat that allows the latter to avoid the political costs of attacks yielding civilian casualties.

'The group's operations have been distinguished by its primary focus on Istanbul and western Turkey. Furthermore, the organisation has demonstrated a capacity for high-impact attacks, often involving C-4 explosives and with a tendency to indiscriminately target crowded civilian areas. One such attack was the October 2010 suicide bombing at one of Istanbul's tourist attractions, Taksim Square, wounding 32 people, in apparent rejection of a ceasefire between the PKK and the government. Similarly, in September 2011, the group staged a vehicle-borne improvised explosive device (VBIED) attack in Kizilay, Ankara, killing three and wounding 34 others. The group's most recent high-profile attack was in 21 August 2012, a VBIED assault that killed 10 people and wounded 68 others in a crowded civilian area in the Gaziantep city centre. The group's relative inactivity since 2012 indicates a low probability of renewed attacks.'<sup>14</sup>

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## 4. Conflict with the PKK

### 4.1 Historical background to the conflict

#### 4.1.1 Quoting various sources, the EASO 'Country Focus' report 2016 stated:

'The conflict has undergone several phases of hostilities followed by various attempts at peace talks and ceasefires. From August 1984, date of the first PKK armed attack, until 1999, armed struggle opposed the state and PKK rebel groups. Several months after Abdullah Öcalan's arrest, in February

<sup>13</sup> EASO, 'Country Focus' Report 2016, section 4.2.3, November 2016, [URL](#)

<sup>14</sup> Jane's Sentinel, 'Turkey: Non-State Armed Groups,' 3 February 2017, subscription source.



1999, the PKK leader called on the insurgent group to abandon the armed struggle.

'From 1999 to 2004, security conditions gradually improved. In 2002, Turkey lifted the state of emergency which was in place in several provinces in the south-east. In 2004, however, the PKK announced the end of the ceasefire, and violence resumed, until a new ceasefire was declared in August 2010, and lasted until June 2011.

'In 2009, the Turkish Government launched the Kurdish Opening, a multi-tiered policy intended to resolve the longstanding conflict between the Turkish Government and the Kurdish population. In general, the proposal included larger cultural rights for Kurds, some form of local autonomy, and incentives to PKK's fighters to disarm. The Kurdish Opening suffered numerous political, judicial and organisational setbacks and failed within a year.

'On 11 December 2009 the Constitutional Court banned the pro-Kurdish DTP [Democratic Society Party] due to its close association with the PKK. This was the moment of no return for the entire Kurdish Opening. Over 1 000 Kurdish notables were arrested for alleged support to PKK.

'After the failure of the Kurdish Opening, the dialogue between the Turkish Government and the PKK was resumed in the secret and unconfirmed "Oslo process", between 2010 and 2011. While a potential protocol of understanding was being discussed, fighting led to the death of 14 Turkish soldiers in June 2011 and, six months later, to the death of 34 Kurdish smugglers, apparently mistaken for militants. These events hampered the dialogue and "what was discussed in Oslo, stayed in Oslo".

'At the end of 2012, peace negotiations between the PKK and the government were initiated which led, in March 2013, to a new ceasefire. On 11 June 2014, the Turkish Parliament adopted a law aiming at a solution of the Kurdish issue. The law encompasses measures to eliminate terrorism, strengthen social inclusion, reintegrate those who leave the PKK and lay down their arms, and prepare the public opinion for the return of former fighters. The law, welcomed by the PKK leader and pro-Kurdish parties, entered into force on 1 October 2014.

'Despite the ceasefire (March 2013-July 2015), International Crisis Group (ICG) reports that scattered violence continued. The two-year ceasefire collapsed in July 2015 after the Suruç attack, a suicide bombing that killed 33 Kurdish and Turkish student activists and injured more than 100. Since then, the conflict has spread to Turkey's predominantly Kurdish cities and developed into urban warfare.<sup>15</sup>

4.1.2 A Turkish human rights association, İnsan Hakları Derneği (IHD), published a report in November 2017 which stated:

'In July 2015, the Suruc bombing aimed directly at the Kurdish progressive community and revived tensions between the warring parties. This attack, which killed 30 people, was perceived as a symbolic attack on the Kurdish armed resistance facing the Islamic state organization in Syria. Kurdish

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<sup>15</sup> EASO, 'Country Focus' Report 2016, section 4.2.1, November 2016, [URL](#)

fighters were particularly notable at the Battle of Kobane. A few days later, the PKK claims the assassination of two Turkish police officers accused of cooperating with the Islamic state organization. The difficult progress of the peace process was reduced to nothing but the resumption of hostilities and the final cessation of negotiations.<sup>16</sup>

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## 4.2 Violence since break of ceasefire in 2015

### 4.2.1 In July 2017 ICG published an article which stated:

‘Since violence resumed in July 2015, the 33-year conflict with the PKK [...] has devastated neighbourhoods and livelihoods across urban districts of the majority-Kurdish south east. [...] Turkish security forces conducted hundreds of operations in urban and rural areas of the south east, while the PKK - after a period of intense clashes in urban centres and attacks with improvised explosive devices (IEDs) also in western cities of Turkey - returned to fighting in rural areas in June 2016.’<sup>17</sup>

### 4.2.2 ICG further stated:

‘Violence peaked between February and May 2016 when fighting erupted in some urban districts of south-eastern Turkey for the first time in the conflict's 33-year history. The PKK had built up an armed presence in the region during the 2012-2015 peace process. Around one third of all deaths occurred in Hakkari province's Yüksekova district, Şırnak province's Cizre and Silopi districts, Şırnak's provincial centre, Mardin province's Nusaybin district and Diyarbakır province's Sur district. In June 2016, the conflict moved back to its traditional rural arena. Since then, around 90 per cent of all deaths, as tracked by Crisis Group, occurred in rural south-eastern districts.

‘The PKK or its affiliates have not carried out any major attack in the country's urban centres and the west of Turkey since December [2016]. U.S. pressure, intense operations by the Turkish military and PKK's strategic considerations appear to have contained its attacks.’<sup>18</sup>

### 4.2.3 The US Department of State's Country Report on Human Rights Practices 2017, released 20 April 2018 and covering events of 2017 (USSD HR Report 2017), stated, ‘Clashes between security forces and the PKK terrorist organization and its affiliates continued throughout the year, although at a reduced level from 2016, and resulted in the injury or deaths of security forces, PKK terrorists, and an unknown number of civilians.’<sup>19</sup>

### 4.2.4 Jane's Sentinel published information dated May 2018, which stated:

‘Fighting between the Partiya Karkerên Kurdistan (PKK) and the government in the country's southeast has now abated following the peak intensity of incidents in mid-2016, when the overall level of violence had reached levels unprecedented in the 30-year history of the PKK insurgency. This is partly a result of the government's increasingly effective usage of technological

<sup>16</sup> IHD, ‘Anti-terrorist repression in Turkey: excessive and unlawful,’ 30 November 2017, [URL](#)

<sup>17</sup> ICG, ‘Turkey's PKK Conflict Kills almost 3,000 in Two Years,’ 20 July 2017, [URL](#)

<sup>18</sup> ICG, ‘Turkey's PKK Conflict Kills almost 3,000 in Two Years,’ 20 July 2017, [URL](#)

<sup>19</sup> USSD HR Report 2017, Executive Summary, 20 April 2018, [URL](#)

solutions, such as unmanned aerial vehicle (UAV) patrols. Nonetheless, the PKK is likely to continue targeting security force outposts with small-arms, improvised explosive devices (IEDs), and rocket-propelled grenades (RPGs), as well as mounting ambushes on convoys and patrols. As a recently adopted tactic, the group is likely to increasingly rely on vehicle-borne IEDs (VBIEDs). Also at risk are energy infrastructure, particularly pipelines and hydropower dams. The attacks are likely to be concentrated in the provinces of Hakkari, Sirnak, Diyarbakir, and Tunceli, and, to a lesser extent, Siirt, Mardin, Batman, and Agri. The intensity of fighting would increase further in the increasingly probable event that the PKK directs its experienced militants and high-impact weaponry currently stationed in Syria and Iraq towards Turkish security forces instead.

