



Ministerie van Buitenlandse Zaken

General Country of Origin Information Report Turkey

October 2019

Publication details

Location The Hague
Prepared by Country of Origin Information Reports Section (DAF/AB)

Disclaimer: The Dutch version of this report is leading. The Ministry of Foreign Affairs of the Netherlands cannot be held accountable for misinterpretations based on the English version of the report.

Table of Contents

	Publication details	2
1	Politics and security	5
1.1	Political developments	5
1.2	The security situation	9
1.2.1	The attempted coup	9
1.2.2	South-east	10
1.2.3	Turkish Hizbollah and the Hüda-Par Party	12
2	Human rights	14
2.1	Legislation and regulations	14
2.2	Compliance and violations	17
2.2.1	Freedom of expression	17
2.2.2	Freedom of association and assembly	20
2.2.3	Freedom of religion and belief	21
2.2.4	Freedom of movement	21
2.2.5	Judicial process	23
2.2.6	Arrests, custody and detentions	32
2.2.7	Maltreatment and torture	33
2.2.8	Disappearances and abductions	34
2.3	Position of specific groups	34
2.3.1	People suspected of ties with the Gülen movement	35
2.3.2	Opposition parties	36
2.3.3	Journalists	38
2.3.4	Human rights defenders	39
2.3.5	Minorities	42
2.3.6	LGBTI	42
2.3.7	Women and minors	44
3	Asylum and Migration	46
3.1	Reception and protection of asylum-seekers and refugees in Turkey	46
3.1.1	Uighurs	49
3.2	Migration	51
3.3	Repatriation	52
4	Appendixes	54
4.1	Reports and publications	54
4.2	Newspapers	57
4.3	Websites	57
4.4	List of abbreviations	58
4.5	Map	59

Introduction

This general country of origin information report describes the situation in Turkey insofar as it is relevant to the assessment of asylum applications from persons originating from Turkey and to decisions on the repatriation of rejected Turkish asylum-seekers. It describes the situation in Turkey from the failed coup attempt of July 2016 to September 2019, with the emphasis on the current situation and developments in the country.

The report deals with the questions asked by the Ministry of Justice and Security as set out in the terms of reference of 21 March 2019. Topics in the terms of reference on which no specific questions were asked are briefly addressed in the report.

At the request of the Ministry of Justice and Security, the requested information about conscientious objectors and deserters has been published in a separate thematic country of origin information report. That report was published in July 2019.¹

Use has been made in the compilation of this report of information from various European and multilateral organisations, non-governmental organisations and other experts, as well as specialist literature and media reporting. An overview of the public sources consulted is included in the list of references.

The report is also based on on-the-spot observations and confidential reports of the Dutch representations in Turkey and elsewhere. A fact-finding mission to Turkey took place in May 2019, during which Ankara, Istanbul and Diyarbakir were visited.

Frequent reference is made to the consulted public sources. Where public sources are mentioned, the text is in many cases also supported by information obtained on a confidential basis. Where reference is made in certain passages to previous official reports, it can be assumed that the situation described in these reports is still applicable.

Chapter One provides an overview of recent political developments and of the security situation.

Chapter Two deals with the human rights situation in Turkey. In particular, the aftermath of the coup attempt and the measures taken under the state of emergency are examined.

Chapter Three focuses primarily on the protection and reception of refugees in Turkey, and in particular the situation of the Uighurs.

¹ <https://www.rijksoverheid.nl/documenten/ambtsberichten/2019/07/11/thematisch-ambtsbericht-dienstplicht-turkije-juli-2019>

1 Politics and security

1.1 Political developments

President Recep Tayyip Erdoğan's *Adalet ve Kalkınma Partisi* (AKP) or *Justice and Development Party* has been in power in Turkey since 2002. Following initial reforms that also strengthened the rule of law and democracy, there has been increasing pressure on political rights and fundamental freedoms in Turkey in recent years, especially after the failed coup attempt in July 2016. Moreover, since the presidential and parliamentary elections in June 2018, a presidential system has existed with far-reaching powers for the president.²

Presidential and parliamentary elections, 24 June 2018

The incumbent President Erdoğan won the presidential election in the first round, receiving 52.5% of the vote with a turnout of 86.2%. In the parliamentary elections, none of the parties gained an overall majority.³

For the parliamentary elections of 24 June 2018, the AKP and the national-conservative *Milliyetçi Hareket Partisi* (MHP) or *Nationalist Movement Party* formed an alliance, which gained a majority in the Turkish parliament (339 out of 600 seats). The MHP made considerable advances in these elections, going from 40 to 49 seats.⁴ The elections were characterised by the lack of a level playing field, with partisan media favouring the AKP and intimidation, harassment and attacks directed at opposition candidates. This limited the ability of the opposition candidates to compete on equal terms with the ruling parties for electoral support and to campaign freely. In addition, one of the opposition candidates for the presidency, Selahattin Demirtaş of the *Halkların Demokratik Partisi* (HDP) or *Peoples' Democratic Party*, remained in detention (see Chapter Two for more details).⁵

Presidential system

Recep Tayyip Erdoğan was sworn in as the first president under the new presidential system in the Turkish parliament on 9 July 2018. The constitutional amendments that were adopted by referendum on 16 April 2017 thus officially entered into force, representing the most radical change to Turkey's system since the establishment of the Turkish Republic in 1923.⁶ The office of prime minister was abolished. With the

² Dutch Ministry of Foreign Affairs, *Kamerbrief over de politieke situatie in Turkije en de relatie van Nederland met Turkije*, 13 May 2019; Freedom House, *Freedom in the World 2019. Turkey*, p. 2, accessed 21 June 2019.

³ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019, SWD(2019)220 final, p. 11. Continuing under-representation of women in politics 20.5% of all candidates nominated by parties were women; 17.3% of elected MPs were women. This latter percentage is an improvement on the composition of the previous parliament, in which 14.7% of MPs were women.

⁴ Confidential source, 26 September 2018; Middle East Eye, *Turkey's ruling party renews alliance with far-right MHP for local elections*, 26 November 2018. <https://www.middleeasteye.net/news/turkeys-ruling-party-renews-alliance-far-right-mhp-local-elections>; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019, SWD(2019)220 final, pp. 10 and 11. In May 2018, the Turkish parliament amended the electoral law. One of the amendments made it possible for political parties to form electoral alliances. The People's Alliance consisted of the AKP and the MHP. The Nation's Alliance was the umbrella for the CHP, the İYİ and the Felicity Party. Three other parties objected to the elections: the HDP, the Huda-Par Party (*Free Cause Party*; see also 1.2.2.) and the Vatan Party. There were six presidential candidates.

⁵ Freedom House, *Freedom in the World 2019. Turkey*, accessed 21 June 2019; US Department of State, *Turkey 2018 human rights report*, p. 1. 13 March 2019; OSCE, *Republic of Turkey. Early Presidential and Parliamentary Elections, 24 June 2018. ODIHR Election Observation Mission Final Report*. Executive summary, 21 September 2018; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019, SWD(2019)220 final, pp. 10 and 11; Ahval, *Social media campaign for Kurdish politician Selahattin Demirtaş*, 6 August 2019. <https://ahvalnews.com/selahattin-demirtas/social-media-campaign-kurdish-politician-selahattin-demirtas>. Demirtaş has been in detention since 2016 on multiple terrorism-related charges, including spreading propaganda for the prohibited PKK. He was convicted because of an article he wrote in 2005. In July 2019, the ECHR ruled that the conviction was a violation of freedom of expression.

⁶ Confidential source, 12 July 2018; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019, SWD(2019)220 final, page 11; de Volkskrant, *Wat moet u weten over het Turkse referendum?* 16 April 2017. <https://www.volkskrant.nl/nieuws-achtergrond/wat-u-moet-weten-over-het-turkse-referendum-b471d6c6/>; Brookings, *Turkey's new presidential system and a changing West: implications for Turkish Foreign policy and Turkey-West relations*. Turkey project policy paper. No. 16, January 2019, pp. 5 and 6.

loss of the premiership, as a result of the outcome of the referendum, many roles were transferred to the president. Under the presidential system, the president can veto laws, propose the government budget, dissolve parliament and declare a state of emergency. Diyanet (the religious affairs directorate), the National Security Council, the intelligence service MIT, the Turkish Government Information Service and the General Staff now fall directly under the president's control as 'agencies'.⁷ As the sole holder of executive power, President Erdoğan has thus obtained an unprecedented number of formal powers over Turkish politics and society. He is head of state, head of government, chairman of the National Security Council and chairman of the board of Turkey's national investment fund. He can appoint and dismiss key officials in at least 75 categories of public administration (including provincial governors, the governor of the central bank and directors-general). The terms of office of all these officials automatically come to an end when that of the president ends.⁸ The president can also appoint four of the thirteen members of the Council of Judges and Prosecutors (CJP) and twelve of the fifteen judges of the Constitutional Court (see also Chapter Two). In addition, the president can issue presidential decrees on executive issues not regulated by existing legislation, such as the creation of new agencies and offices, the merging of ministries and other institutions and the appointment and dismissal of (senior) officials.⁹

On 19 July 2018, the Turkish government ended the state of emergency it had established following the failed coup attempt of July 2016. Many of the emergency measures that had been taken remained in force in the form of new legislation promulgated after the end of the state of emergency (see 2.1).

On 18 August 2018, the AKP's sixth party congress was held in the sports hall in Ankara. President and AKP party leader Erdoğan was re-elected as party leader with 1,380 out of 1,457 votes.¹⁰

Parliament and opposition parties

In the Turkish parliament, where the *Cumhuriyet Halk Partisi* (CHP) or *Republican People's Party*, the *İYİ* Party or Good Party (which broke away from the MHP) and the HDP are in opposition, the procedures have been adjusted under the presidential system, and the amount of time the opposition parties have to speak has been seriously curtailed. Parliament is virtually toothless in the new system, and may no longer even put oral questions to ministers.¹¹ Under the Turkish Constitution, the government is required to answer written questions within 15 days. In practice, however, the government scarcely answers these questions.¹² See also 2.3.2.

Local elections, 31 March 2019

⁷ Confidential source, 12 July 2018; de Volkskrant, *Wat moet u weten over het Turkse referendum?* 16 April 2017.

⁸ Confidential source, 26 September 2018; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 14.

⁹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 14; de Volkskrant, *Wat moet u weten over het Turkse referendum?* 16 April 2017.

¹⁰ Confidential source, 20 August 2018.

¹¹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 14. Common instruments used by parliament to control the executive branch, such as votes of confidence and the asking of oral questions, are no longer available; Council of Europe (Venice Commission). *Turkey. Opinion on the amendments to the constitution adopted by the grand national assembly on 21 January 2017 and submitted to a national referendum on 16 April 2017*, 13 March 2017, p. 24; Freedom House. *Freedom in the World 2019. Turkey*, p. 9, accessed 21 June 2019.

¹² Confidential source, 17 September 2018. The possibilities for the opposition to make its voice heard at parliamentary sessions are as follows: each party may speak for ten minutes about the announced business at the start of the session. Each party may then speak for five minutes on any subject. After that, 15 MPs can speak for one minute on another subject of their choice, on a first come, first served basis. The announced business then starts, and the opposition can only express its views at this point through written questions; confidential source, 26 September 2018; The Nordic monitor, *Turkish foreign minister ignores all parliamentary questions in violation of constitution*, 12 January 2019. <https://www.nordicmonitor.com/2019/01/turkish-foreign-minister-violates-constitution-ignores-all-parliamentary-questions/>

On 31 March 2019, Turkey went to the polls for municipal council elections. Votes were cast for metropolitan and district municipal mayors, municipal councillors and village or neighbourhood representatives (the *muhtars*). The People's Alliance, consisting of the AKP and the conservative-nationalist MHP, contested in most municipalities against the secular CHP, which had allied with the İYİ Party. The Kurdish HDP had advised its voters in various cities where it was not fielding any candidates to vote for the opposition, and took on the AKP itself in the predominantly Kurdish regions.¹³

Procedurally, the elections were conducted properly on the day itself, as the findings of the Council of Europe show.¹⁴ However, there were more than 310 incidents in and around polling stations across the country and several people were killed, including an election observer and polling station official from the small Saadet Party in Malatya.¹⁵

The turnout was high: 84% of the electorate voted. The preliminary result of the local elections on 31 March 2019 was that the AKP-MHP ruling alliance received 51% of the votes cast, but lost the five largest cities (Istanbul, Ankara, Izmir, Bursa and Adana, accounting for more than a quarter of the Turkish population) to the largest opposition party, the CHP.¹⁶ Moreover, the CHP defeated the AKP along the Aegean and Mediterranean coasts (Adana, Antalya, Mersin), in the north-east (Artvin, Ardahan), and in Central Anatolia (Kırşehir, Bolu, Burdur, Bilecik, Sinop). The AKP also lost a number of provinces to its coalition partner MHP (Amasya, Kastamonu, Erzincan, Karaman, Çankırı, Bayburt). The İYİ Party, as a newcomer, came second in a number of municipalities and received more votes in total than the MHP nationwide. The HDP performed well in the south-east, winning back all major urban centres there (Diyarbakir, Van, Mardin) from the AKP caretaker administration established by the central government. The HDP also won Kars from the MHP. However, it suffered defeats in the Kurdish provinces of Şırnak, Ağrı and Bitlis, predominantly inhabited by Kurdish Turks.¹⁷

Among the 1,389 elected mayors for large cities (metropolitan municipalities), provinces, districts and towns, there were only 37 women according to unofficial estimates.¹⁸

During the local election campaign, the ruling alliance in particular again sought to discredit opponents and made use of the fact that it controlled 95% of the media.