‘Separately, there is a continued, albeit mitigated, risk of VBIED and shooting attacks by PKK affiliates in western Turkey. Besides characteristic targets such as police stations and buses carrying security forces personnel, the PKK’s target set also includes government bureaucrats, as demonstrated by the 5 January 2017 VBIED attack on the Izmir courthouse. Between 2015 and 2017, the PKK conducted 10 attacks in western Turkish cities, with approximately 133 people killed in the assaults. However, the January 2017 attack was the last such assault by the PKK, despite the continuation of its insurgency in the country’s southeast. This can be partly explained as the group deliberately withholding attacks, given its desire to retain a “moral high ground” and to focus on its international public relations gains from the leading role that it played in the war against the Islamic State in Syria.’<sup>20</sup>

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### 4.3 Targeted killings and intimidation by the PKK

#### 4.3.1 In June 2017, Daily Sabah reported:

‘A young teacher in Turkey’s southeastern Şanlıurfa province has been killed by the PKK in Turkey’s eastern Tunceli province, according to a statement from the terrorist organization Wednesday. [...] On Wednesday, the PKK’s armed branch, the People’s Defense Forces (HPG), released a statement regarding the issue, indicating that they had killed the young teacher for speaking out against the terrorist organization. [...]

‘On June 9, PKK terrorists killed another young teacher Aybüke Yalçın in a terrorist attack as she traveled in a car with her colleagues in the southeastern province of Batman. The car that Yalçın was riding in was hit by stray bullets from assault rifles being used by the terrorists as they targeted a nearby car belonging to the local mayor of Batman’s Kokluk district. [...]

‘Reiterating the fact that the PKK has claimed the lives of more than 150 schoolteachers since 1984, Kalın [Presidential spokesman, İbrahim Kalın] said: [...] "In September 1994, on the first day of school, PKK terrorists abducted six public school teachers from their homes in Tunceli, (a city in eastern Turkey), and executed them in the town square - a sight which the local population was forced to witness. One month later, four other teachers

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<sup>20</sup> Jane’s Sentinel, Turkey, Security, 28 May 2017, subscription source

were murdered by PKK terrorists in the Tekman district of eastern Erzurum province," he said.

'[...] Since [July 2015], the terror organization has been responsible for the deaths of some 1,200 security personnel and civilians, including women and children, while more than 4,000 security personnel and over 2,000 civilians have been injured. Southeastern and eastern Turkey are particularly prone by PKK attacks and, along with military and police officers, a large number of civil servants and civilians have been killed in armed attacks, car bombings and detonation of roadside bombs.'<sup>21</sup>

#### 4.3.2 The USSD HR Report 2017 stated:

'The PKK continued its nationwide campaign of attacks on government security forces and, in some cases, civilians. On November 2 [2017], for instance, six soldiers and two village guards were killed by PKK terrorists in Hakkari's Semdinli District. Turks across the political spectrum condemned the PKK in the wake of the August 11 [2017] death of 15-year-old Eren Bulbul, who was killed during a skirmish between the Jandarma (a paramilitary force under the Ministry of Interior) and the PKK in the rural town of Macka in the mountains of Trabzon Province. Bulbul, a local resident, was acting as a spotter for forces tracking PKK terrorists when he was killed.'<sup>22</sup>

#### 4.3.3 The USSD HR Report 2017 continued:

'The PKK used a variety of pressure tactics that limited freedom of speech and other constitutional rights in the southeast. In the aftermath of curfews enacted in 2016 in response to PKK violence, some journalists, political party representatives, and residents of the southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces. In April [2017] PKK executive Cemil Bayik told media that if voters approved of AKP-proposed constitutional changes in the referendum that month, the PKK would attack Turkish security forces. PKK terrorists conducted or attempted targeted assassinations of a number of AKP and government officials in the southeast. In Van, an AKP provincial executive reported that her parents were threatened by the PKK because she worked for the AKP.'<sup>23</sup>

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## 4.4 Impact of conflict on civilians

### 4.4.1 The USSD HR Report 2017 stated that 'Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK in the southeast.'<sup>24</sup>

### 4.4.2 Quoting various source, the ICG article of July 2017 stated:

'During the 2.5-year PKK-Turkish state ceasefire and peace process (March 2013-April 2015), the Kurdish organisation deepened its presence in urban districts of the south east. Urban warfare followed the ceasefire's collapse in July 2015. [...] PKK militants set up barricades and dug trenches to keep

<sup>21</sup> Daily Sabah, 'PKK terrorists kidnap, murder young teacher in eastern Turkey,' 21 June 2017, [URL](#)

<sup>22</sup> USSD HR Report 2017, Section 1.a, 20 April 2018, [URL](#)

<sup>23</sup> USSD HR Report 2017, Section 2.a, 20 April 2018, [URL](#)

<sup>24</sup> USSD HR Report 2017, Section 1.a, 20 April 2018, [URL](#)

state security forces out. The government imposed curfews, closing residential neighbourhoods of some 40 south-eastern districts for periods ranging from hours to months.[...]

'In the most serious cases, residents were asked to evacuate their homes during months of security operations aimed at clearing out PKK, notably in Diyarbakır's Sur district and Şırnak's centre, Cizre and Silopi districts, as well as Mardin's Nusaybin and Hakkari's Yüksekova districts, where entire neighbourhoods were demolished. International organisations and local human rights NGOs have reported extensively on alleged human rights abuses. A report by a conservative human rights organisation stated that the Cizre curfew "saw mass killings" and turned the town into a "war zone"; a UN report alleged "numerous cases of excessive use of force; killings; enforced disappearances; torture; destruction of housing and cultural heritage; incitement to hatred; prevention of access to emergency medical care, food, water and livelihoods; violence against women; and severe curtailment of the right to freedom of opinion and expression as well as political participation".

'A third report concluded: "... the right to health in the places under curfew has been completely violated. Hospitals were turned into military headquarters, medical centres were destroyed, health workers were literally held hostage in hospitals. Elderly, pregnant women, children, people with chronic illnesses have frequently faced obstacles in access to treatment and unfortunately some of these cases resulted in death."<sup>25</sup>

#### 4.4.3 The OHCHR report covering 2017 stated:

'OHCHR [...] continued receiving allegations specific to South-East region, confirming patterns of human rights violations highlighted in its report on the human rights situation in South-East Turkey: July 2015 to December 2016, published in March 2017. This included killings; torture; violence against women; excessive use of force; destruction of housing and cultural heritage; prevention of access to emergency medical care, safe water and livelihoods; and severe restrictions of the right to freedom of expression. Credible NGO sources indicate that in the first quarter of 2017, the total number of violations in South-East Turkey amounted to 7,907 and included 263 incidents of torture in detention.'<sup>26</sup>

#### 4.4.4 The USSD HR Report 2017 noted:

'There were credible allegations that the government contributed to civilian deaths in connection with violent clashes between government security forces and the terrorist PKK organization in the southeast, although at a markedly reduced level compared with 2016. In September [2017] human rights groups and Republican People's Party (CHP) member of parliament Sezgin Tanrikulu claimed the government killed a civilian named Mehmet Temel and injured three others in a mountainous area of Hakkari Province during an armed drone strike on August 31 [2017]. The government disputed the account, claiming the four were PKK terrorists.'<sup>27</sup>

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<sup>25</sup> ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

<sup>26</sup> OHCHR, 'Report on the impact [...],' paragraph 15, March 2018, [URL](#)

<sup>27</sup> USSD HR Report 2017, Section 1.a, 20 April 2018, [URL](#)



## 4.5 July 2015 onwards: casualties

### 4.5.1 The ICG article of July 2017 stated:

'[The Suruc bomb of 20 July 2015] was [...] the start of a violent cycle that has taken at least 2,981 lives, about three times more than during the July 2011-December 2012 escalation, when Crisis Group confirmed almost 1,000 deaths.

'Among the deaths confirmed through Crisis Group's open-source data collection, nearly half were PKK militants (1,378), followed by state security force members (976) and civilians (408). The remainder (219) were "youths of unknown affiliation", a category created to account for confirmed urban deaths, aged 16-35, who cannot be positively identified as civilians or members of the PKK or its urban youth wing.'<sup>28</sup>

### 4.5.2 ICG noted that, 'In twenty-one months [July 2015 to April 2017], at least 2,748 died, around 100,000 lost their homes, and up to 400,000 were temporarily displaced.'<sup>29</sup>

### 4.5.3 ICG further stated:

'Crisis Group's open-source casualty infographic indicates the conflict's death toll between the breakdown of the ceasefire and 25 April 2017 has been at least 2,721. This includes 921 state security force members, at least 1,215 PKK militants, at least 393 civilians and at least 219 youths of unknown affiliation (confirmed urban casualties, aged sixteen to 35, who cannot be positively identified as civilians or members of the PKK or its urban youth wing, the YPS, (Civil Protection Units)).'<sup>30</sup>

### 4.5.4 ICG further noted that 'The government claims to have killed 11,000 PKK militants since resumption of violence in July 2015.'<sup>31</sup>

### 4.5.5 The USSD HR Report 2017 stated:

'The HRA [a Turkish human rights association] claimed that in the first 11 months of the year [2017], 183 security officers, 52 civilians, and 460 PKK affiliates were killed during clashes; 282 security officers and 28 civilians were reportedly injured. It reported that another 23 persons, including six children, were killed and 46 were injured in accidents involving the vehicles of security forces.

'The HRA asserted that security officers killed 36 civilians and injured 12 in arbitrary killings throughout the country during the same period, including at government checkpoints and in government-PKK violence.

'The government data on casualty tolls was unavailable.'<sup>32</sup>

### 4.5.6 On 16 June 2018, the Syrian Observatory for Human Rights published numbers of casualties in connection with Turkish military operations in Afrin:

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<sup>28</sup> ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

<sup>29</sup> ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

<sup>30</sup> ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

<sup>31</sup> ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

<sup>32</sup> USSD HR Report 2017, Section 1.g, 20 April 2018, [URL](#)

'The Syrian Observatory for Human Rights monitored 65 attacks by members and groups of the Kurdish Forces against the Turkish forces and Syrian opposition factions, through mines and IEDs detonations and shoulder-mounted rocket targeting, which killed tens of fighters of the factions and the Turkish Forces during the attacks, which pace has escalated in the last week and caused casualties and injuries in the ranks of both parties, and the Syrian Observatory for Human Rights has documented an escalation in the number of casualties as a result of the continuation of targeting by YPG groups for the Turkish forces and the factions in Afrin area, where it rose to at least 1534 the number of fighters of YPG and the Self-Defense forces who were killed since Operation "Olive Branch" started, while 592 members and fighters of the Turkish forces and the factions including 83 soldiers of the Turkish forces, were killed in the clashes against the Kurdish Units in Afrin area, and 91 members at least of regime forces' NDF were killed in the Turkish shelling since they started to enter on the 20th of February 2018.'<sup>33</sup>

4.5.7 See [Government human rights violations](#) for further information.

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## 5. Government action

### 5.1 The political climate

5.1.1 The Freedom House 'Freedom in the World 2018' report stated:

'Turkey's status declined from Partly Free to Not Free, its political rights rating declined from 4 to 5 [where 1 is the most free and 7 the least free], and its civil liberties rating declined from 5 to 6 [where 1 is the most free and 7 the least free] due to a deeply flawed constitutional referendum that centralized power in the presidency, the mass replacement of elected mayors with government appointees, arbitrary prosecutions of rights activists and other perceived enemies of the state, and continued purges of state employees, all of which have left citizens hesitant to express their views on sensitive topics.'<sup>34</sup>

5.1.2 A March 2018 report by the US Congressional Research Service noted:

'Under the post-coup-attempt state of emergency, Turkey's government has cracked down on domestic political opponents. A primary focus, in addition to the Gulen movement, appears to be Turkey's Kurdish minority. Heightened ethnic Turkish-Kurdish tensions predated the attempted coup, exacerbated by renewed conflict in 2015 between government forces and the PKK. Key Kurdish political figures have been imprisoned or threatened with detention, and as a result the pro-Kurdish Peoples' Democratic Party (Turkish acronym HDP) has replaced its leaders. Additionally, dozens of elected Kurdish mayors have been removed from office and replaced with government-appointed "custodians." Turkish officials routinely accuse Kurdish politicians of support for the PKK, but these politicians generally deny ties of a criminal nature.'<sup>35</sup>

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<sup>33</sup> Syrian Observatory for Human Rights, "Olive Branch" factions [...], 16 June 2018, [URL](#)

<sup>34</sup> Freedom House, 'Freedom in the World 2018,' Status Change Explanation, 16 January 2018, [URL](#)

<sup>35</sup> CRS, 'Turkey: Background and U.S. Relations In Brief,' page 12, 23 March 2018, [URL](#)

5.1.3 An article published by The Guardian in October 2016 stated that ‘The AKP 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>36</sup>

5.1.4 In a report covering 2017, OHCHR stated:

‘[...] since the introduction of the nationwide state of emergency following the July 2016 coup attempt, OHCHR has noted a sharp increase in reports of serious human rights violations. United Nations human rights mechanisms, including special procedures of the Human Rights Council and treaty bodies, have regularly raised their concerns with the Government of Turkey through confidential communications, public statements and concluding observations. Similar concerns were raised by the human rights mechanisms of the Council of Europe, a large number of international NGOs, as well as Turkish civil society and independent media.’<sup>37</sup>

5.1.5 The Freedom House report further stated:

‘The Turkish government’s sprawling crackdown on its real and suspected opponents, touched off by a coup attempt in July 2016, continued throughout 2017.

‘Using emergency powers and vaguely worded terrorism laws, the authorities had suspended or dismissed more than 110,000 people from public-sector positions and arrested more than 60,000 people by year’s end. Extensive use of pretrial detention meant that many suspects were held behind bars for long periods without due process. There was increasing evidence of extrajudicial “disappearances” and routine torture of political detainees. In June and July, officials arrested a number of leading human rights activists on terrorism charges. Osman Kavala, perhaps Turkey’s most prominent civil society leader, was detained in October and eventually charged with attempting to overthrow the constitutional order. Since the attempted coup, at least 1,500 civil society organizations have been summarily closed and their property confiscated. The prosecution of journalists and closure of media outlets continues. Arrests based on messages shared via social media are common, leading to widespread self-censorship and a general chilling effect on political discourse.

‘In April 2017, a government-backed package of constitutional amendments was formally approved through a referendum. When fully implemented in 2019, the changes will radically increase the power of the presidency and reduce democratic checks and balances. The referendum was conducted on a manifestly uneven playing field, particularly in light of the ongoing state of emergency and related restrictions on the media, the opposition, and civil society. Moreover, the Supreme Electoral Council (YSK) intervened in ways that seemed to favor the government and cast serious doubt on the integrity of the tabulation process.’<sup>38</sup>

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<sup>36</sup> The Guardian, “‘What about our human rights?’[...]’ 6 October 2016, [URL](#)

<sup>37</sup> OHCHR, ‘Report on the impact [...]’ paragraph 20, March 2018, [URL](#)

<sup>38</sup> Freedom House, ‘Freedom in the World 2018,’ Turkey, Executive Summary, 16 January 2018, [URL](#)



5.1.6 The two-year state of emergency ended at midnight on 18 July 2018<sup>39</sup>.

5.1.7 On 18 July 2018, Reuters reported:

‘A two-year state of emergency imposed after Turkey’s failed 2016 coup will end [...] but Tayyip Erdogan’s opponents say his new executive presidency and a draft anti-terrorism law leave him with sweeping powers to stifle dissent. [...]

‘Ahead of elections last month, Erdogan promised to lift the state of emergency if re-elected, but he said the government would also introduce new counter-terrorism legislation and take tough action against any threat to Turkey’s security. Opponents say little will change at midnight on Wednesday, when the latest three-month extension of emergency rule lapses.

“Although the government is trying to disguise the new laws as an end to the state of emergency, what’s really going on is that the state of emergency is being made permanent,” Ayhan Bilgen, spokesman for the pro-Kurdish HDP party, said.

‘New anti-terrorism laws, which the government says will prevent “an interruption in the fight against terrorism”, will be discussed in parliament [...]. The proposed law grants local governors authority to limit access for specific people to parts of their province if they suspect the person will disrupt public order. It also allows authorities to press ahead with mass dismissals of civil servants and hold suspects in custody for up to 12 days. It also broadens the scope to ban demonstrations.’<sup>40</sup>

5.1.8 Freedom House noted:

‘While expression of Kurdish identity has been better tolerated in recent years than it was in the 1990s, the resurgence of the conflict with the PKK has been used to justify a crackdown on Kurdish political parties, media outlets, and civil society organizations, which has intensified under the state of emergency. In addition to carrying out arrests, dismissals, and closures, appointed state authorities have in some cases reversed Kurdish municipal officials’ efforts to promote Kurdish language and culture.’<sup>41</sup>

5.1.9 See [Anti-terror legislation](#), [Government human rights violations](#), [Right to fair trial](#) and [Conditions in detention](#) for further information on these subjects. For further information about Gulenism, see the Country Policy and Information Note on [Turkey: Gülenism](#).