¹³ Confidential source, 3 April 2019; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p.11; The muhtar represents the village or neighbourhood as well as governing at village or neighbourhood level. For more information about the muhtar's roles and the appointment of this representative, see: Union of municipalities in Turkey, *Types of local governance*. <http://www.tbb.gov.tr/en/local-authorities/types-of-local-governments/>. Accessed 17 June 2019. For more information about the metropolitan municipality, see: TBB. Union of municipalities of Turkey, accessed 20 September 2019. <http://www.tbb.gov.tr/en/local-authorities/municipalities-in-turkey/> Metropolitan municipalities encompass district municipalities which perform administrative tasks and provide services at district level.

¹⁴ Confidential source, 3 April 2019; European Commission. *Commission Staff Working Document. Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final, p. 12; Council of Europe. Congress of local and regional authorities, *Congress Observation mission of the local elections in Turkey held on 31 March 2019 Press conference in Ankara on 1 April 2019. Press statement*, April 2019. <https://rm.coe.int/congress-observation-mission-of-the-local-elections-in-turkey-31-march/168093bc1a>

¹⁵ Confidential source, 3 April 2019; Hürriyet Daily News, *Two killed at polling station in Turkey's Malatya*, 31 March 2019. According to the state news agency Anadolu, the deaths occurred in a quarrel at the polling station in Malatya between supporters of candidates in the election for local administrators. According to the leader of the Saadet Party, there was a quarrel about possible election fraud in which a relative of the AKP candidate killed two representatives of the Saadet Party; Politico, *4 killed in election-related violence in Turkey*, 31 March 2019.

¹⁶ Confidential source, 3 April 2019; European Commission. *Commission Staff Working Document. Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final, p. 11.

¹⁷ Confidential source, 3 April 2019. The source indicated that the HDP won fewer votes across the board, largely due to the fact that Kurds in large cities outside the south-east voted for the CHP candidate in the absence of a candidate of their own. CHP largely owed its victory in Istanbul to this; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 11; Daily Sabah, *HDP loses big in Turkey's local elections, AK Party experiences revival*, 1 April 2019. In the provinces of Şırnak, Ağrı and Bitlis, the AKP won in the provincial capitals and in a number of districts.

¹⁸ Confidential source, 16 April 2019.

The opposition were branded as terrorists or accused of supporting terrorism on a daily basis.¹⁹

New local elections for Istanbul

After the local elections, the AKP requested a recount of all votes cast in Istanbul. The Supreme Election Council (*Yüksek Seçim Kurulu*, YSK) rejected this request on 8 April 2019 and decided on a limited recount of 51 ballot boxes in 31 districts. The AKP appealed on 9 April 2019 and requested new local elections for the metropolitan mayor of Istanbul.²⁰ On the evening of 6 May 2019, the Supreme Election Council announced that these elections had to be held again. The mayoral tenure of Ekrem İmamoğlu, who had been installed two weeks earlier, was immediately cancelled as a result of the ruling. The Election Council's ruling was prompted by a series of objections raised by the AKP ruling party. Its decision was taken by seven votes to four. The grounds given by the Election Council were that in a number of electoral districts, the presidents of the polling stations were not civil servants, as required by law.²¹

The new elections took place on 23 June 2019. CHP candidate Ekrem İmamoğlu won again, with a larger margin than in the rejected election result. Most political commentators agree that, in addition to the alliance with the İYİ Party, Kurdish votes in Istanbul were an important factor in the CHP's win.²²

HDP mayors rejected by YSK

On 10 April 2019, the YSK unanimously decided that the elected mayors in five districts and one city who had previously been dismissed on the basis of an emergency decree could not serve as mayors.²³ The YSK awarded the office of mayor to the candidates who had received the second highest number of votes. This decision was made on the basis of an objection submitted by the AKP. In its decision, the YSK stated that the office of mayor is a public function, and that those previously dismissed on the basis of emergency decrees were no longer eligible for a government function. As a result, the candidates with the second highest number of votes (six AKP candidates) would replace the elected HDP district mayors in six small districts of Diyarbakir, Kars, Erzurum and Van. The YSK also determined that elected members of municipal and provincial councils would not be allowed to serve if they had been dismissed from government functions on the basis of emergency decrees.²⁴ This decision was criticised, as the YSK had approved these candidates for participation in the elections.²⁵ See also 2.3.2.

¹⁹ Confidential source, 3 April 2019; *Hürriyet Daily news, Erdogan accuses CHP's Ankara mayoral candidate Yavas of involvement in 'shaddy business'*, 14 March 2019. Candidates were also accused of corruption. The Public Prosecutor charged Mansur Yavas, the CHP mayoral candidate for Ankara, with fraud; *Hürriyet Daily news, Izmir mayors receive mandates to take office*, 8 April 2019.

²⁰ Washington Post, *Turkey's ruling party wants Istanbul election voided, redone*, 16 April 2019. Ekrem Imamoglu, the CHP candidate, won the mayoral election by a very small margin. The AKP claimed that irregularities had taken place and wanted a general recount of the votes; Confidential source, 16 April 2018.

²¹ Confidential source, 3 April 2019.

²² European council on foreign relations. *What will the Istanbul election change?* 28 June 2019. https://www.ecfr.eu/article/commentary_what_will_the_istanbul_election_change#; Ahval. *Kurdish votes will be kingmakers in Istanbul mayoral race – pollster*. 26 May 2019. <https://ahvalnews.com/istanbul-rerun/kurdish-votes-will-be-kingmakers-istanbul-mayoral-race-pollster>; Confidential source, 4 July 2019; Confidential source, 30 June 2019.

²³ Euractiv, *Tensions mount in Turkey ahead of Istanbul election verdict*, 6 May 2019. The YSK consists of 11 senior judges.

²⁴ Confidential source, 16 April 2019; European Commission. *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp. 11 and 12; International Observatory Human Rights. *2018 in review, Human rights violations in Turkey. # Turkey Human Rights*. <https://observatoryihr.org/2018-in-review-human-rights-violations-in-turkey/>. Accessed 17 July 2019, p. 12; *Hürriyet Daily News. CHP leader vows to win Istanbul despite mayor row*, 5 January 2018. <http://www.hurriyetdailynews.com/chp-leader-vows-to-win-istanbul-despite-mayor-row-125306>.

²⁵ DW, *Turkey: Erdogan influence bars mayors-elect from office*, 2 June 2019; Ahval, *Electoral board will not certify Kurdish mayoral candidates previously dismissed by decree*, 10 April 2019. <https://ahvalnews.com/local-elections/electoral-board-will-not-certify-kurdish-mayoral-candidates-previously-dismissed>; European Parliament, *Situation in Turkey, notably the removal of elected mayors*, 19 September 2019. http://www.europarl.europa.eu/doceo/document/TA-9-2019-0017_EN.html.

1.2 The security situation

1.2.1 *The attempted coup*

A failed coup attempt took place on 15 July 2016. At least 241 people were killed and more than 2,100 were injured. The government declared a state of emergency on 21 July 2016 in response to the coup attempt. The state of emergency, initially announced for a three-month period, was extended seven times and ended on 19 July 2018.²⁶ Under emergency regulations, more than 150,000 people were arrested and detained pending criminal prosecution.²⁷ The Turkish government holds the so-called Gülen movement, led by Fethullah Gülen, responsible for the attempted coup. The Turkish authorities refer to this movement as the '*Fethullahçı Terrör Örgütü*' (FETÖ) or Fethullah Terrorist Organisation.²⁸ This designation of the movement as a terrorist organisation was introduced gradually. The Turkish public prosecutor first designated the Gülen movement as a terrorist organisation in April 2015.²⁹ On 28 October 2015, the Turkish Ministry of the Interior registered Fethullah Gülen as one of the most wanted terrorists in Turkey. The Turkish National Security Council, chaired by President Erdoğan, officially designated the Gülen movement as a terrorist organisation on 26 May 2016. The Supreme Court ruled that the Gülen movement is a terrorist organisation in June 2016.³⁰ Since the coup attempt of 15 July 2016, hunting down the Gülen movement has been the top priority for the Turkish government under President Erdoğan.³¹ See also 2.2.5.1, 2.2.5.2 and 2.3.1.

The Gülen movement

As the Foreign Affairs Committee of the British House of Commons indicates in a March 2017 report on relations with Turkey, no clear picture exists of the Gülen movement's organisational structure. Gülenists state that the movement is controlled neither centrally nor hierarchically from above. Internally, the movement is referred to as the *Hizmet* (service) movement – a network of an informal and loose nature based on inspiration, voluntary activity and philanthropy.³² However, other sources claim that the movement is layered, differentiating between those who are simply inspired by Gülen's teachings and those who are more politically active, receiving pay and operating under the movement's leadership.³³ According to these sources, the Gülen network consists of circles of loyalty. The outermost circle consists of allies, supporters and new adherents. The innermost circle is the operational core that directs activities within state organs.³⁴ It is also clear from these sources that the network worked with a mentoring system, in which students

²⁶ Hürriyet Daily news, *Turkey's state of emergency extended for seventh time*, 18 April 2018.

<http://www.hurriyetdailynews.com/state-of-emergency-in-turkey-extended-for-seventh-time-130539>; CNBC, *Turkey lifts state of emergency but nothing much has changed, analysts warn*, 19 July 2018.

<https://www.cnbcm.com/2018/07/19/turkey-lifts-state-of-emergency-but-nothing-much-has-changed-analysts.htm>.

²⁷ OSCE, Republic of Turkey. Constitutional referendum. 16 April 2017. *OSCE/ODIHR limited referendum observation mission. Final report*, 22 June 2017, p. 5.

²⁸ European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, pp. 1 and 2.

²⁹ Anadolu Agency, *Turkey: seven Gülenists indicted on terrorism charges*, 9 April 2015.

<https://www.aa.com.tr/en/turkey/turkey-seven-gulenists-indicted-on-terrorism-charges/59192#>

³⁰ House of Commons Foreign Affairs Committee, *The UK's relations with Turkey*, 21 March 2017, p. 35; Confidential source, 26 September 2018; HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 9; Tee, Caroline. *The Gülen movement in Turkey. The politics of islam and modernity*, 2016, p. 176. After Prime Minister Erdoğan's triumph in the March 2014 elections, he took action against the Gülenists in various ways that same year. In December 2014, 28 people were arrested on charges of forming a criminal network against the state. They included several executives of Gülen-related media outlets, including Ekrem Dumanlı, editor of the national daily newspaper Zaman.

³¹ Confidential source, 30 October 2018; House of Commons Foreign Affairs Committee, *The UK's relations with Turkey*, 21 March 2017, p. 32. The term 'parallel state structure' is also used by the Turkish government to describe the Gülen movement.

³² <http://www.gulenmovement.com/what-is-hizmet-movement.html>. Accessed 24 September 2019.

³³ House of Commons Foreign Affairs Committee, *The UK's relations with Turkey*. 21 March 2017. P. 37; Ahval. *The 'ally' to 'enemy # 1': Gülen Movement (1)*, 11 April 2018. <https://ahvalnews.com/gulenists/ally-enemy-1-gulen-movement-1>

³⁴ European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempts*, September 2016, p. 3.

were brought within the organisation's sphere of influence at weekend Gülen schools by the provision of free tutoring or cheap accommodation. Secretiveness about and obedience to this system is said to have then been rewarded with good jobs in the public sector.³⁵ Before the coup attempt, all 81 provinces had an 'imam' who acted as the senior Gülenist, played a coordinating role for the movement's activities and reported to Gülen. Other countries also had their own 'imam'.³⁶

Various sources, including the Turkish investigative journalist Ahmet Şik – author of the book *'The imam's army'* about the Gülen movement – indicate that the Gülen movement is tightly organised and had deeply infiltrated the Turkish state.³⁷

According to the Turkish authorities, various researchers and political analysts, the Gülen movement has both a public and a hidden side. The public side was seen in schools, universities, think tanks, NGOs, media outlets (such as the *Zaman* newspapers and *Today's Zaman*) and the Asya bank. In addition, according to Gülen,³⁸ there were Gülen-related schools in 170 countries.³⁹ Many small and medium-sized enterprises in Anatolia, the Asian part of Turkey, made financial contributions to the Gülen movement.⁴⁰

As an indication of the hidden side of the Gülen movement, researchers and the Turkish authorities state, among other things, that the Gülen movement attempted to build a power base of sympathisers in the Turkish government, judiciary and army. For example, according to the Turkish Interior Minister, 77 of the 81 provincial police commissioners were Gülenists in 2012.⁴¹ In 2013, a public rift opened up between the AKP government and the Gülen movement.⁴²

1.2.2

South-east

In July 2015, a two-and-a-half year ceasefire between the Turkish armed forces and the Kurdistan Workers' Party (PKK) ended.⁴³ Turkey, the United States and the EU

³⁵ Confidential source, 30 October 2018.

³⁶ Confidential source, 30 October 2018; European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, p. 4; Ahval. *The 'ally' to 'enemy' # 1: Gülen Movement (1)*, 11 April 2018. <https://ahvalnews.com/gulenists/ally-enemy-1-gulen-movement-1>

³⁷ OrientXXI. *Turkey, Ahmet Şik's Statement in Court on 24 July 2017*. 'The Gülen Community, which has a 45-year history, established its horizontal organization within the state in the first 30 years and achieved its vertical progress over the last 15 years. With opportunities provided by the AKP government, the Gülen Community, its unofficial partner in power, faced no obstacles to establish a parallel structure in the state'. <https://orientxxi.info/magazine/turkey-ahmet-sik-s-statement-in-court-on-27-july-2017,1998>. Accessed 5 September 2019. This book by Şik from 2011 was seized, but later published online by friends. Şik was held in detention for a year on charges of involvement in a secular conspiracy against the AKP government. In 2016, he was arrested again and charged with providing assistance to a terrorist organisation. Şik is now an HDP parliamentarian; European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, p. 4; Ahval. *The 'ally' to 'enemy' # 1: Gülen Movement (1)*, 11 April 2018. <https://ahvalnews.com/gulenists/ally-enemy-1-gulen-movement-1>

³⁸ Hürriyet Daily News, *Ankara bids to prevent use of 'Turkish school' in title of foreign Gülen-linked schools*, 8 September 2019. <http://www.hurriyetdailynews.com/ankara-bids-to-prevent-use-of-turkish-school-in-title-of-foreign-gulen-linked-schools--103729>

³⁹ Confidential source, 30 October 2018; European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, p. 2; Heinrich Böll Stiftung Istanbul. Çavdar, Ayşe, *Gülen sect: Reached for the state, got capital instead*, 9 August 2016; Tee, Caroline, *The Gülen movement in Turkey. The politics of islam and modernity*, 2016; OrientXXI. *Turkey, Ahmet Şik's Statement in Court on 24 July 2017*.

⁴⁰ European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, p. 2.

⁴¹ Confidential source, 30 October 2018; European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, p. 2. See note 13 of that article for the Turkish source.

⁴² Confidential source, 30 October 2018; For more information about the background to the rift between the AKP and the Gülen movement, see for example: European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, p. 7-8; Tee, Caroline, *The Gülen movement in Turkey. The politics of islam and modernity*, 2016, p. 172-176; Heinrich Böll Stiftung Istanbul. Çavdar, Ayşe, *Gülen sect: Reached for the state, got capital instead*, 9 August 2016.

⁴³ The Economist, *The truce between Turkey and Kurdish militants is over. Air strikes on Kurdish camps and a car-bomb attack on Turkish troops mark the return of a decades-old conflict*, 25 July 2015. The immediate cause was the murder by the PKK of four police officers. <https://www.economist.com/middle-east-and-africa/2015/07/26/the-truce-between-turkey-and-kurdish-militants-is-over>

have designated the PKK as a terrorist organisation..⁴⁴ The armed struggle between the PKK and the Turkish armed forces, which has been going on for almost four decades, entered a new phase with many casualties when the ceasefire ended in 2015, as recorded by the *International Crisis Group (ICG)*, among others.

From 20 July 2015 to 4 September 2019, the ICG registered at least 4,625 fatalities as a result of armed confrontations and terrorist attacks. According to the ICG, 480 of the victims were civilians, 1,208 were members of the Turkish security forces, and 2,714 were militant PKK supporters; in the case of 223 people, it was not possible to determine whether they were civilians or PKK militants. Most of the fatalities occurred in the winter of 2015/2016, when the fighting was concentrated in a number of Kurdish-majority urban districts in the south-east. The 1,208 fatalities in the Turkish security forces included 801 soldiers, 297 police officers and 110 village guards (militias consisting of armed ethnic Kurds funded by the Turkish state)..⁴⁵

Fierce fighting took place in Diyarbakir and elsewhere in late 2015 and early 2016. During this fighting between PKK militants and Turkish forces, part of the old city centre (*Sur*) of Diyarbakir was ruined and then razed to the ground by the Turkish government..⁴⁶

On 4 October 2018, the most deadly PKK attack in two years took place, in which eight Turkish soldiers were killed by a roadside bomb..⁴⁷ The ICG reported that 600 people were killed in 2018 as a result of the armed struggle in south-eastern Turkey: 459 armed PKK insurgents, 124 members of the security forces and 17 civilians. In the first eight months of 2019, according to the ICG, 298 people were killed as a result of the conflict in this region: 214 armed PKK insurgents, 68 members of the security forces and 16 civilians..⁴⁸ The Turkish authorities reported that four civilians were killed and thirteen were seriously injured when their car hit a roadside bomb in Diyarbakir province on 12 September 2019. The authorities accused the PKK of planting the bomb..⁴⁹

In the south-east of Turkey, after the flare-up of violence between the Turkish authorities and the terrorist organisation PKK in autumn 2015, the situation has been less violent in the last three years. Armed confrontations between the Turkish armed forces and the PKK still take place in the remote mountainous areas of the south-east..⁵⁰ After the peace talks between the Turkish government and the PKK stalled in the spring of 2016, no further progress was made towards a political solution to the conflict..⁵¹

In September 2016, the Turkish government announced an investment plan for the reconstruction of damaged areas in the south-east. Since then, new homes have

⁴⁴ Hürriyet, *Turkish, US defense chiefs discuss Syria safe zone*, 3 October 2019.

⁴⁵ International Crisis Group, *Turkey's PKK conflict: a visual explainer*, accessed 16 September 2019. <https://www.crisisgroup.org/content/turkeys-pkk-conflict-visual-explainer>. The ICG gives an explanation on its website of the research methodology it uses and the sources it has consulted; Ahval, *Turkey gives firearms licenses to village guards*, 12 October 2018. <https://ahvalnews.com/village-guards/turkey-gives-firearms-licenses-village-guards>. The village guards were established by the Turkish government in rural areas in 1985 to support the armed forces in their fight against the PKK. The PKK has punished or killed some village guards for their activities.

⁴⁶ Confidential source, 25 February 2019; DW, *Death and destruction in Diyarbakir*, 28 January 2016. <https://www.dw.com/en/death-and-destruction-in-diyarbakir/a-19009781>

⁴⁷ Confidential source, 2 November 2018; Hürriyet Daily news, *8 Turkish soldiers killed in PKK attack*, 4 October 2018.

⁴⁸ International Crisis Group, *Turkey's PKK Conflict: A Visual Explainer*, accessed 16 September 2019. <https://www.crisisgroup.org/content/turkeys-pkk-conflict-visual-explainer>

⁴⁹ Rudaw, *Roadside bomb kills at least 4, injures 13 in Diyarbakir province: official*, 12 September 2019; Aljazeera, *Several dead, injured in explosion in Turkey's restive southeast. Roadside explosives believed to have been placed by Kurdistan Workers' Party fighters in troubled Diyarbakir province*, 13 September 2019. Aljazeera reported seven dead and ten injured.

⁵⁰ Dutch Ministry of Foreign Affairs, *Kamerbrief over de politieke situatie in Turkije en de relatie van Nederland met Turkije*, 13 May 2019; Confidential source, 26 September 2018.

⁵¹ Confidential source, 26 September 2018; Dutch Ministry of Foreign Affairs, *Kamerbrief over de politieke situatie in Turkije en de relatie van Nederland met Turkije*, 13 May 2019; Confidential source, 26 September 2018.

been built on a large scale. According to the European Commission, relatively few internally displaced persons have been offered new housing by the Turkish authorities. The European Commission has stated that the compensation process and the criteria for allocating housing to internally displaced persons are not transparent.⁵²

1.2.3 Turkish Hizbollah and the Hüda-Par Party

The Sunni Hizbollah (in Turkish: *Hizbullahi Kurdi*), was founded in the early eighties with the aim of establishing an Islamic state in Turkey. Especially between 1991-1995, Hizbollah was engaged in an armed struggle with the radical left-wing terrorist organisation PKK in which hundreds died.⁵³ The Turkish authorities detained thousands of Hizbollah members between the mid-1990s and the beginning of the current century, hundreds of whom were sentenced to life imprisonment.⁵⁴ After a series of violent actions in the past and the death of its leader Hüseyin Veliöğlu in 2000, the group officially renounced the use of force and claims to be focusing on charity work.⁵⁵ No further Hizbollah members are known to have been arrested since 2012.⁵⁶ On 4 January 2011, 24 detained Hizbollah supporters, including leaders, were released. In May 2019, 100 Hizbollah members were released. All those who had held positions of responsibility within the organisation and received severe penalties – including life imprisonment – were thus released pending appeal, according to a confidential source.⁵⁷

Hizbollah itself is banned in Turkey, but it is not known when this ban was introduced. The most important organisation established in the footsteps of Hizbollah and operating legally is the *Hüda-Par* party (the Free Cause Party), which was officially registered on 17 December 2012.⁵⁸

Most members of the Hüda-Par Party are Sunni Muslims of Kurdish origin. Hüda-Par is a small party whose main area of support is the south-east of Turkey, where the rural population is mostly conservative and religious. Its founder, Mehmet Hüseyin Yılmaz, defended Hizbollah members in Diyarbakir as a lawyer. From 2007 to 2010 he was chairman of *Mustazaflar-Der* (Association for Solidarity with the Oppressed), an organisation that has been dissolved. *Mustazaflar-Der* is said to have had ties with the banned Islamic Hizbollah. In March 2014, the Hüda-Par Party participated in local elections for the mayor and municipal administration in Diyarbakir, the largest city in south-eastern Turkey. The party mainly appeals to conservative, nationalist Kurds, and among other things is committed to state education in Kurdish and to an autonomous region. The party strives for a society run on religious lines and would like to introduce sharia.⁵⁹ In the parliamentary and

⁵² European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp.17 and 19.

⁵³ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht. Turkse Hezbollah*, October 2016, pp. 5 and 6. The report mentions 1983 as the year in which the organisation was set up; *Hürriyet Daily News, Kurdish Hizbollah in Turkey*, accessed 29 July 2019. The article discusses Mehmet Kurt's book, *Kurdish Hizbollah in Turkey: Islamism, Violence and the State*. <http://www.hurriyetdailynews.com/opinion/william-armstrong/kurdish-hizbollah-in-turkey-112190>. Mehmet Kurt states that the creation of the organisation in the city of Batman took place before the 1980 military coup and was inspired by the 1979 Iranian revolution. Hezbollah members received organisational support and military training from Iran during the 1980s.

⁵⁴ *Hürriyet Daily News, Kurdish Hizbollah in Turkey*, accessed 29 July 2019. The article discusses Mehmet Kurt's book, *Kurdish Hizbollah in Turkey: Islamism, Violence and the State*.

⁵⁵ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht. Turkse Hezbollah*, October 2016, pp. 5 and 6.

⁵⁶ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht. Turkse Hezbollah*, October 2016, pp. 5 and 6.

⁵⁷ *Kedistan, Turkey • Release of 100 members of Hizbollah*, 4 June 2019.

<http://www.kedistan.net/2019/06/04/turkey-release-100-members-hizbollah/>. *Kedistan* refers to an article of 21 May 2019 on the Turkish website T24: <https://t24.com.tr/haber/tahliye-kapisi-sadece-onlara-acildi-cezaevlerinde-hizbollahcilar-serbest-birakildi,822388>; confidential source, 16 August 2019. The reason for the release is that those concerned have won the right to a retrial and that the ECHR has ruled that the special security courts that were dissolved in the mid-2000s failed to uphold the right to a fair trial. Only Hizbollah leaders have been released so far.

⁵⁸ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht. Turkse Hezbollah*, October 2016, pp. 5 and 6.

⁵⁹ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht. Turkse Hezbollah*, October 2016, pp. 5 and 6.; *Hürriyet Daily News, Kurdish Hizbollah in Turkey*, accessed 29 July 2019.

presidential elections of 2018, the party did not enter into a coalition, but did express its support for President Erdoğan in the presidential elections.⁶⁰ In May 2019, the Huda-Par Party opened a foreign representation in Erbil, the Kurdish autonomous region of Iraq.⁶¹

In the south-east there is still a significant division in society between the religious conservatives and the secular left-wing elements of the population. In October 2014, violence took place during the Kobani protests between PKK sympathisers and supporters of the Huda-Par Party, killing dozens of people.⁶² As far as is known, no new violence has taken place since then between supporters of the two groups.

⁶⁰ The new Turkey, *What Does HUDA-PAR's Support for the AK Party Mean?* 2 June 2018. <https://thenewturkey.org/what-does-huda-pars-support-for-the-ak-party-mean>

⁶¹ Ekurd Daily, *Turkey's Kurdish Islamic Huda-Par party opens office in Iraqi Kurdistan*, 2 May 2019, accessed 29 July 2019.

⁶² Hürriyet Daily News, *Kurdish Hizbullah in Turkey*, accessed 29 July 2019; Amnesty International, *Kobani protests in Turkey. Human Rights failures*, July 2015. <https://www.amnesty.ch/de/laender/europa-zentralasien/tuerkei/dok/2015/tuerkei-syrien-amnesty-bericht-ueber-kobane-proteste-im-oktober-2014/bericht-kobani-protests-in-turkey-human-rights-failures>. The protests started in October 2014 in the mostly Kurdish south-east of Turkey in response to the advance of ISIS towards the predominantly Kurdish city of Kobani (Ayn al-Arab) in Syria, which was controlled at the time by the Kurdish People's Protection Units (YPG), an armed group with ties to the PKK. More than 200,000 Syrian Kurds fled across the border to Turkey. Demonstrators protested against ISIS and those they saw as its supporters within Turkey and its government. A week of protests and associated large-scale violence resulted in more than 40 deaths, including protesters, political opponents (in particular Huda-Par members) accused of providing support to ISIS, bystanders and three police officers.