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## 5.2 Government response to PKK violence

5.2.1 ICG noted that ‘Beginning in March 2017, the Turkish military carried out what it described as its most intense operations in years, deploying about 7,000 soldiers, special forces, police officers and village guards. In March, at

<sup>39</sup> The Guardian, “‘Suffocating climate of fear” in Turkey [...],’ 19 July 2018, [URL](#)

<sup>40</sup> Reuters, ‘Turkey’s emergency rule expires as Erdogan’s powers expand,’ 18 July 2018, [URL](#)

<sup>41</sup> Freedom House, ‘Freedom in the World 2018,’ Turkey, Section F4, 16 January 2018, [URL](#)

least 79 PKK militants were killed, up from 23 in February, thirteen in January and six in December that Crisis Group could confirm.<sup>42</sup>

5.2.2 For information about violence in the town of Nusaybin, see the [ICG article](#) of July 2017.

5.2.3 The USSD HR Report 2017 further stated:

‘The government continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and also decreed “special security zones” in some areas to facilitate counter-PKK operations, restricting access of both visitors and, in some cases, residents. Residents of these areas reported they sometimes had very little time to abandon their homes prior to the launch of counter-PKK security operations. Those who remained faced curfews of varying scope and duration that, at times, restricted their movement and complicated living conditions.’<sup>43</sup>

5.2.4 The Human Rights Foundation of Turkey stated, ‘According to the information gathered by the Human Rights Foundation of Turkey Documentation Center, between 16 August 2015 and 1 January 2018, there has been at least 289 officially confirmed round-the-clock [all daylong] and/or open-ended curfews in 11 cities and at least 49 districts of Turkey.’<sup>44</sup>

5.2.5 In January 2018, the BBC described Turkish military operations in Afrin:

‘Turkish war planes have launched air strikes on Kurdish fighters in northern Syria [...] Turkey wants to oust the YPG militia, which it calls a terrorist group, from Afrin region on its southern border. The US-backed YPG says at least nine people were killed in the air strikes. [...]

‘Turkey had been shelling the area for two days, ahead of its declaration of a military operation on Saturday. [...]

‘On Saturday, Turkey announced that an air and ground campaign, dubbed "Olive Branch", had been launched at 14:00 GMT, targeting the Kurdish YPG (Syrian Kurdish People's Protection Units) and Islamic State (IS) group jihadists. [...] A later statement said 108 targets belonging to Kurdish militants had been hit.

‘Pro-Turkey rebels, known as the Free Syrian Army, also began moving into the area, according to the state-run Anadolu news agency.

‘The YPG said the strikes had killed at least six civilians and three fighters, with another 13 civilians wounded. One of the fighters belonged to the YPG and the other two were from its all-female affiliate, spokesperson Birusk Hasaka said. Ankara also said there were casualties, but they were all Kurdish militants.

‘Prime Minister Binali Yildirim told reporters that ground forces would join the operation on Sunday.’<sup>45</sup>

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<sup>42</sup> ICG, ‘Turkey's PKK Conflict Kills almost 3,000 in Two Years,’ 20 July 2017, [URL](#)

<sup>43</sup> USSD HR Report 2017, Section 1.g, 20 April 2018, [URL](#)

<sup>44</sup> Türkiye İnsan Hakları Vakfı (HRFT), ‘Curfews in Turkey [...],’ 4 January 2018, [URL](#)

<sup>45</sup> BBC, ‘Syria: [...] strikes on Afrin,’ 20 January 2018, [URL](#)

5.2.6 The BBC website explained the background to Turkish military operations in Afrin:

‘Turkey has vowed to crush a Syrian Kurdish militia called the People's Protection Units (YPG), which it considers a terrorist group. Turkish President Recep Tayyip Erdogan says it is an extension of the banned Kurdistan Workers' Party, which has fought for Kurdish autonomy in Turkey for three decades.

‘The YPG denies any direct organisational links - an assertion backed by a US-led coalition whose air strikes have helped the militia and allied Arab fighters drive Islamic State militants from tens of thousands of square kilometres of Syria.

‘Ankara has condemned the US for supporting the YPG and was alarmed when it recently emerged that the coalition was helping it form a 30,000-strong "border security force". While Turkey has long threatened to clear YPG fighters from the Kurdish enclave of Afrin, in north-western Syria, and Manbij, a mainly Arab town to the east, the news appears to have brought those plans forward.

‘A day after vowing to stop the US "creating a terror army on our border", Mr Erdogan declared that Turkish troops and allied Syrian rebels would soon destroy "nests of terror".

‘Turkish tanks began building up along the border near Afrin and troops have been shelling the enclave from inside the rebel-held Syrian province of Idlib. Air strikes were launched on 20 January as Turkey announced the operation had begun.

‘Kurdish leaders promised to defend Afrin and urged the international community to prevent Turkey targeting what they said were its 1m residents.’<sup>46</sup>

5.2.7 Further information about curfews can be found on the website of [Human Rights Foundation of Turkey](#). See also [July 2015 onwards: events](#) for information about curfews.

5.2.8 See [Government human rights violations](#) for further information on this subject. See [Impact on civilians](#) for further information about curfews.

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### 5.3 Government treatment of deceased PKK fighters

5.3.1 Kurdistan 24, a news website, reported the following in December 2017:

‘Turkish authorities demolished a cemetery with heavy equipment in the Kurdish province of Bitlis which comprised of the graves of 267 Kurdistan Workers' Party (PKK) fighters fallen in clashes at various times and locations with the army, a lawmaker revealed on Friday.

‘Bitlis MP Mahmut Celadet Gaydali of the pro-Kurdish Peoples' Democratic Party (HDP) said during a press conference at the Turkish Parliament that

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<sup>46</sup> BBC, ‘Turkey targets Kurdish forces [...] 300 words,’ 22 January 2018, [URL](#)

the government had begun "targeting the dead" after ending the 2013-15 peace talks with the PKK.

'Gaydali explained that the cemetery in his home city's Yukariolek (Oleka Jor) village was built collectively by families of fighters killed and there was no intervention or obstruction by authorities when they did so in 2013.'<sup>47</sup>

- 5.3.2 Ahval News, an independent source of news on Turkey, published an interview in March 2018 with a father of a PKK fighter telling how, having seen pictures of his son's body on social media in May 2017, he had been refused permission by an army commander to retrieve his son's body from the site of the clash with the army<sup>48</sup>.
- 5.3.3 See [July 2015 onwards: events](#), [July 2015 onwards: casualties](#), [Impact on civilians](#) and [Current political climate](#) for further information on Government human rights violations.

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#### 5.4 Relatives of suspected PKK members or supporters

- 5.4.1 The Office of the United Nations High Commissioner for Human Rights (OHCHR) published their 'Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, January – December 2017,' in March 2018, which stated:

'On the basis of numerous interviews and credible reports, OHCHR identified a particularly alarming pattern of detaining women just before or immediately after giving birth. OHCHR estimates that approximately 600 women with young children were being held in detention in Turkey as of December 2017. In almost all cases, they were arrested as "associates" of their husbands - who were the Government's primary suspects for connection to terrorist organizations - without separate evidence supporting charges against them.'<sup>49</sup>

- 5.4.2 The same report noted the situation for those relatives or friends of those suspected of involvement in Gulenism, stating:

'OHCHR observed a pattern of application of punitive measures not prescribed by the Penal Code that have targeted not just the primary "suspects" (such as civil servants or human rights activists) but also people associated with them, particularly their family members (including children, siblings, parents and other relatives), as well as friends, neighbours, work associates and even social media contacts they did not necessarily know. This raises concerns that the Government may be applying the illegal standard of guilt by association or collective guilt, which violates principles of individual legal responsibility, fairness and legal certainty.'<sup>50</sup>

- 5.4.3 See also [Conditions in detention](#), which refers to treatment of those visiting person in detention.

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<sup>47</sup> Kurdistan 24, 'Turkey demolishes cemetery of fallen Kurdish fighters,' 22 December 2017, [URL](#)

<sup>48</sup> Ahval News, 'While fighting deceased Kurds, [...]', 19 March 2018, [URL](#)

<sup>49</sup> OHCHR, 'Report on the impact [...]', paragraph 12, March 2018, [URL](#)

<sup>50</sup> OHCHR, 'Report on the impact [...]', paragraph 72, March 2018, [URL](#)

## 5.5 Removal of mayors

### 5.5.1 In September 2016 Al Jazeera reported:

'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 [2016] failed coup attempt. All 28 mayors were replaced on Sunday with state-appointed trustees.[...]

'The move is the largest step yet taken by new Interior Minister Suleyman Soylu since he took over from Efkan Ala in a surprise reshuffle earlier this month. Soylu said the move meant that local municipalities would no longer be controlled by "terrorists or those under instructions from Qandil", referring to the PKK's mountain base in northern Iraq.

'The move was made within the three-month state of emergency imposed after July's coup attempt [2016]. The incumbents had all been elected in 2014 local polls.

'The municipalities affected, mainly in the southeast, include important, predominantly Kurdish urban areas such as Sur and Silvan in the province of Diyarbakir and Nusaybin in the province of Mardin. The mayors of the cities of Batman and Hakkari in the southeast have also been replaced. The interior ministry said 12 of the mayors suspended are already under arrest.[...]

'Elsewhere, Turkish media reported that the police dispersed crowds that had gathered to protest at the new mayoral assignments in southeastern provinces, and short clashes erupted in several areas.'<sup>51</sup>

### 5.5.2 The USSD HR Report 2017 stated:

'Prosecutors used a broad definition of terrorism and threats to national security, and in some cases used what appeared to be questionable evidence to file criminal charges against a broad range of individuals, including journalists, opposition politicians (primarily of the pro-Kurdish HDP), activists, and others critical of the government. [...] The government [...] removed from office numerous local elected opposition politicians, primarily in Kurdish-majority areas, on national security grounds, subsequently detaining or prosecuting some. As of December 12 [2017], the Prime Ministry reported the government had removed a total of 106 elected mayors from office. These included 93 pro-Kurdish Democratic Regions Party (DBP) or HDP mayors, nine AKP mayors, three National Movement party (MHP) mayors, and one CHP mayor. A majority were removed,

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<sup>51</sup> Al Jazeera, 'Turkey removes 24 mayors over "PKK links,"' 12 September 2016, [URL](#)



detained or arrested for allegedly supporting PKK terrorism. The government installed trustees in more than 90 HDP or DBP municipalities.<sup>52</sup>

- 5.5.3 See [Anti-terror legislation](#) for further information on the use of counter-terrorism legislation. For further information about the suspension and removal of mayors, see the Country Policy and Information Note on [Turkey: Kurdish Political Parties](#).

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## 5.6 Suspension and reinstatement of teachers

- 5.6.1 The Office of the United Nations High Commissioner for Human Rights (OHCHR) published a report in February 2017, which stated:

‘Following the failed military coup of 15 July 2016, over 100,000 people were reportedly dismissed and suspended throughout Turkey from public or private sector jobs for suspected links with the coup organizers. [...] The Ministry of Education was most affected, with over 40,000 staff reportedly dismissed, mostly teachers. This included some 10,000 teachers in South East Turkey, over 90 per cent of whom were serving in Kurdish-speaking municipalities. They were reportedly largely dismissed as a precautionary measure based on suspicion of having links with the PKK. Peaceful protests organized by the dismissed teachers in Diyarbakır were violently broken up by the local police. When the Government announced the suspensions and dismissals of teachers in September 2016, it did not specify how such a large number of teachers were identified as having had links with the PKK.’<sup>53</sup>

- 5.6.2 In September 2016 Al Jazeera reported:

‘The Turkish government has suspended more than 11,000 teachers over suspected links to outlawed Kurdish fighters. The move on Thursday came as President Recep Tayyip Erdogan said that Turkey was conducting its largest ever operation against PKK fighters in the country’s southeast. “We will be removing civil servants with links to the PKK,” Erdogan said at a governors’ meeting in Ankara. [This] is a key element of our fight against them.”

‘A total of 11,285 personnel “linked to a separatist-terrorist organisation have been suspended”, Turkey’s education ministry said on its official Twitter account on Thursday.

‘The teachers suspended for their alleged links to the PKK, or the Kurdistan Workers’ Party, will be able to receive two thirds of their salaries until the end of a formal investigation, according to the state-run Anadolu Agency. [...]’

‘Earlier this month, during a visit to the predominantly Kurdish southeastern city of Diyarbakır, Turkish Prime Minister Binali Yıldırım said some 14,000 teachers serving in the region were suspected of being linked to “terrorist” groups. Addressing a group of governors, who are tasked with putting together lists of PKK-linked suspects, Erdogan urged the officials to be “determined” but “just” when deciding on which civil servants are included.

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<sup>52</sup> USSD HR Report 2017, Section 1.e, 20 April 2018, [URL](#)

<sup>53</sup> OHCHR, ‘Report on the human rights situation [...]’, paragraph 75, February 2017, [URL](#)

"I don't want you to get into a race about who is going to suspend [the highest number of] civil servants," he said. "I just want you to be just."

'But at the same meeting, Yildirim told governors not to be "hesitant" or "timid" about any suspensions. "In accordance with [a recent] statutory decree, provincial governors have been fully authorised [to do what is necessary] in the case of municipalities that are linked to terrorism or support it in one way or another. Do not allow the country's resources to be turned into bullets against the security forces. This is a sin and a huge responsibility. Do not hesitate one bit."<sup>54</sup>

5.6.3 In September 2016, the BBC reported, '[The state-run Anadolu news agency] also said the number [of those teachers arrested in connection with support for the PKK] was meant to grow to 14,000 after an investigation carried out alongside local governors' offices. [...]

'There are 850,000 teachers in Turkey, meaning the suspensions only affect less than 2% of teachers.'<sup>55</sup>

5.6.4 In November 2016, Voice of America News (VOA News) reported:

'Educators in Turkey are at the center of a crackdown, with more than 12,000 teachers suspended for alleged links to the Kurdish rebel group, the PKK. A third of them work in Diyarbakir, a predominantly Kurdish area.

'[...] Over a quarter of Diyarbakir's 17,000 teachers have been affected by the crackdown. [...]

'The teachers are accused of supporting terrorism because they participated in a strike last year calling for peace and an end to fighting between the Turkish state and the PKK. [...]

'The head of the ruling AKP party in Diyarbakir, Muhammed Akar, promised the innocent will be protected. "In the upcoming days, those who made propaganda for the terror organization, who boycotted schools and who encouraged students to join the terrorists, will be separated from the innocent teachers," said Akar. "I can say that a significant percentage will be reinstated to their duties, and the others, those who are guilty, will be charged."<sup>56</sup>

5.6.5 The US Library of Congress noted that the Turkish government issued two new emergency decrees, numbers 693 and 694, on 25 August 2017. It noted that Decree Law 693 continued the pattern of earlier decrees in providing for both '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' and 'the reinstatement of those persons or institutions/organizations cleared of such charges...'<sup>57</sup>

5.6.6 In December 2017, Hurriyet Daily News reported:

'Turkey's State of Emergency Procedures Investigation Commission on Dec. 22 made its first decisions on public sector staff who had been dismissed

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<sup>54</sup> Al Jazeera, 'Turkey suspends 11,000 teachers for suspected PKK links,' 8 September 2016, [URL](#)

<sup>55</sup> BBC, 'Turkey-PKK conflict: Thousands of teachers suspended,' 8 September 2016, [URL](#)

<sup>56</sup> VOA News, 'Mass Suspensions [...],' 1 November 2016, [URL](#)

<sup>57</sup> Library of Congress, Global Legal Monitor, 'Turkey: [...],' 8 September 2017, [URL](#)

with state of emergency decrees in the wake of last year's failed coup attempt, state-run Anadolu Agency has reported.

'Among the commission's first decisions were provisions on both reinstating and rejection of applications by public sector personnel. According to the report quoting an official, a total of 103,276 public sector staff have applied to be reinstated to their jobs since May 22, after being dismissed in the aftermath of the July 2016 failed coup attempt.