2 Human rights

Among other things, the launch of large-scale criminal investigations and the resulting arrests and legal proceedings, the extended detention measures, the closure of non-governmental organisations and media outlets and the dismissals in the public sector following the failed coup attempt in July 2016 put freedom of expression, freedom of assembly and access to an independent legal process under great pressure. The state of emergency in force since the coup attempt was lifted in the summer of 2018. However, measures in force under the state of emergency, such as restrictions on the freedom of assembly and far-reaching possibilities for firing judges, were introduced into regular legislation.⁶³

2.1 Legislation and regulations

The state of emergency

Following the unsuccessful coup d'état of 15 July 2016, the Turkish government declared a state of emergency for the entire country on 21 July 2016 on the basis of its powers laid down in Article 121 of the Constitution. In the first instance, the state of emergency was declared for three months; this period was then extended by the government on successive occasions. The state of emergency formally ended on 19 July 2018. Many of the measures promulgated in the form of presidential decrees were continued immediately after the end of the state of emergency in the form of new anti-terrorism legislation.⁶⁴ The main purpose of the state of emergency was to dismantle the Gülen movement, which the Turkish authorities had designated as a terrorist organisation in 2015 and held responsible for the coup attempt. The government used the extraordinary powers under the state of emergency not only against the Gülen movement, but also more generally against terrorism or organisations that the Turkish government regarded as terrorist.⁶⁵ These powers were used, for example, to combat the political opposition, including the Kurdish opposition. The government focused on those who were regarded as members of or who were thought to have collaborated with terrorist organisations or structures, entities or groups that the National Security Council considered to be involved in activities directed against national security.⁶⁶

The United Nations High Commissioner for Human Rights reported in May 2019 that since July 2018 there had been a de facto extension of the state of siege in Turkey. In parallel, according to the High Commissioner, there had been an increasing concentration of powers in the executive and intense and ongoing repression of journalists and human rights defenders.⁶⁷ The Venice Commission of the Council of Europe stated that the emergency measures taken by Turkey went beyond what is allowed under the Turkish Constitution and international law.⁶⁸

Decrees

⁶³ Dutch Ministry of Foreign Affairs, *Kamerbrief over de politieke situatie in Turkije en de relatie van Nederland met Turkije*, 13 May 2019; Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 8, October 2018. Based on: European Commission, *Commission Staff Working Document: Turkey 2018 Report*, 17 April 2018; Confidential source, 26 September 2018.

⁶⁴ IHOP, 21 July 2016-20 March 2018. *State of emergency in Turkey*. Updated situation report, 17 April 2018, p. 4; HRW, *World report 2019. Turkey. Events of 2018*.

⁶⁵ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 9.

⁶⁶ HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 9.

⁶⁷ OHCHR. 39th session of the Human Rights Council, *Opening Statement by UN High Commissioner for Human Rights Michelle Bachelet*, 10 September 2018.

⁶⁸ Council of Europe (Venice Commission), *Turkey. Opinion on the provisions of the emergency decree law no. 674 of 1 September 2016 which concern the exercise of local democracy in Turkey*, 6-7 October 2017. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)021-e)

In total, the Turkish president issued 36 emergency decrees. These imposed restrictions on certain civil and political rights. By the end of May 2019, the Turkish parliament had dealt with 32 of the decrees. The Turkish Constitutional Court ruled that it is not competent to assess the legality of legislative decrees used during the state of emergency.⁶⁹ As a result, the decrees' constitutional status could not be tested. Most of them contained amendments to laws and sanctions against individuals and organisations. The scope of many of these sanctions and amendments was not confined to the period of emergency. These presidential decrees were transposed into law after a vote in the Turkish parliament and then entered into force after publication in the *Official Gazette*.⁷⁰

The measures against individuals involved lifelong dismissals from public service, cancellations of professional licences, dismissals from government institutions (for retired public sector workers), demotions, retractions of combat medals, seizures of possessions, exit bans and cancellations of passports. Measures taken against institutions involved the closure of these institutions, the seizure of assets and the appointment of administrators. The report of the *Human Rights Joint Platform* lists private-sector organisations such as universities, newspapers, magazines, radio and television channels, publishers and social organisations and foundations that were closed by decree by the Turkish government, as well as bodies such as municipal authorities for which 'trustees' were appointed.⁷¹ See also 2.2.5.1 for more information about dismissals.

The United Nations High Commissioner for Human Rights (OHCHR) concluded in a March 2018 report that many of the decrees contained provisions that did not comply with fundamental human rights safeguards and Turkey's obligations under international law. According to the OHCHR, the emergency regulations promoted impunity and lack of accountability by granting immunity to government bodies acting within the framework of these decrees. In addition, some emergency decrees contained regulations on matters unrelated to the state of emergency, such as the closure of civil society organisations and clinics.⁷² The Venice Commission of the Council of Europe cited the same concerns as the High Commissioner in reports.⁷³

Anti-terrorism legislation

The state of emergency formally ended on 19 July 2018, but was immediately replaced by new anti-terrorism legislation, which was approved by Parliament in August 2018 with retroactive effect. This legislation contains many measures in line with the extraordinary powers held by the executive under the state of emergency. Among other things, these include increased powers for the appointed provincial governors to restrict assemblies and freedom of movement, for the executive to dismiss officials, including judges, by an administrative decision, and for the police,

⁶⁹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 9; Hürriyet Daily News, *State of emergency decrees are law: Turkey's top court*, 30 June 2018. The Constitutional Court stated that the court could only assess whether the correct procedures had been followed in parliament; however, it could not declare the parliamentary decision invalid on the basis of a judgment on its content, scope or timing.

⁷⁰ IHOP. *21 July 2016-20 March 2018. State of emergency in Turkey*. Updated situation report, 17 April 2018, pp. 4 to 6.

⁷¹ IHOP. *21 July 2016-20 March 2018. State of emergency in Turkey*. Updated situation report, 17 April 2018, pp. 4 to 6. For the names of organisations and bodies that were closed or for which a 'trustee' was appointed, see pages 43 to 59. The report contains links to Turkish government websites for the relevant decrees; the *Turkey purge* website also provides an overview of Turkish government decrees and the numbers and categories of people affected by them. <https://turkeypurg.com/>. Accessed 6 June 2019. The decrees in question are numbers 667 to 696 and 701; Council of Europe (Venice Commission), *Emergency decree laws of July- September 2016 nos 667-674*, 10 September 2016, p. 33; OHCHR. *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017*, March 2018, p. 16. For retired government officials, dismissal from government service meant the loss of pension rights and other facilities and privileges.

⁷² OHCHR. *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017*, March 2018, p. 2.

⁷³ Council of Europe (Venice Commission), *Turkey. Opinion on the provisions of the emergency decree law no. 674 of 1 September 2016 which concern the exercise of local democracy in Turkey*, 6-7 October 2017.

including the power to hold suspects in custody for up to 12 days.⁷⁴ Many people were held in custody by the police for more than 12 days without having been officially charged. Many detainees in prison are being held pending charges and legal proceedings.⁷⁵ See also 2.2.6.

Turkey's anti-terrorism legislation consists of two laws: the Turkish Criminal Code and the 1991 anti-terrorism law (Law 3713). The Turkish anti-terrorism law has been revised several times, but Article 5 has been maintained. This stipulates that penalties for terrorism offences can be increased by half. Article 314 of the Turkish Criminal Code sets out major grounds for prosecution of persons suspected of terrorist activities. Article 314 (1) concerns the establishment and running of an armed terrorist organisation. Article 314 (2) deals with membership of an armed organisation. These crimes are subject to prison sentences of five to fifteen years. With the increased tariff based on the anti-terrorism law, prison terms can be between 7.5 and 22.5 years.⁷⁶

Both the UN Special Rapporteur for the promotion and protection of human rights while countering terrorism and the Commissioner for Human Rights of the Council of Europe have commented on the lack of legal definitions of and criteria for terrorist crimes and on the use of this to restrict freedom of expression. The EU and the Council of Europe have repeatedly called on Turkey to bring its anti-terrorism legislation into line with human rights standards, including those of the European Convention on Human Rights, and with the case law of the European Court of Human Rights.⁷⁷

Judicial reform strategy

In June 2018, the Turkish government announced a judicial reform strategy with the aim of bringing the Turkish legal sector more in line with EU standards.⁷⁸ President Erdoğan presented this strategy on 30 May 2019. Its basic elements are strengthening the rule of law, ensuring better protection of rights and freedoms, strengthening the independence and impartiality of the judiciary, increasing transparency, simplifying the judicial process, improving access to justice, strengthening the right to defence and ensuring the right to a prompt trial more effectively.⁷⁹ The AKP submitted a first package to parliament, consisting largely of technical changes, on 1 October 2019.⁸⁰

Oversight

⁷⁴ HRW, *World report 2019. Turkey. Events of 2018*; EuroMed Rights, *Recommendations on the recent legislative amendments in Turkey integrating state of emergency restrictive provisions into ordinary law*. This latter is a joint statement by EuroMed Rights, the International Federation for Human Rights (FIDH), İnsan Hakları Derneği (IHD) and the World Organisation Against Torture (OMCT) issued prior to the 39th session of the UN Human Rights Council in September 2018. <https://euromedrights.org/wp-content/uploads/2018/09/NGOs-joint-recommendations-after-the-lifting-of-state-of-emergency-in-Turkey.pdf>; OHCHR. 39th session of the Human Rights Council. *Opening Statement by UN High Commissioner for Human Rights Michelle Bachelet*, 10 September 2018. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E>; Confidential source, 26 September 2018; IHOP. 21 July 2016-20 March 2018. *State of emergency in Turkey*. Updated situation report, 17 April 2018, pp. 4 and 5; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp. 9 and 10.

⁷⁵ US. Department of State, *Turkey 2018 human rights report*, 13 March 2019, pp. 10 and 11. Under the state of emergency, people could be detained for up to 14 days without charge. The maximum period during which a detainee may be held pending trial is seven years in the case of crimes against state security or national security or in the case of terrorism-related crimes.

⁷⁶ The Arrested Lawyers Initiative, *Abuse of the Anti-Terrorism laws by Turkey is steadily increasing*, 30 May 2019. <https://arrestedlawyers.org/2019/05/30/abuse-of-the-anti-terrorism-laws-by-turkey-is-steadily-increasing/>

⁷⁷ HRW. *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 8; The Arrested Lawyers Initiative. *Abuse of the Anti-Terrorism laws by Turkey is steadily increasing*, 30 May 2019.

⁷⁸ Dutch Ministry of Foreign Affairs, *Kamerbrief over de politieke situatie in Turkije en de relatie van Nederland met Turkije*, 13 May 2019

⁷⁹ Confidential source, 31 May 2019;

⁸⁰ Confidential source, 30 September 2019. Many of the proposed amendments are vaguely defined and offer little legal certainty. Fundamental problems concerning the independence of the rule of law are not addressed by this package.

Among others, the Venice Commission of the Council of Europe and the European Commission have found that the political system in Turkey lacks adequate safeguards to prevent an excessive concentration of power in one body and to guarantee the independence of the judiciary. Parliament has few powers under the presidential system to hold the government to account for its decisions and activities. According to the European Commission, the government arbitrarily withholds information about activities of government officials and bodies.⁸¹ The Ombudsman has no official powers to initiate an investigation or to intervene with legal remedies.⁸²

Human rights organisations and opposition parties reported serious human rights violations by security forces during the reporting period, including alleged incidents of torture, maltreatment, arbitrary arrests and violations of procedural rights. According to the European Commission, for example, there are no indications that adequate and independent investigations were carried out into the murders and many other serious human rights violations allegedly committed during security operations in the east and south-east between July 2015 and December 2016.⁸³

Civil society organisations and independent journalists, among others, are at risk of arrest and prosecution if they express criticism of government actions.⁸⁴

During the state of emergency and under the presidential system (see 1.1), the independence of the judiciary has been seriously compromised.⁸⁵

2.2 Compliance and violations

2.2.1 Freedom of expression

The European Commission stated in its 2018 report that the serious restrictions on freedom of expression and of the media had continued, including the detention of many journalists, the closure of media companies, the criminalisation of criticism of government policy or officials and the blocking of websites and their digital content. There had been an increase in criminal prosecutions of journalists, writers, social media users and other citizens (including children) for insulting the president. Many of these cases had resulted in imprisonment, suspended sentences or fines.⁸⁶

Turkey ranks 157th out of 180 countries covered in the 2018 World Press Freedom Index by Reporters Without Borders.⁸⁷ The traditional media (newspapers and TV

⁸¹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp. 13 and 14; Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019, p. 10; Council of Europe (Venice Commission), *Turkey. Opinion on the provisions of the emergency decree law no. 674 of 1 September 2016 which concern the exercise of local democracy in Turkey*, 6-7 October 2017.

⁸² European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 15.