'The report did not provide any information on the number of those who succeeded or failed in appealing their dismissals.

'Those who have been cleared of accusations would be reinstated to their former positions within 15 days, the report said. In addition, those whose appeals were rejected will also be able to take their cases to the Council of Judges and Prosecutors.

'Meanwhile, the assessment processes on other applications over the failed coup attempt has been ongoing in the commission. [...]

'The commission was established with a decree law issued on Jan. 23 to allow civil servants to appeal legal action taken against them under the state of emergency imposed following the coup attempt. It consists of seven members along with a team of 200 people including inspectors, law officials, accountants, investigation judges and transcribers working in the commission.'<sup>58</sup>

- 5.6.7 See [Anti-terror legislation](#) for further information on this subject. Sources frequently do not differentiate between Gulenists and PKK members when reporting on the impact of the failed coup attempt on teachers and academics, and the dismissal, suspension and reinstatement of employees, so for further information see the Country Policy and Information Note on [Turkey: Gülenism](#).

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## 6. Anti-terror legislation

### 6.1 Law 3713 on the fight against terrorism

#### 6.1.1 According to the online legislative database, Legislation Online:

'The Turkish legislation regarding terrorism and terrorist offences dates back to 1991, in response to the activities of separatist terrorist organisations in Turkey. Since then, Law 3713 on the Fight against Terrorism has since been subject to many amendments and partial annulments of the Constitutional Court. The latest major amendment has been realised in 2006, changing the definition of many terrorist and terrorism-related offences, as well as introducing new investigative measures regarding the prosecution of suspected terrorists. Although all kinds of national and international terrorist activities fall under the scope of the anti-terrorism legislation of Turkey, the main focus remains on separatist activities.'<sup>59</sup>

#### 6.1.2 Article 1 of the Law on the Fight against Terrorism defines terrorism as:

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<sup>58</sup> Hurriyet Daily News, 'Turkey's state of emergency [...],' 22 December 2017, [URL](#)

<sup>59</sup> Legislation Online, 'Counter-Terrorism: Turkey,' January 2011, [URL](#)



'Any criminal action conducted by one or more persons belonging to an organisation with the aim of changing the attributes of the Republic as specified in the Constitution, the political, legal, social, secular or economic system, damaging the indivisible unity of the State with its territory and nation, jeopardizing the existence of the Turkish State and the Republic, enfeebling, destroying or seizing the State authority, eliminating basic rights and freedoms, damaging the internal and external security of the State, the public order or general health, is defined as terrorism.'<sup>60</sup>

- 6.1.3 An English translation of the [Law 3713 on the Fight Against Terrorism \(1991, amended 2010\)](#) can be found on Legislation Online.<sup>61</sup>
- 6.1.4 The January 2015 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), noted: '[...] the CPT has serious misgivings about certain amendments which were made in 2006 to the 1991 Law on the Prevention of Terrorism [Law on the Fight against Terrorism] (Law No.3713). According to Section 10 (b), persons who are suspected of having committed a terrorism related offence may be denied access to a lawyer during the initial 24 hours of custody (by order of a public prosecutor). Further, Section 10 (e) of the law stipulates that, if there is evidence that the defence lawyer might be "liaising" between the detainee and a terrorist organisation, at the request of the prosecutor and following a decision by a judge, an officer can be present during meetings between the suspect and his lawyer.'<sup>62</sup>
- 6.1.5 In its 2016 Progress Report on Turkey (which covered the period from October 2015 to September 2016), the European Commission reported that: 'The anti-terror law is not in line with the *acquis* [the body of common rights and obligations that is binding on all the EU member states] with regard to its scope and definitions and its application raises serious fundamental rights concerns. Both the criminal and anti-terror legislation should be aligned with ECtHR case-law, without reducing the capacity of Turkey to fight terrorism. The proportionality principle must be observed in practice.'<sup>63</sup>
- 6.1.6 The principal criticism of the scope and definitions in the anti-terror law is that, as explained in the USSD HR Report 2014: '[t]he law [...] does not distinguish between persons who incited violence, those who are alleged to have supported the use of violence but did not use it themselves, and those who rejected violence but sympathized with some or all of the philosophical goals of various political movements.'<sup>64</sup>
- 6.1.7 The US Department of State's Country Report on Terrorism 2016, published on 19 July 2017 and covering 2016, noted:
- 'Turkey has a broad definition of terrorism, to include crimes against constitutional order and internal and external security of the state, which is sometimes used to criminalize what the United States would consider the legitimate exercise of freedom of expression and assembly. Under Turkey's

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<sup>60</sup> Legislation Online, 'Law on Fight Against Terrorism (1991, amended 2010),' undated, [URL](#)

<sup>61</sup> Legislation Online, 'Law on Fight Against Terrorism (1991, amended 2010),' undated, [URL](#)

<sup>62</sup> Council of Europe, 'Report to the Turkish Government [...],' paragraph 27, 15 January 2015, [URL](#)

<sup>63</sup> European Commission, '[...] Turkey 2016 Report,' page 6, 9 November 2016, [URL](#)

<sup>64</sup> USSD HR Report 2014, Section 1.e, 25 June 2015, [URL](#)

Anti-Terror Law and penal code, a person can be punished as a member of a criminal or terrorist organization, even if the person is not a member of that organization, if the person commits an offense on behalf of that organization. The legislation considers a member of an organization with terrorist aims as a terrorist offender, even if the person does not commit a crime. It imposes more severe sentences to terrorism offenses and terrorist propaganda involving mass media.

‘Despite a 2013 amendment that narrowed the definition of terrorist propaganda to declarations that legitimize and laud the violent, coercive, and threatening methods of terrorist organizations and incite their use, authorities broadly interpreted counterterrorism laws to target political opponents, journalists, and activists. The government, for example, arrested Sebnem Korur Fincanci, President of the Human Rights Foundation, in June [2016] after she had served as a temporary guest editor of the pro-Kurdish newspaper Ozgur Gundem, on the charge of spreading terrorist propaganda. Her trial continued at year’s end.’<sup>65</sup> [At the time of writing this report, the trial of Sebnem Korur Financi had been adjourned until 9 October 2018; this is the sixth time the trial has been postponed since it began in November 2016.<sup>66</sup>]

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## 6.2 Use of anti-terrorism legislation

### 6.2.1 The USSD HR Report 2017 stated:

‘Authorities used counterterrorism laws broadly against many human rights activists, media outlets, suspected PKK sympathizers, and alleged members of the Gulen movement, among others. Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling AKP, particularly the pro-Kurdish HDP or its sister party, the DBP. Authorities used both the antiterror laws and increased powers under the state of emergency to detain individuals and seize assets, including those of media companies, charities, businesses, pro-Kurdish groups accused of supporting the PKK, and individuals alleged to be associated with the Gulen movement. The government did not consider those in custody for alleged PKK or Gulen ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.’<sup>67</sup>

### 6.2.2 The USSD HR Report 2017 further noted:

‘Estimates of the number of journalists in jail varied. The Committee to Protect Journalists claimed that as of December 13, there were at least 81 journalists in prison. On December 6, the Journalists’ Union of Turkey claimed 149 journalists were in prison; Reporters without Borders reported that, as of October 24, there were more than 100 journalists in jail; the NGO Platform for Independent Journalism (P24) reported that, as of November 28, there were 153 journalists, editors, or media managers in jail, the vast majority for alleged ties to the PKK or the Gulen movement. As of May, an

<sup>65</sup> USSD, ‘[...] Terrorism 2016,’ Legislation, Law Enforcement & Border Security, 19 July 2017, [URL](#)

<sup>66</sup> Reporters Without Borders, ‘RSF’s Turkey representative in a trial without end,’ 18 April 2018, [URL](#)

<sup>67</sup> USSD HR Report 2017, Section 1.e, 20 April 2018, [URL](#)

estimated additional 123 journalists were outside the country and did not return due to fear of arrest, according to the Journalists Association.

'Hundreds more remained out of work after the government closed media outlets allegedly affiliated with the PKK or the Gulen movement as part of the previous year's government response to the attempted coup. On July 20, the Radio and Television Supreme Board revoked the licenses of five television stations for broadcasting inappropriate content. Another television station and 12 radio stations that previously had their licenses revoked under a July 2016 decree faced difficulty seeking redress and were unable to appeal to the Commission of Inquiry on Practices under the State of Emergency, which was established to review appeals by individuals and associations.'<sup>68</sup>

6.2.3 For further information about the situation for journalists, see the Country Policy and Information Note on [Journalists](#). For further information about Gulenism, see the Country Policy and Information Note on [Gülenism](#).

6.2.4 A Turkish human rights association, IHD, noted:

'Human rights defenders, members of Amnesty International, were arrested on 5 July 2017 and held in detention under the charge of "acting on behalf of a terrorist organization". Accessed by lawyers, the indictment file does not contain any significant material, the terrorist organization for which the human rights defenders supposedly acted is not even specified. Thus many people are convicted of belonging to a terrorist organization without ever having been in contact with any such entity. For example, people participating in the funeral ceremonies of people suspected of terrorism are frequently prosecuted under the pretext of being members of a terrorist organization, such membership being justified simply by the fact that they have attended the funeral of a member presumed. [...]

'Article 7 of the anti-terrorist law punishes terrorist propaganda from 1 to 5 years. Moreover, this penalty is likely to be increased by half if it is published by means of "mass communication". The term "propaganda" is not defined by law, the incrimination states that a person who creates propaganda for a terrorist organization in a way that encourages the use of violence, threat and coercion is punishable. Thereby the condemnations relating to terrorist propaganda are now daily in Turkey, decisions are roughly justified and without recalling the facts of the offense. People active on social networks are particularly the target of these lawsuits. Indeed, several people calling for an end to violence in southeast Turkey have been condemned for terrorist propaganda. The hashtag regarding military exactions "stop killing children" has served as evidence in several lawsuits condemning users of Twitter. [...]

More absurd, in June 2015, three people were investigated because of their dress: the individuals in question wore red, yellow and green clothing. According to the reasons of the decision, these colors promote the PKK and are thus constitutive of the propaganda offense.'<sup>69</sup>

6.2.5 See [Removal of mayors](#) and [Suspensions of teachers](#) for further information on the application of counter-terrorism legislation.

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<sup>68</sup> USSD HR Report 2017, Section 2.a, 20 April 2018, [URL](#)

<sup>69</sup> IHD, 'Anti-terrorist repression in Turkey: excessive and unlawful,' 30 November 2017, [URL](#)

### 6.3 Numbers of arrests and detentions

6.3.1 Yasin Duman, an independent researcher who reviewed version 2 of this CPIN in April 2018 on behalf of the Independent Advisory Group on Country Information (IAGCI), stated that in February 2018 the Ministry of Justice announced the number of people who had been arrested in the state's anti-terror operations; this was 38,470 from the Gulenist movement, 10,079 from the PKK, and 1,354 from ISIS<sup>70</sup>.

6.3.2 In February 2017, Al Jazeera reported:

'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 Anadolu Agency quoted police forces as saying on Tuesday.

'Anadolu said authorities received intelligence that the outlawed Kurdistan Workers' Party (PKK) would escalate attacks after February 15, the day marking the 1999 capture of imprisoned PKK leader, Abdullah Ocalan.

'Along with the suspects, two Kalashnikovs, 11 guns, 15 rifles and ammunition were seized, police said.'<sup>71</sup>

6.3.3 The USSD HR Report 2017 stated:

'The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements. The Ministry of Justice reported that, as of July 15, 169,013 persons had been subjected to some type of "criminal procedure" (e.g., questioning, investigation, detention, arrest, judicial control, or a ban on travel) under the state of emergency. Of these, a total of 55,665 were arrested on terror-related grounds following the July 2016 coup attempt, according to official figures. Many were reportedly detained for alleged ties to the Gulen movement or the PKK, often with little due process or access to the evidence underlying the accusations against them.'<sup>72</sup>

6.3.4 Sources frequently do not differentiate between Gulenists and PKK members when reporting about arrests and detentions so see the Country Policy and Information Note on [Turkey: Gülenism](#) for information about arrests and detentions of those suspected of involvement with Gulenism.

### 6.4 Right to fair trial

6.4.1 The World Justice Project Rule of Law Index, 2017–2018, ranked Turkey at 101 out of 113 countries examined. This is a drop of two places since the last Index of 2016. The Index 'measures the rule of law based on the

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<sup>70</sup> IAGCI review, Turkey, August 2017, Yasin Duman, April 2018

<sup>71</sup> Al Jazeera, 'Turkey: Hundreds detained over alleged links to PKK,' 14 February 2017, [URL](#)

<sup>72</sup> USSD HR Report 2017, Section 1.d, 20 April 2018, [URL](#)

experiences and perceptions of the general public and in-country experts worldwide.<sup>73</sup>

#### 6.4.2 The Freedom House 'Freedom in the World 2018' report stated:

'Although judges still occasionally rule against the government, the appointment of thousands of new, loyalist judges in recent years, the potential professional costs of ruling against the executive in a major case, and the effects of the ongoing purge have all severely weakened judicial independence in Turkey. This process was well under way before the July 2016 coup attempt, but by late 2017, more than 4,000 judges and prosecutors had been removed. Judges and trials in high-profile cases are transferred to ensure that the government's arguments are presented before a sympathetic court.

'A long-term erosion of due process guarantees has accelerated under the state of emergency. Antiterrorism charges brought since the coup attempt often rely on the weakest of circumstantial evidence, secret testimony, or an ever-expanding guilt by association. A decree issued in December 2017 apparently removed requirements that defendants hear all the evidence brought against them and have a defense attorney present during trial. In many cases, lawyers defending those accused of terrorism offenses have been arrested themselves. Lengthy pretrial detention has become routine. An October [2017] report by Human Rights Watch detailed evidence that security forces were carrying out disappearances and using secret detention sites. Under emergency rules, suspects can be held for up to 14 days without judicial review, down from 30 in the initial aftermath of the coup attempt. Authorities can also detain individuals for up to 24 hours without access to a lawyer, though police have reportedly breached this limit in practice.

'Score Change: The score [in regard to whether laws, policies, and practices guarantee equal treatment of various segments of the population] declined from 1 to 0 due to the lack of basic due process protections for the growing number of people detained or charged with terrorism offenses during the state of emergency.'<sup>74</sup>

#### 6.4.3 The USSD HR Report 2017 noted:

'Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. On February 10 [2017], the Sanliurfa Bar Association stated that police intimidated lawyers who were chosen by the detainee or were assigned by the bar association, which it stated compromised their ability to effectively represent their clients. Multiple bar associations claimed their lawyers were hesitant to take cases, particularly those of suspects accused of PKK or Gulen ties, because of fear of government reprisal, including prosecution, against them. Government intimidation of defense lawyers also at times involved non-terror-related cases.'<sup>75</sup>

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<sup>73</sup> World Justice Project, 'Rule of Law Index 2017-2018,' 31 January 2018, [URL](#)

<sup>74</sup> Freedom House, 'Freedom in the World 2018,' Turkey, Section F2, 16 January 2018, [URL](#)

<sup>75</sup> USSD HR Report 2017, Section 1.d, 20 April 2018, [URL](#)



#### 6.4.4 The same report further noted:

'On April 24, a Gaziantep court convicted physician Serdar Kuni, HRFT's [Human Rights Foundation of Turkey's] Cizre Representative, of "aiding and abetting terrorist organizations," but cleared him of membership in a terrorist organization. He was sentenced to four years and two months in prison but released pending appeal to the regional high court. In October Kuni was arrested again and tried for allegedly providing medical treatment to alleged "members of a terrorist organization" and for alleged membership in the PKK, despite the earlier court findings that no such link existed.'<sup>76</sup>

#### 6.4.5 A Turkish human rights association, IHD, published a report in November 2017 which stated:

'Since the failed coup d'état of 15 July 2017, the judicial bodies have been particularly targeted by mass dismissals by Ankara. A climate of suspicion and fear has gradually spread through the Turkish courts. [...] IHD was able to collect the testimony of a judge from the Kurdish community and who is still in office. He said he had already been forced to convict defendants for PKK propaganda because he fears himself of being accused of terrorism. "Today I had to judge two cases related to terrorism, I sent these two people to prison for terrorist propaganda, I pronounced this condemnation because of a publication on the social network Facebook, according to me they were not guilty but I am Kurdish, thereby I have to prove that I am not a member of the PKK, if I do not condemn them, the authorities will see there a form of solidarity with the PKK". Judge still in office.'<sup>77</sup>

#### 6.4.6 For further information about the impact of the coup attempt on the judiciary, see the Country Policy and Information Note on [Turkey: Gülenism](#). See [The political climate](#) for further information on the impact of the coup attempt.