⁸³ European Commission, *Commission Staff Working Document. Turkey 2018 Report*, 17 April 2018. SWD(2018)153 final, p. 18; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 18.

⁸⁴ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 15; Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019, p. 10.

⁸⁵ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp. 14 and 22. The Commission points to the forced dismissal of 30% of judges and prosecutors following the failed coup attempt and the forced transfers of these officials. There is a risk of self-censorship on a large scale among judges and prosecutors. There is no system based on predetermined criteria that ensures objective, transparent and quality-based recruitment of new judges and prosecutors. The President has the power to appoint four of the thirteen members of the Council of Judges and Prosecutors and twelve of the fifteen members of the Constitutional Court. The Commission also points to shortcomings in the functioning of the criminal peace courts; Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019, p. 15.

⁸⁶ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 34; The NGO Dusun provides a weekly overview of the state of affairs in legal cases involving freedom of expression issues. <http://www.dusun-think.net/en/newsletter/>

⁸⁷ Reporters without borders, *World Press Freedom Index*. Turkey has fallen three places on this index since 2014. <https://rsf.org/en/turkey>, accessed 7 August 2019.

channels) are almost entirely in the hands of pro-government companies. Most media outlets are not independent and propagate the government's political positions. Critical journalists are prosecuted, linked to a terrorist organisation on the basis of guilt by association and detained without firm evidence. Turkey is the country with the world's largest number of journalists and media personnel in prison.⁸⁸ See also 2.3.3.

Following the failed coup attempt, the Turkish government has closed 6 national news agencies, 53 newspapers, 20 magazines, 37 radio stations, 34 television channels and 29 publishers and distribution and shipping companies on the basis of the emergency decrees between 20 June 2016 and 19 June 2018.⁸⁹ Amnesty International stated in an October 2018 report that the government had closed at least 203 media agencies; according to Amnesty International, at least 25 of these agencies had been reopened.⁹⁰

The Turkish Constitutional Court, as the supreme Turkish judicial body, annulled a number of judgments from lower courts as they violated freedom of expression. On 9 May 2019, for example, the Court acquitted Ayşe Çelik, a teacher. She had previously been given a prison sentence by a court for terrorist propaganda because she had phoned a TV programme in January 2016 and among other things urged, 'Don't let children die', with reference to the armed struggle in south-eastern Turkey between government forces and the PKK.⁹¹ See also 2.3.4.

The European Court of Human Rights handles many cases brought by Turkish citizens against the Turkish state.⁹² In 2018, the ECHR ruled in 142 of the 146 Turkish cases it heard that there had been violations by Turkey of the European Convention on Human Rights. Forty of these cases concerned freedom of expression.⁹³

⁸⁸ Confidential source, 26 September 2018; HRW, *World report 2019, Turkey. Events of 2018*. At the end of 2018, around 175 journalists and media personnel were in custody or serving prison sentences for terrorism charges. Hundreds of others have been charged, but are still at liberty; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 32. The Commission reported that a large number of journalists were arrested in 2018. More than 160 journalists were still in prison; Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019, p. 11. Freedom House, citing the Committee to Protect Journalists, stated that a total of 68 journalists were being held in December 2018. As a result, Turkey was the country with the highest number of journalists in detention for the third year in a row.

⁸⁹ Stockholm Center for Freedom (SCF), *SCF's submission for the United Nations Universal Periodic Review of Turkey*, 19 July 2019. <https://stockholmcf.org/scfs-submission-to-the-united-nations-universal-periodic-review-of-turkey/>

⁹⁰ Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 8, October 2018. At least 25 of the closed media outlets were later allowed to reopen; IHOP, *21 July 2016-20 March 2018. State of emergency in Turkey*. Updated situation report, 17 April 2018, pp. 49 to 51 with an overview of closed media outlets as well as names of those that were reopened.

⁹¹ Confidential source, 4 July 2019; Bianet, *Teacher Ayşe Çelik Released From Prison upon Constitutional Court Verdict of 'Right Violation'*, 10 May 2019. <https://bianet.org/english/freedom-of-expression/208365-teacher-ayse-celik-released-from-prison-upon-constitutional-court-verdict-of-right-violation>; Turkey human rights litigation support project. *The Turkish constitutional court issues a judgment in the case of Ayşe Çelik application*, 20 May 2019. <https://www.turkeylitigationssupport.com/blog/2019/5/20/the-turkish-constitutional-court-issues-a-judgment-in-the-case-of-aye-elik-application-no-201736722>

⁹² Akdeniz, Yaman & Altıparmak, Kerem, *Turkey: freedom of expression in jeopardy. Violations of the rights of authors, publishers and academics under the state of emergency*, p. 4; Council of Europe (Venice Commission), *Opinion on articles 216, 299, 301 and 314 of the penal code of Turkey*, 15 March 2016, p. 20. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)002-e). The main themes in cases brought before the ECHR against the Turkish state concerning freedom of expression relate to terrorism and violence. Most of the ECHR's rulings on Turkey concern individuals convicted of spreading propaganda for a terrorist organisation (under Articles 6 and 7 of the Anti-Terrorism Law); publishing digital information or books or distributing public messages that incite hatred or violence, or that glorify crimes or criminals (Articles 215 and 216 of the Criminal Code); and denigrating and publicly defaming the Turkish nation, the Turkish state or the organs and institutions of the state including the Turkish armed forces (Article 301 of the Criminal Code). A second category of cases on which the ECHR has ruled concerns individuals who are automatically convicted of publishing a statement by an organisation that Turkey regards as terrorist (under Article 6 (2) of the Anti-Terrorism Law), without the context or content of such statements being taken into account. In general, the ECHR believes that such statements (in documents, books, publications, etc.) do not justify a violation by the Turkish authorities of freedom of expression, since they do not incite hatred or violence.

⁹³ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 28. Other violations concerned the right to a fair trial (41 cases), the right to freedom and security (29), freedom of association and assembly (11), inhuman or degrading treatment (11) and the prohibition of torture (10). In 2018, the ECHR registered 6,717 new Turkish cases.

Discordant voices can be heard on social media, often from outside Turkey. Despite increasing self-censorship, new initiatives are also emerging, such as Dokuz8, a news platform that works with citizen journalists. The authorities are trying to maintain a grip on the spreading of unwelcome information and opinions on the Internet by blocking sites. Wikipedia has been blocked for more than two years because it is said to constitute a 'threat to national security'. In addition, there are restrictions on channels such as YouTube and Twitter, attempts are being made to block VPN⁹⁴ and use is being made of 'throttling' (the drastic reduction of Internet speeds)..⁹⁵ Human Rights Watch reported in 2018 that websites continued to be blocked and that online content was also being removed. Thousands of people in Turkey faced criminal investigations relating to messages they had posted on social media..⁹⁶ Reporters without Borders indicated in its annual report for 2018 that the censorship of websites and online social media had reached unprecedented heights and that the Turkish government was now trying to bring online services under its control..⁹⁷ Twitter Transparency stated that in the first half of 2018 the Turkish government blocked 1,464 tweets and 425 accounts. According to IFoD, a Turkish NGO, access from Turkey to a total of more than 245,000 websites had been blocked by the end of 2018. In only 10,419 cases had this been done on the basis of a court order; in the vast majority of cases, it occurred at the request of the former Telecommunications Communication Presidency (TIB) or its successor, the Information Technologies and Communication Board (BTK)..⁹⁸ Another source indicated that the peace courts established in 2014 were issuing thousands of orders for the blocking of Internet content on the grounds of the violation of individual rights of government members, their family members and pro-government businessmen..⁹⁹

On 5 August 2019, it was announced that a Turkish court had ordered the closure of the independent news site *Bianet* as well as of dozens of other media outlets and accounts. The latter included Twitter and Instagram accounts as well as Facebook pages of opponents active in politics, the cultural sector and the media. The court gave reasons for its decision, taken in response to a petition from the Turkish gendarmerie, including the protection of public order, national security and the president. *Bianet* published the court's decision and appealed against it. The order to close *Bianet* was withdrawn the next day, after the gendarmerie stated that a mistake had been made in the *Bianet* case..¹⁰⁰ The Turkish Ministry of the Interior stated at the end of December 2018 that during that year it had investigated 42,406 social media accounts in relation to terrorism and undermining the state and that

⁹⁴ Virtual private network, used to send data to an external server via an encrypted secure connection. <https://www.vpngids.nl/vpn-info/wat-is-een-vpn/>. Accessed 7 August 2019.

⁹⁵ Confidential source, 26 September 2018.

⁹⁶ HRW, *World report 2019. Turkey. Events of 2018*.

⁹⁷ Reporters without borders, *World Press Freedom Index*, accessed 7 August 2019.

⁹⁸ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 35; Freedom of expression association (IFoD). Yaman Akdeniz and Ozan Güven, *Engelli Web 2018*, pp. 1 and 2, July 2019.

⁹⁹ Akdeniz, Yaman & Altıparmak, Kerem, *Turkey: freedom of expression in jeopardy. Violations of the rights of authors, publishers and academics under the state of emergency*, p. 6; confidential source, 28 June 2019. The source refers to around 12,000 decisions by criminal peace courts. It is possible to appeal. However, an appeal must be filed with another criminal peace court, and in practice, such an appeal is rejected as standard and without due justification. Appealing to a criminal court is a lengthy process: it can take up to four years for it to rule on the blocking of a site or content; International Commission of Jurists, *The Turkish criminal peace judgements and international law*, 2018. The ICJ has drawn attention to serious shortcomings in the functioning of the criminal peace courts. <https://www.icj.org/wp-content/uploads/2019/02/Turkey-Judgeship-Advocacy-Analysis-brief-2018-ENG.pdf>. For more information about these courts, see also: Council of Europe (Venice Commission), *Turkey. Criminal judgements of peace. Memorandum of the ministry of Justice*, 8 February 2017.

¹⁰⁰ Zeitonline, *Türkei spert oppositionelle Websites und Internetkontent*, 7 August 2019; Le Figaro, *La turquie ordonne le blocage d'un site d'information indépendant*, 6 August 2019; *Bianet, Court Decision to Block bianet Made 'by Mistake', 135 Addresses Still Banned*, 7 August 2019. <http://bianet.org/english/freedom-of-expression/211459-court-decision-to-block-bianet-made-by-mistake-135-addresses-still-banned>

legal action had been taken against 18,376 people.¹⁰¹ Since August 2014, the Turkish government has started more than 66,000 criminal investigations based on Article 299 of the Criminal Code on insulting the president, including 60,000 in 2017 and 2018. These criminal investigations have led to some 12,000 cases, in which the charges sometimes related to retweeting and liking messages. For a first offence, the court usually imposes a suspended sentence. According to the source, these investigations and legal cases lead to de facto self-censorship: people become frightened, and often no longer dare to express their views afterwards.¹⁰²

On 25 August 2018, the Turkish police broke up the weekly demonstration of Turkey's 'Saturday mothers' (*cumartesi anneleri*). This peaceful demonstration, which had been held every Saturday for two decades, had invariably taken place on Istanbul's busiest street. Most of the demonstrators were mothers of the victims of unsolved murders and forcible disappearances in the 1980s and 1990s. They were calling for notice to be taken of these cases and of the rights of the families.¹⁰³ Deploying armoured vehicles, the police arrested 47 people – including a number of women over the age of 70 – and occupied the square where the gathering was to have taken place. Tear gas was used to disperse the demonstrators and clear the streets.¹⁰⁴ The local authorities stated that the protests were causing a breach of the peace. The Minister of the Interior said that the demonstrators were supporting terrorist organisations and were thus guilty of exploitation and deception.¹⁰⁵

2.2.2 Freedom of association and assembly

Civil society in Turkey has been under constant pressure since the failed coup, due in particular to the large number of arrests of activists, including human rights defenders. There has also been stigmatisation by the government of independent non-governmental organisations and repeated use of the ban on demonstrations and other forms of assembly.¹⁰⁶ According to Amnesty International, the government has shut down thousands of associations, foundations, trade unions and other civil society organisations.¹⁰⁷ The Council of Europe reported that in the period following the declaration of the state of emergency in July 2016, the Turkish government banned more than 1,500 associations, foundations and trade unions without explanation or justification. All the government said was that these organisations had been 'assessed' by the executive as belonging to, or acting in 'association with' (*'iltisak'*), or having contacts with (*'irtibat'*), a terrorist organisation.¹⁰⁸ Hundreds of media organisations and NGOs were shut down and lacked any legal remedy to

¹⁰¹ Freedom of expression association (iFOD). Yaman Akdeniz and Ozan Güven, *Engelli Web 2018*, p. 35 and note 41, July 2019. The source indicates that the number of social media accounts investigated and prosecuted by the Turkish government increased sharply after Operation Olive Branch in Afrin (Syria) and around the time of the 24 June 2018 general election.

¹⁰² Confidential source, 28 June 2019.

¹⁰³ Confidential source, 30 August 2019; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 36; Osservatorio Balcani e Caucasa Transeuropa, *'Saturday mothers' of Turkey: in the pursuit of Justice*. 2 April 2019. Since their demonstrations were banned in August 2018, the 'Saturday mothers' have read out a press statement at the office of a human rights organisation in Istanbul every week.

¹⁰⁴ Confidential source, 30 August 2019.

¹⁰⁵ Confidential source, 30 August 2019.

¹⁰⁶ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 15; Netherlands Helsinki Committee. *Defending Human Rights in Turkey: Raci Bilici*, 28 February 2019. <https://www.nhc.nl/turkey-raci-bilici/>. Accessed 2 May 2019.

¹⁰⁷ Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 8, October 2018. At least 25 of the closed media outlets were later allowed to reopen; IHOP, *21 July 2016-20 March 2018. State of emergency in Turkey*. Updated situation report. 17 April 2018, pp. 49 to 51 with an overview of closed media outlets as well as names of those that were reopened.

¹⁰⁸ Council of Europe, Commissioner for Human Rights. *Third party intervention by the Council of Europe Commissioner for Human Rights. Application No. 28749/18 Mehmet Osman Kavala v. Turkey*. CommDH(2018)30, 20 December 2018, pp. 3 and 4.

defend themselves against the seizure of property. Many of those organisations were championing the rights of minorities.¹⁰⁹

In October 2018, the Directorate-General for Relations with Civil Society of the Ministry of the Interior issued regulations requiring all associations to register their members (not just their board members) in the Ministry's information system.¹¹⁰

2.2.3 *Freedom of religion and belief*

The Turkish constitution guarantees freedom of religion, which is generally respected in Turkey. Three non-Muslim religious groups are officially recognised: Jews, Greek Orthodox Christians and Armenian Christians. Public life is increasingly dominated by Sunni Islam.¹¹¹ See also 2.3.5.

Secularists

While much of the population adheres to the values of social conservatism and religious piety promoted by the AKP,¹¹² there is also a large part of the population that views religious experience primarily as a private matter. This group includes people with very different backgrounds and lifestyles, with secularism as the main common denominator. They feel increasingly marginalised by government measures.¹¹³ Since it came to power, the AKP government has taken a number of measures that reflect its view of Islam and society. These include an increase in the number of religious schools subsidised by the government and the adaptation of educational curricula to exclude themes such as the Darwinian theory of evolution. In addition, the government is trying to reduce alcohol consumption by imposing high taxes on alcoholic drinks and banning advertising for and the promotion of alcohol. The government also promotes 'national and spiritual values' through the media outlets it controls and supports Islamic civil society with resources.¹¹⁴ In 2010, the AKP government lifted the ban on the wearing of headscarves, seen as discriminatory by some Turkish women, if they want to work or study within government institutions.¹¹⁵

2.2.4 *Freedom of movement*

The emergency decrees, in particular Decree 667 of 23 July 2016, enabled the Turkish authorities to seize the passports of anyone dismissed on the basis of an administrative measure and of those who were the subject of a criminal investigation or had been prosecuted for membership of or ties or contacts with a terrorist organisation. Turkish civil society organisations reported that in July 2016, 50,000 passports had been cancelled in the aftermath of the coup attempt.¹¹⁶

¹⁰⁹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 15; Netherlands Helsinki Committee, *Defending Human Rights in Turkey: Raci Bilici*, 28 February 2019. <https://www.nhc.nl/turkey-raci-bilici/>. Accessed 2 May 2019.

¹¹⁰ European Commission. *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 16.

¹¹¹ Freedom House. *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019, p. 12; European Commission. *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp. 31 and 39.

¹¹² Tee, Caroline. *The Gülen movement in Turkey. The politics of islam and modernity*, 2016, pp. 60 and 165. Tee points out in this context that Gülenists attach great importance to these values. Many of them voted for the AKP in the past because it promoted them as a political party. High standards of Islamic morality are generally expressed in the Turkish context by not smoking and not drinking alcohol, being wary of contact with the opposite sex, and in the case of women by wearing headscarves.

¹¹³ Confidential source, 26 September 2018; The Guardian. Elif Shafak, *Even as Turkey pulls away, the west must hold Turkish people close*, 3 September 2018. <https://www.theguardian.com/commentisfree/2018/sep/03/turkey-west-erdogan-democracy-civil-rights>

¹¹⁴ The Century Foundation. Akyol, Mustafa, *Turkey's Troubled Experiment with Secularism. Lessons from Turkey's Struggle to Balance Democracy and Laiklik*, 25 April 2019, p. 7. https://production-tcf.imgix.net/app/uploads/2019/02/23094811/Akyol_FinalPDF.pdf

¹¹⁵ CBC, *What Europe should learn from Turkey's headscarf fight*, 15 March 2017. In 2017, the ban on women wearing headscarves in the army was lifted. <https://www.cbc.ca/news/world/turkey-headscarves-1.4024236>

¹¹⁶ OHCHR, Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017, March 2018, pp. 3 and 23; Council of Europe (Venice Commission), Turkey. Emergency decree laws of July-September 2016. Nos. 667-674, 10 November 2016. Article 5 of Decree 667 states:

Decree 692 of 14 July 2017 concerned the withdrawal of various rights and licences, including the passport, of current and former government officials accused of membership of a terrorist organisation and/or of undermining national security.¹¹⁷ As a result of this specific decree, 7,395 people were removed from office and had their passports withdrawn.¹¹⁸ On the basis of these and other decrees,¹¹⁹ at least 155,350 passports were withdrawn in the aftermath of the coup attempt.¹²⁰

On 25 July 2018, the Ministry of the Interior announced the lifting of exit bans for 155,000 people whose family members had alleged links to 'terrorist organisations'.¹²¹ The Turkish media reported at the end of February 2019 that the Turkish authorities had lifted more than 50,000 exit bans. At the beginning of March 2019, the Stockholm Center for Freedom reported that, for unknown reasons, many people affected by an exit ban were not yet able to obtain a passport.¹²²

Under the state of emergency and then using anti-terrorism legislation, the government put pressure on wanted suspects by taking measures against their family members, including withdrawing their passports. In this regard, the US State Department noted in its Turkey report of 2018 that the Turkish government was imposing exit restrictions on those accused of links with terrorist groups or with the Gülen movement, as well as on their families and relatives.¹²³ Presidential Decree 673 provided for the legal possibility of withdrawing partners' passports from 1 September 2016. There are known reports of the withdrawal of partners' passports, but no information on the exact numbers. There were also said to be children, separated from their parents, who were not allowed by the authorities to obtain a passport in order to join their parents abroad. Parents were often forced to smuggle children out of Turkey illegally.¹²⁴

The Council of Europe Commissioner for Human Rights expressed concern about the automatic withdrawal of the passports of family members of persons who were the

¹¹⁷ Those against whom an administrative action is taken on the ground of their membership to, or connection or contact with structure/entities, organizations, groups or terrorist organizations, which are found established to pose a threat to the national security, and those against whom a criminal investigation or prosecution is conducted for the same reason shall immediately be reported to the passport department concerned by the institution or organization that takes action. Upon this information, the passports shall be cancelled by the passport departments concerned'

¹¹⁷ Emergency Decree 692 of 14 July 2017. Article 3 deals with the rights and licences of retired soldiers.

<http://www.resmigazete.gov.tr/eskiler/2017/07/20170714M1-1.htm>

¹¹⁸ IHOP. Human Rights Joint Platform, 21 July 2016- 20 March 2018. *State of emergency in Turkey. Updated situation report*, 17 April 2018, p. 25.

¹¹⁹ Council of Europe, European commission for democracy through law (Venice Commission). *Turkey extracts emergency decree laws. Nos KHK/668, 670, 671, 675, 677, 679, 680, 683, 685, 685, 687*. Opinion no.872/2016. CDL-REF (2017)011, 20 February 2017. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2017\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2017)011-e)

¹²⁰ http://www.hurriyetdailynews.com/turkish-interior-ministry-reinstates-155-350-passports-135000_

https://ahvalnews.com/passports/turkey-reinstates-over-150000-cancelled-passports_

<https://www.amnesty.nl/content/uploads/2017/05/No-End-In-Sight-ENG.pdf?x82182>.

¹²¹ US. Department of State, *Turkey 2018 human rights report*, 13 March 2019, p. 19; confidential source, 16 August 2019. In July, the Constitutional Court ruled that imposing an exit ban on spouses was unconstitutional.

¹²² Stockholm Centrum for Freedom, *Turkey removes limitations on more than 50,000 passports*, 1 March 2019. Accessed 12 August 2019.

¹²³ US Department of State, *Turkey 2018 human rights report*. 13 March 2019, p. 19; DW, *Exiled Turkish journalist Can Dundar reunited with family in Germany after 3 years*, 15 June 2019. The wife of Dilek Dundar, the former editor of the critical daily *Cumhuriyet*, was banned from leaving the country. After three years, she was able to travel to Germany. Dundar, in exile in Germany, had written in 2016 about how the Turkish secret service had sent weapons to armed insurgents in Syria. He is wanted and accused of espionage, treason and terrorism: Stockholm Center for Freedom (SCF), *Exiled Journalist's wife: I am held hostage in Turkey*, 12 February 2019.

<https://stockholmcf.org/exiled-journalists-wife-i-am-held-hostage-in-turkey/>; SCF, *Turkish gov't dismisses main opposition CHP's Beşiktaş mayor from post over Gülen links*, 4 January 2018. Murat Hazinedar, mayor in the Beşiktaş district of Istanbul and a member of the CHP, was accused of corruption and terrorism. His wife and child were banned from leaving the country. <https://stockholmcf.org/turkish-govt-dimisses-main-opposition-chps-besiktas-mayor-from-post/>

¹²⁴ <https://www.foxnews.com/world/turkey-crackdown-leaves-some-terminally-ill-patients-banned-from-seeking-healthcare-abroad>; Huffpost, *How the Turkish government cancels the passports of its critics*. Updated 10 June 2017, accessed 31 May 2019. https://www.huffpost.com/entry/how-the-turkish-government_b_10336952;

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)061-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)061-e), page 10; OHCHR, *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017*, March 2018, p. 23.

subject of a criminal investigation in the aftermath of the coup attempt.¹²⁵ The Turkish government was also said sometimes to register passports as missing without the holder having made a declaration. When the holder of the passport attempts to leave the country or visits an embassy or consulate, he or she discovers that the passport has been cancelled because it has been registered as lost.¹²⁶

The *Genel Bilgi Toplama Sistemi*, the General Information Collection System, is linked to the authorities that issue passports, but also, for example, to police databases. As a result, individuals who are wanted by the government can be arrested in various situations, such as at the border, during traffic controls or after registering at a hotel.¹²⁷

2.2.5

Judicial process

Under the state of emergency, but also after it was lifted in July 2018, it was clear that the safeguards of due process had been eroded. Allegations of terrorism against individuals since the failed coup have often been based on minimal indirect evidence, witness accounts by secret informers and guilt by association through membership of a terror network.¹²⁸ Prosecutions of suspected terrorists often lacked compelling evidence of criminal activities or of acts that could reasonably be regarded as terrorism, according to Human Rights Watch (HRW). Many of the individuals accused of terrorism are in long-term detention awaiting trial.¹²⁹

Prosecution of those suspected of involvement in the coup

According to the Turkish government, five categories are used in the investigation into alleged Gülenists:

- 1) The perpetrators of the coup;
- 2) Gülen supporters who abused the system, laundered money and bugged/blackmailed politicians;
- 3) Gülen supporters who displayed immoral behaviour by betraying each other;
- 4) Credulous Gülen supporters;
- 5) Victims of the Gülen organisation.

It is unclear what criteria are used for the above categories. The evidence is secret in most cases, and those involved often do not know what exactly they are accused of.¹³⁰ In practice, it is unclear how differently individuals in these different categories are treated by the Turkish government.¹³¹ Among others Amnesty International, HRW and the European Commission have found that since the coup attempt the Turkish authorities have considerably broadened the definition of terrorism, which was already very broad and vague.¹³² See 2.1 and 2.2.5.

¹²⁵ ARC, Asylum Research Consultancy. *Turkey Country Report*, 15 December 2016. https://www.ecoi.net/en/file/local/1253794/1226_1481885250_58529e5b4.pdf; Council of Europe, Commissioner for human rights, *Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey*. CommDH (2016)35, 7 October 2016. <https://rm.coe.int/16806db6f1>

¹²⁶ Huffpost, *How the Turkish Government Cancels The Passports of Critics*, 6 September 2016, accessed on 6 June 2019.

¹²⁷ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht Turkije dienstplicht*, July 2019. This information applies not just to those wanted for conscription evasion or desertion, but also to others wanted by the Turkish government; confidential source, 16 August 2019. Hotels are required to provide the authorities with copies of all guests' identity cards on a daily basis.

¹²⁸ Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019; p. 15.

¹²⁹ HRW. *World report 2019, Turkey. Events of 2018*.

¹³⁰ Confidential source, 30 October 2018; Confidential source, 30 September 2019.

¹³¹ Confidential source, 16 August 2019. This is clear, among other things, from the Col's rejection of the request for the rehabilitation of those classified in categories four and five.