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### 6.5 Immunity from prosecution

#### 6.5.1 In June 2016, Reuters noted:

'Turkey's parliament has granted immunity from prosecution to members of the armed forces conducting counter-terrorism operations as security forces battle Kurdish militants in fighting that has killed thousands in the past year.

'The law, passed late on Thursday, gives expansive powers to the military as it tries to stamp out an insurgency by the Kurdistan Workers Party (PKK) after last year's collapse of a two-year ceasefire. [...]

'The legislation could make it harder to investigate allegations of rights abuses. The United Nations and human rights groups have raised concerns about such violations during the last year of operations that have been centered in densely populated cities. Hundreds of civilians have been killed, according to opposition parties. [...]

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<sup>76</sup> USSD HR Report 2017, Section 5, 20 April 2018, [URL](#)

<sup>77</sup> IHD, 'Anti-terrorist repression in Turkey: excessive and unlawful,' 30 November 2017, [URL](#)

'The new law requires permission from the military or political leadership for any prosecutions of soldiers. The law will be applied retroactively, thereby covering the operations undertaken over the past year.

'Civil servants engaged in counter-terrorism activities will also be protected from prosecution, according to the law.

'It expands the jurisdiction of military courts, where members of the security forces accused of criminal activities during their service will be prosecuted. Military commanders are now able to issue search warrants, it also mandates.'<sup>78</sup>

- 6.5.2 The USSD HR Report 2017 stated, 'The government declined to provide information on efforts to investigate or prosecute personnel for any wrongful or inadvertent deaths of civilians linked to counter-PKK security operations.'<sup>79</sup>
- 6.5.3 In a report covering 2017, OHCHR noted that 'Turkey has not implemented the recommendations contained in the [...] OHCHR report [covering July 2015 to December 2016, published in March 2017], notably the call for credible criminal investigations into the civilian deaths that occurred in the context of the 2015-2016 security operations [in south east Turkey] led by the Government of Turkey.'<sup>80</sup>

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## 6.6 Conditions in detention

- 6.6.1 The USSD HR Report 2017 stated:

'Credible media reports claimed that some persons jailed on terrorism-related charges were subject to a variety of abuses, including long solitary confinement, severe limitations on outdoor exercise and out-of-cell activity, inability to engage in professional work, denial of access to the library and media, slow medical attention, and in some cases the denial of medical treatment. Media reports also alleged that visitors to prisoners accused of terrorism-related crimes faced abuse, including limited access to family, strip searches, and degrading treatment by prison guards.'<sup>81</sup>

- 6.6.2 The Freedom House 'Freedom in the World 2018' report stated that 'There was increasing evidence of extrajudicial "disappearances" and routine torture of political detainees.'<sup>82</sup>
- 6.6.3 In a report covering 2017, OHCHR stated that 'Credible NGO sources indicate that in the first quarter of 2017, the total number of violations in South-East Turkey amounted to 7,907 and included 263 incidents of torture in detention.'<sup>83</sup>
- 6.6.4 The same report further noted that in 2017 it had documented:

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<sup>78</sup> Reuters, 'Turkey grants immunity to security forces fighting militants,' 24 June 2016, [URL](#)

<sup>79</sup> USSD HR Report 2017, Executive Summary, 20 April 2018, [URL](#)

<sup>80</sup> OHCHR, 'Report on the impact [...],' paragraph 12, March 2018, [URL](#)

<sup>81</sup> USSD HR Report 2017, Section 1.e, 20 April 2018, [URL](#)

<sup>82</sup> Freedom House, 'Freedom in the World 2018,' Turkey, Executive Summary, 16 January 2018, [URL](#)

<sup>83</sup> OHCHR, 'Report on the impact [...],' paragraph 12, March 2018, [URL](#)

[...] the use of different forms of torture and ill-treatment in custody, including severe beatings, threats of sexual assault and actual sexual assault, electric shocks and waterboarding. Based on accounts collected by OHCHR, the acts of torture and ill-treatment generally appeared to aim at extracting confessions or forcing detainees to denounce other individuals. It was also reported that many of the detainees retracted forced confessions during subsequent court appearances.’ It further found that ‘perpetrators of ill-treatment and torture included members of the police, gendarmerie, military police and security forces.’<sup>84</sup>

6.6.5 A further report by Human Rights Watch dated October 2017 stated:

‘In Turkey today, people accused of terrorism or of being linked to the July 2016 attempted coup are at risk of torture in police custody. There has been a spate of reported cases of men being abducted, some of whom were held in secret detention places, with evidence pointing to the involvement of state authorities. [...]

‘The highest number of detentions concerns people suspected of links with the group the government and courts in Turkey refer to as the Fethullahist Terror Organization (FETÖ), associated with US-based cleric Fethullah Gülen. The government says this group was behind the attempted coup. The second largest group concerns people with alleged links to the armed Kurdistan Workers’ Party (PKK/KCK). Cases reported to Human Rights Watch show that it is people detained on these two grounds who are at greatest risk of torture.’<sup>85</sup>

6.6.6 In its progress report on Turkey of April 2018, the European Commission noted the following with regard to the prison system:

‘[...] overcrowding and deteriorating prison conditions are a source of deep concern. The prison population rate has grown to 290 per 100 000 inhabitants and the prison population now stands at 234 673. There are currently over 600 children staying with their detained mothers. The shortage of psychologists, social workers and sociologists continues to negatively affect the rehabilitation of inmates. There have been many allegations of human rights violations in Turkey’s prisons, including arbitrary restrictions on the rights of detainees and the use of torture, mistreatment and solitary confinement as disciplinary measures. There are allegations that sick inmates are regularly denied access to medical care. State-run commissions responsible for monitoring prison conditions have either been dissolved following the attempted coup or remain largely ineffective. The result is that prison guards and administrations operate largely without oversight.’<sup>86</sup>

6.6.7 With regard to torture and ill-treatment the report found:

‘Several credible reports from human rights organisations have alleged that the removal of crucial safeguards by emergency decrees has augmented the risk of impunity for perpetrators of such crimes and has led to an increase in the number of cases of torture and ill-treatment in custody. The handling of

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<sup>84</sup> OHCHR, ‘Report on the impact [...],’ March 2018, [URL](#)

<sup>85</sup> Human Rights Watch, ‘In custody, [...],’ page 1, 12 October 2017, [URL](#)

<sup>86</sup> European Commission, ‘[...] Turkey 2018 Report,’ 17 April 2018, [URL](#)



complaints is also reported to be ineffective and allegedly entails a risk of reprisals. After his visit to Turkey in late 2016, the UN Special Rapporteur on torture also voiced concerns on Turkey as an “environment conducive to torture”.<sup>87</sup>

- 6.6.8 For further information about conditions of detention, see the Country Policy and Information Note on [Turkey: Prison conditions](#).

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<sup>87</sup> European Commission, ‘[...] Turkey 2018 Report,’ 17 April 2018, [URL](#)

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Partiya Karkerên Kurdistanê (PKK) and affiliates**
  - Partiya Karkerên Kurdistanê (Kurdistan Workers' Party) (PKK)
  - Koma Civakên Kurdistan (Kurdistan Communities Union) (KCK)
  - Halkların Birleşik Devrim Hareketi (People's United Revolutionary Movement) (HBDH)
  - Yekîneyên Parastina Sivîl (Civil Defense Units) (YPS) & Yurtsever Devrimci Gençlik Hareket (Patriotic Revolutionary Youth Movement) (YDG-H)
  - Kurdistan Freedom Falcons or Teyrenbazen Azadiya Kuridstan (TAK)
  
- **Situation in the east and south-east**
  - PKK-related violence
  - Government human rights violations
  - Immunity from prosecution
  
- **Anti-terror law**
  - Law 3713 on the fight against terrorism
  - Use of anti-terror law
  - Numbers of arrests and detentions
  - Fair trial

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **6 August 2018**

## Changes from last version of this note

Updated country information and guidance, incorporating comments from Independent Advisory Group on Country Information review.

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