¹³² European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp. 22 and 28. The EC also refers to the recommendations of the Venice Commission of the Council of Europe in this regard; HRW. *Lawyers on trial, Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 2; A.I., *Turkey's state of emergency ended but the crackdown on human rights continues*, 1 February 2019. <https://www.amnesty.org/download/Documents/EUR4497472019ENGLISH.PDF>

Restriction of lawyers' powers

Various measures from the decrees, which were subsequently introduced into law, have restricted the powers of lawyers. The possibilities for confidential communication during a prison visit between a lawyer and his/her client, in the case of both pre-trial detention and imprisonment after conviction, have been substantially restricted. Meetings can be strictly time-limited and take place on condition that government officials are present and that conversations may be recorded. Courts can also prohibit lawyers under investigation or being prosecuted for terrorism-related offences from representing clients. In the event of such an investigation against the lawyer himself/herself, he or she can be excluded for up to two years from representing clients in terrorism-related legal proceedings. Such a lawyer can also be denied access to clients in police custody. Other restrictive measures include routine permission by public prosecutors, with the subsequent approval of a judge, for the refusal of access for lawyers more generally to clients during the first 24 hours of police custody.¹³³

In general, but especially in criminal cases, lawyers ran the risk of being associated with the crimes committed by their clients without evidence. HRW states that some of these criminal prosecutions seemed to be in retaliation for attempts by lawyers to identify abuses by police and other human rights violations and to protect the rights of their clients. Lawyers were also intimidated by the police and opposed and obstructed in their professional activities. HRW states in a report from April 2019 that most of the lawyers who were prosecuted were accused of membership of the Gülen movement or of responsibility for the attempted coup. Other lawyers were accused of membership of the PKK or of terrorism because of links with forbidden left-wing groups or with ISIS. Where lawyers were accused of PKK membership or links with left-wing groups, the prosecution was often based on statements in the press or participation in press conferences or demonstrations. According to the Arrested Lawyers Initiative, a voluntary organisation of lawyers in exile, 1,546 lawyers were prosecuted in April 2019. Of these, 274 were sentenced in the first instance to imprisonment, usually for more than six years and in some cases for more than ten years, for membership of a terrorist organisation; 598 lawyers were held in custody for varying periods.¹³⁴

Independence of the judiciary

In the aftermath of the coup attempt, more than 4,200 judges and prosecutors were dismissed on the instructions of the *High Council of Judges and Prosecutors (HCJP)*. They were replaced by thousands of new judges.¹³⁵ Freedom House reports that the independence of the judiciary has been seriously weakened under the state of emergency since the failed coup and subsequent measures.¹³⁶

¹³³ HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, pp. 3 and 11; confidential source, 16 August 2019. The Constitutional Court ruled in July 2019 that the government is allowed to make recordings of meetings in prison between a lawyer and his or her client, and that the prison authorities may limit the duration of such meetings.

¹³⁴ HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 2; The Arrested Lawyers Initiative, *Incarceration of Turkish Lawyers. Unjust arrests & convictions (2016-2019)*, pp. 37-45. <https://arrestedlawyers.files.wordpress.com/2019/04/report-edit4.1.0.pdf>; The Arrested Lawyers Initiative, *Abuse of the Anti-Terrorism laws by Turkey is steadily increasing*, 30 May 2019; OHCHR, *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017*, March 2018, p. 3. OHCHR stated in its 2017 report that around 570 lawyers had been arrested, 1,480 lawyers were undergoing prosecution and 79 lawyers had been sentenced to long terms of imprisonment. Some 34 bar associations were also shut down on the grounds of alleged links with a terrorist organisation. OHCHR also identified a pattern of persecution of lawyers representing individuals accused of terrorism offences.

¹³⁵ OHCHR, *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017*, March 2018, p. 3. The Constitutional Court also dismissed two judges; Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019, p. 15.

¹³⁶ Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019; p. 15.

The constitutional amendments, which were approved by the Turkish population in a referendum in April 2017, increased the influence of the executive over the judiciary. A new body was established instead of the HCJP, the Council of Judges and Prosecutors (CJP), of which six members are directly appointed by the president and the remaining seven members by parliament, where the AKP-MHP alliance now has a majority. The CJP is responsible for the election of the members of the Court of Cassation and of the Turkish Council of State and indirectly, through delegation by each of these bodies of two members, also has a major influence on the composition of the highest Turkish court, the Constitutional Court.¹³⁷ The powers given to the CJP under the state of emergency to dismiss judges and prosecutors were extended by three years by Law 7,145 of 31 July 2018. On 10 January 2019, the CJP decided to dismiss 17 judges and prosecutors for alleged membership of the Gülen movement.¹³⁸

With the re-election of President Erdoğan in June 2018, the presidential system came into force, as approved by the majority of the Turkish population in the 2017 referendum. The Venice Commission of the Council of Europe and the European Commission, among others, stated that this system contains insufficient controls and guarantees against abuse by the executive. The system significantly reduces the power of parliament and strengthens control by the president over most judicial appointments.¹³⁹

The Commissioner for Human Rights of the Council of Europe indicated during the reporting period that there was judicial harassment of individuals or organisations for acts or statements that should have been protected under freedom of expression. The media and journalists were not the only target: judicial intimidation had spread to all sectors/layers of Turkish society, including politicians, academics, ordinary citizens who expressed their views on social media, NGOs and human rights defenders.¹⁴⁰ The Turkish Ministry of Justice reported in September 2018 that since the attempted coup, more than 600,000 people had faced criminal proceedings of some kind, such as questioning, investigation, detention, arrest, judicial controls or an exit ban. The Ministry also stated that between July 2016 and July 2018, investigations were conducted against 612,347 individuals suspected of being founders, leaders or members of armed organisations. On the basis of media reports, the US State Department indicated in its human rights report for 2018 that more than 80,000 people were arrested in Turkey under the state of emergency and subsequently. Most of them were arrested for alleged links with the Gülen movement or the PKK. In most cases they were convicted with little due process or access to the evidence underlying the accusations against them.¹⁴¹ See also 2.2.1.

¹³⁷ Haimerl, Maria, Verfassungsblog on constitutional matters, *The Turkish Constitutional Court under the Amended Turkish Constitution*, 27 January 2017. <https://verfassungsblog.de/the-turkish-constitutional-court-under-the-amended-turkish-constitution/>; Council of Europe. Fourth Evaluation Round. Group of States against corruption (GRECO), *Corruption prevention in respect of members of parliament, judges and prosecutors. Compliance report. Turkey*. GrecoRC4 017)16, 15 March 2018, sections 42 to 50.

¹³⁸ International Commission of Jurists (ICJ). *Turkey: dismissal of judges and prosecutors tainted by unfairness says ICJ*, 4 February 2019. <https://www.icj.org/turkey-dismissal-of-judges-and-prosecutors-tainted-by-unfairness-says-icj/>. Accessed 15 July 2019.

¹³⁹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final, p. 10; HRW, *World report 2019. Turkey. Events of 2018*; Freedom House, *Freedom in the world 2019. Turkey Country report*, accessed 21 June 2019, p. 15; Council of Europe (Venice Commission), Turkey. *Opinion on the amendments to the constitution adopted by the grand national assembly on 21 January 2017 and submitted to a national referendum on 16 April 2017*, 13 March 2017.

¹⁴⁰ Council of Europe. Commissioner for Human Rights, *Third party intervention by the Council of Europe Commissioner for Human Rights. Application No. 28749/18 Mehmet Osman Kavala v. Turkey*. CommDH(2018)30, 20 December 2018, p. 4, section 12; Commissioner for Human Rights, *Memorandum of freedom of expression and media freedom in Turkey*. CommDH(2017), 15 February 2017, section 65.

¹⁴¹ US. Department of State, *Turkey 2018 human rights report*, 13 March 2019, p. 8; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 9. The European Commission in its 2019 report indicates that more than 78,000 people were arrested for terrorism under the state of emergency.

2.2.5.1 *Dismissals*

Individuals have been dismissed or suspended on suspicion of terrorist activities on the basis either of the emergency decrees or of an administrative decision. In the former case, the names were published as annexes to the decrees.¹⁴²; in the latter, the dismissed person receives a letter signed by the competent authority with the decision. The letter announces the dismissal decision and states in general terms that investigations have shown that the person concerned has had ties with a terrorist organisation or with an organisation working against the national interest or public order.¹⁴³

Different organisations have different figures on the number of government officials dismissed on the basis of the decrees under the state of emergency. The European Commission indicated at the end of May 2019 that more than 152,000 government officials had been dismissed.¹⁴⁴ The Turkish government stated in a June 2019 report referring to individual emergency decrees that 136,049 persons had been dismissed from government service, 4,127 of whom had been reinstated to their positions. The highest numbers of dismissals were at the Ministry of the Interior (41,873), the Ministry of National Education (34,393) and the Ministry of National Defence (13,682).¹⁴⁵

Amnesty International stated in a report in October 2018 that the emergency decrees affected all government sectors. The dismissals resulting from these decrees were not substantiated with specific evidence or details of the suspected crimes, but justified on the grounds of alleged links with certain groups. On 8 July 2018, ten days before the end of the state of emergency, the largest round of dismissals since 1 September 2016 took place: 18,632 government officials lost their jobs.¹⁴⁶

The Human Rights Joint Platform (IHOP), a Turkish NGO, indicated that the dismissals from government service affected not just those in active service but also others such as retired police officers and soldiers. Following the closure of private educational institutions, including 15 universities, the work permits of 22,474 people who worked there were withdrawn. These people were also banned from working in state or private educational institutions. Emergency Decrees 667 and 668 name the competent authorities within the various government institutions that may take dismissal decisions.¹⁴⁷

Dismissals and arrests in relation to the July 2016 coup attempt continued even after the state of emergency had ended. On 25 July 2018, a new law was passed by Parliament allowing the continuation for another three years of dismissals on the

¹⁴² Confidential source, 25 June 2019; confidential source, 25 June 2019. According to this source, about 800 people have been suspended or dismissed since July 2018 on the basis of an administrative decision because they were suspected of being involved in terrorist activities; OHCHR, *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017*, March 2018, pp. 2 and 3. Note 2. "Decree 667, available at <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>; Decree 668, available at <http://www.resmigazete.gov.tr/eskiler/2016/07/20160727M2-1.pdf>; Decree 669, available at <http://www.resmigazete.gov.tr/eskiler/2016/07/20160731-5.htm>; Decree 670, available at <http://www.resmigazete.gov.tr/eskiler/2016/08/20160817-17.htm>; Decree 673, available at <http://www.resmigazete.gov.tr/eskiler/2016/09/20160901M2-1.pdf>; Decree 677, available at <http://www.resmigazete.gov.tr/eskiler/2016/10/20161029-4.htm>".

¹⁴³ Confidential source, 25 June 2019.

¹⁴⁴ European Commission, *Commission Staff Working Document. Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final, p. 9.

¹⁴⁵ Presidency of the Republic of Turkey, *The Inquiry Commission on the state of emergency measures. Activity report*, p. 10, June 2019. https://soe.tccb.gov.tr/Docs/OHAL_Report_2019.pdf

¹⁴⁶ Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 11, note 24, October 2018. See also IHOP. *21 July 2016-20 March 2018. State of emergency in Turkey*. Updated situation report, 17 April 2018, pp. 24 to 42. For the period July 2016 to January 2017, IHOP gives an overview of six periods during which a total of 116,512 people were dismissed on the basis of emergency decrees and decisions of the Council of Judges and Prosecutors.

¹⁴⁷ IHOP, *21 July 2016-20 March 2018. State of emergency in Turkey*. Updated situation report, 17 April 2018, pp. 24 to 42; Confidential source, 16 August 2019. The withdrawal of work permits concerned licences to work as a doctor or lawyer, for example.

basis of an administrative decision of public sector officials suspected of ties to a terrorist organisation or other groups seen by the Turkish government as a threat to national security.¹⁴⁸

By December 2018, a total of 15,242 soldiers had been discharged from military service for alleged links with the Gülen movement, while 5,783 former soldiers had been arrested for alleged involvement in the attempted coup.¹⁴⁹ There were further reports in 2019 that the Turkish authorities were carrying out arrests among Turkish soldiers: see the thematic country of origin information report on Turkey of July 2019. In mid-September 2019 the Turkish government announced that it had ordered the arrest of 223 Turkish soldiers in active service on charges of membership of the Gülen movement. The soldiers were in 49 provinces in Turkey and in the part of Cyprus under Turkish control. There were 100 suspects from the terrestrial forces, 41 from the Air Force, 32 from the Navy and 4 from the Coast Guard.¹⁵⁰

The leadership and members of some trade unions continued to face arbitrary dismissals, intimidation and detention for various types of non-violent trade union activities.¹⁵¹ On 2 November 2018, a court sentenced 26 trade union members to five-month suspended sentences for participating in a demonstration at a Renault plant in March 2016 that had not been authorised by the Turkish authorities.¹⁵² Sixty-two workers, including a trade union leader, were taken to court for their role in a large-scale protest against poor working conditions at the construction site of the new Istanbul airport.¹⁵³ Thirty-one of those workers have been in custody since September 2018. On 5 December 2018, a court ordered their provisional release pending trial.¹⁵⁴

Arbitrary dismissals have various negative consequences for those who lose their jobs and for their families. As well as losing their jobs, they are sometimes also deprived of any possibility of work within their profession. In addition, they lose secondary employment benefits such as housing and healthcare. The individuals and families involved are severely limited in their ability to support themselves.¹⁵⁵ A report issued by the Turkish opposition in July 2019 on the impact on those affected by emergency measures indicated that they could not obtain a passport and had serious difficulty in finding a job, as they had been stigmatised by an extensive smear campaign. According to the Stockholm Center for Freedom, 46 people have

¹⁴⁸ Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 11, October 2018. Law 7,145, Article 26

¹⁴⁹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 17; see also Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht dienstplicht Turkije*, July 2019.

¹⁵⁰ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht dienstplicht Turkije*, July 2019; Ahval, *Turkey orders arrest of 223 military personnel over suspected terror links*, 14 September 2019.

¹⁵¹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 85; Equal Times, *In Turkey, the right to freedom of association and unionisation remains under threat*. <https://www.equaltimes.org/in-turkey-the-right-to-freedom-of#.XZGYx8JLa0>; US Department of State, *Turkey 2018 human rights report*, 13 March 2019, pp. 57-60.

¹⁵² ITUC, *2019 global rights index. The world's worst countries for workers*, p. 27, accessed 30 September 2019. <https://www.ituc-csi.org/IMG/pdf/2019-06-ituc-global-rights-index-2019-report-en-2.pdf>

¹⁵³ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 85.

¹⁵⁴ Hürriyet Daily News, *Court frees 31 Istanbul Airport construction workers detained over protest*, 6 December 2018. <http://www.hurriyetdailynews.com/court-frees-31-istanbul-airport-construction-workers-detained-over-protest-139493>

¹⁵⁵ Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 4, October 2018; Amnesty International, *No end in sight. Purged public sector workers denied a future in Turkey*, 2017, section 3.2, p. 15. Dismissed public sector workers who were housed by the government had to leave their homes with their families. The government also stopped its funding of their health insurance, which meant that these families had to pay for medical care themselves. The publication of the names of those dismissed on the basis of the decrees placed families under additional pressure, as friends and even family shunned them because of the terrorism charges. <https://www.amnesty.nl/content/uploads/2017/05/No-End-In-Sight-ENG.pdf?x96671>

committed suicide since the attempted coup due to problems encountered in the aftermath.¹⁵⁶ See also 2.3.1.

The commission of inquiry into the measures taken under the state of emergency
The Commission of Inquiry on the State of Emergency (CoI), also known as the State of Emergency Appeal Commission, was set up by the President on 22 May 2017, on the advice of the Council of Europe.¹⁵⁷ The CoI is an administrative court which hears appeals of officials dismissed under the state of emergency. It has been examining the more than 130,000 dismissals resulting from decrees and has taken decisions on applications following measures taken during the state of emergency. The CoI has only awarded compensation to affected individuals in a few cases.¹⁵⁸

By 14 June 2019, the CoI had received 126,200 applications, of which it had assessed 76,000. A decision to reinstate the person concerned resulted from 5,750 of these assessments. The CoI rejected 70,250 complaints. It was still processing 50,200 applications on 14 June 2019.¹⁵⁹ The majority of the members of the CoI board have been appointed by the president. The CoI has a staff of around 220 people, including judges, prosecutors, inspectors, experts and other government officials. Its activities were extended by one year by a presidential decree on 23 January 2019.¹⁶⁰

The CoI's decisions are open to judicial review by an administrative court and then by the Constitutional Court. Only an administrative court in Ankara hears appeals against decisions of the CoI.¹⁶¹ In August 2017, the Constitutional Court declared that the estimated 70,000 individual applications it had received were inadmissible, since all domestic legal options such as the CoI and administrative courts had not been used. The ECHR also indicated with regard to the approximately 28,000 applications it had received that the national legal remedies had not been exhausted. The European Commission raised questions about the diligence and transparency of decision-making by the CoI. Among other things, there are no hearings and no procedural safeguards for applicants, and decisions are taken on the basis of written documents relating to the original dismissal decision.¹⁶² The CoI has been criticised by human rights defenders for being simply a buffer mechanism whose purpose is to delay progress to the ECHR. Amnesty International believes that the CoI works slowly and exclusively takes the government line, and that those whose applications are upheld are only given limited compensation. Despite the official line that the deposition of funds at Asya Bank after December 2013, for

¹⁵⁶ Stockholm Center for Human Rights. 46 purge victims have died by suicide in post coup crackdown: report. 17 July 2019. <https://stockholmcf.org/46-purge-victims-have-died-by-suicide-in-post-coup-crackdown-report/>

¹⁵⁷ Hürriyet Daily News. *Turkey releases details of emergency moves*. 4 May 2019; HRW World report 2019. *Turkey events of 2018*.

¹⁵⁸ Confidential source. 26 September 2018; Presidency of the Republic of Turkey. *The inquiry Commission on the state of emergency measures. Activity report*. June 2019.

¹⁵⁹ Presidency of the Republic of Turkey. *The inquiry Commission on the state of emergency measures. Activity report*. p. 16. June 2019; European Commission. *Commission Staff Working Document. Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final. P. 10; Hürriyet Daily News. *Turkey releases details of emergency moves*. 4 May 2019; HRW World report 2019. *Turkey events of 2018*. HRW reported that at the time of writing its 2018 report on Turkey, the CoI had made a decision in 36,000 cases, including 2,300 decisions for a reappointment or similar reinstatement measure; 88,660 applications were still being processed; IHOP. 21 July 2016-20 March 2018. *State of emergency in Turkey*. Updated situation report. 17 April 2018. IHOP provided somewhat different information based on data obtained from the CoI. The CoI started its activities on 17 July 2017. By 13 April 2018, the IC had received 108,660 applications to evaluate decisions and take a binding decision. From 17 July 2017 to 28 February 2018, the CoI examined 7,820 decisions, in which the official's application was upheld in 310 cases. The appeal was rejected in 7,510 cases. pp. 61 and 62.

¹⁶⁰ European Commission. *Commission Staff Working Document. Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final. p. 9.

¹⁶¹ Confidential source. 30 August 2018. This source indicates that two administrative courts in Ankara have been designated for this purpose; European Commission. *Commission Staff Working Document. Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final. p. 9. The Constitutional Court ruled in August 2017 that it should not hear around 70,000 individual applications, since the parties involved must first take their case to the IC and/or the administrative court.

¹⁶² European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, pp. 9 and 10.

example, is not sufficient evidence of involvement with the Gülen movement, this fact has continued to be used as evidence against defendants.¹⁶³ In this context, it is relevant that the Supreme Turkish Court of Appeal ruled in February 2018 that individuals who deposited money with Asya Bank after Gülen's call in late December 2013 should be regarded as Gülenists.¹⁶⁴

2.2.5.2 Criminal cases

More than 150,000 people were detained under the state of emergency and more than 78,000 were arrested on terrorism-related charges, 50,000 of whom were still in prison at the end of May 2019.¹⁶⁵

According to research by the Arrested Lawyers Initiative, there has been a sharp increase since 2013 in the number of individuals charged on the basis of Article 314 of the Criminal Code. From 2013 to 2017, 221,366 people were charged on the basis of Article 314 (membership or leadership of a terrorist organisation). The total in 2013 was 8,324. This number increased to 146,718 in 2017. In 2017, public prosecutors launched investigations of 527,154 people for possible crimes against the constitutional order as described in Articles 309-316 of the Turkish Criminal Code; in 2018 such an investigation was initiated for 456,175 people.¹⁶⁶

According to Human Rights Watch and others, many terrorism prosecutions lack convincing evidence of criminal activities or acts that could reasonably be regarded as terrorism. Individuals accused of terrorism have also been subject to lengthy custody pending trial.¹⁶⁷

Opposition MPs from the People's Democratic Party (HDP) and the Republic People's Party (CHP) have also been accused of ties with terrorist groups. Similar accusations were made against Taner Kilic and Idil Eser, the chairman and director of Amnesty International Turkey, as well as against the philanthropist Osman Kavala. Accusations of membership of or support for a terrorist organisation were also made against 1,542 lawyers, including 14 presidents of regional bar associations, more than 150 journalists and many others.¹⁶⁸ In many cases such accusations led to arrests, detention and convictions. See 2.2.6.

Prison terms for membership of a terrorist organisation are usually between 7.5 and 12.5 years. The penalties for people prosecuted on multiple terrorism-related charges are much higher, as is shown by the prosecutions of soldiers and others that took place for involvement in the July 2016 coup attempt.¹⁶⁹ Tens of thousands of people who are being prosecuted for terrorism are still at liberty pending a

¹⁶³ Confidential source, 30 August 2018; Confidential source, 30 October 2018; Presidency of the Republic of Turkey, *The inquiry Commission on the state of emergency measures. Activity report*, pp. 13-15, June 2019. The Col is examining the investigation of money deposits at Asya Bank in more detail. In this connection, see a report of the Banking Regulation and Supervision Agency (BDDK) of 28 May 2015, which stated that the Asya Bank was controlled by Fetullah Gülen. According to the BDDK, Gülen had instructed his supporters on 25 December 2013 to open accounts and/or deposit money at this bank.

¹⁶⁴ Daily Sabah, *Depositing money in Bank Asya on Gülen's order proof of FETÖ membership*, 11 February 2018.

¹⁶⁵ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 9; Euobserver, *Leaked document sheds light on Turkey's controlled coup*, 11 March 2019

¹⁶⁶ The Arrested Lawyers Initiative, *Abuse of the Anti-Terrorism laws by Turkey is steadily increasing*, 30 May 2019.

¹⁶⁷ HRW, *World report 2019. Turkey. Events of 2018. State of emergency and after*; HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 2. In November 2018, the Ministry of Justice indicated that 17% (44,930 individuals) of the total prison population of 260,144 people were being detained after being charged with or convicted for terrorism.

¹⁶⁸ The Arrested Lawyers Initiative, *Abuse of the Anti-Terrorism laws by Turkey is steadily increasing*, 30 May 2019.

¹⁶⁹ HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 2; for the prosecutions of soldiers for involvement in the attempted coup, see the thematic country of origin information report on Turkey of July 2019, p. 26. <https://www.rijksoverheid.nl/documenten/ambtsberichten/2019/07/11/thematisch-ambtsbericht-dienstplicht-turkije-juli-2019>.

possible trial. In the period after the coup attempt, the authorities have considerably broadened the already very broad and vague definition of terrorism...¹⁷⁰

Burden of proof

Among the criteria used in criminal cases to indicate links with the Gülen movement are:

- having a bank account with Bank Asya, a bank that according to the government was a Gülenist bank (see also 2.2.5.1);
- sending children to a Gülenist school;
- participation in religious discussion groups led by Gülenists;
- working in a private school or hospital run by Gülenists;
- staying in student accommodation managed by Gülenists;
- the downloading of, in particular, Bylock mobile phone encryption communication apps (an app that the Turkish government claimed was frequently used by Gülenists in particular);
- having a subscription to the Zaman daily newspaper;
- since the open rift between the AKP and the Gülen movement (see 1.2.1), having a bank account with the Asya bank with a large balance;
- transferring money to bank accounts of the Gülen movement or to bank accounts of close relatives with ties to the movement...¹⁷¹

Regarding the use of a Bylock app, it is known that many people made use of a Wi-Fi network that they did not realise was linked to the Bylock app. Usually, even one of the above indicators was sufficient for the public prosecutor to characterise an individual as a Gülenist...¹⁷² especially if he or she used the Bylock app. In other cases, according to the source, the prosecutor relied on a combination of evidence, such as witness statements that an individual was very active in the Gülen movement or held a leading position in a school, foundation or business with links to the Gülen movement, or other indicators mentioned above.

Persons who had passed an entrance examination in July 2010 for employment within the Turkish government were also suspected of ties with the Gülen movement. According to the confidential source, it is widely known that Gülenists had copied exam papers beforehand in order to help other Gülenists into key positions within the Turkish government...¹⁷³ If a soldier had been accused of involvement in the attempted coup, that was sufficient evidence for the prosecutor of links with the Gülen movement...¹⁷⁴ See also 2.1 on anti-terrorism legislation and 2.2.5 on due process.

Criminal proceedings are not always initiated against individuals known to be 'Gülenists'. Individuals with good connections may be able to avoid prosecution. Also, having sent one's children to a school of the Gülen movement is not necessarily regarded by the Turkish government as an indication of being a Gülenist.

¹⁷⁰ HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 2.

¹⁷¹ HRW, *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey*, 10 April 2019, p. 9; Confidential source, 25 June 2019.

¹⁷² Confidential source, 24 June 2019; see also Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht dienstplicht Turkije*, July 2019.

¹⁷³ Confidential source, 25 June 2019; Hürriyet Daily News, *Gülen 'first recipient' of leaked Turkish civil servant exam questions*, 13 May 2016; Council of Europe (Venice Commission), *Emergency decree laws of July-September 2016 nos 667-674*, 10 September 2016, p. 30. Decree 670 refers to the exams of 10-11 July 2010: Appointment processes of the personnel appointed in accordance with or on the basis of the general ability and general knowledge test in the Public Personnel Selection Examination held on 10-11 July 2010 shall continue being valid. However, appointments of the persons that are determined to have unlawfully obtained the exam's questions and/or the answers before it is held or during the exam shall be annulled.

¹⁷⁴ Confidential source, 25 June 2019.

The source notes that many Turks sent their children to Gülen movement schools because of the quality of their education..¹⁷⁵

Life imprisonment with no prospect of early release

The European Court of Human Rights has repeatedly ruled against the imposition of life sentences by Turkish courts without any prospect of early release. The ECHR regards such a penalty as a violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms . The lack of any procedure for evaluating a life sentence is considered by the court to be a breach of human rights. Rulings have been issued against Turkey on this point several times..¹⁷⁶ Such sentences were imposed on those accused of participation and/or involvement in the attempted coup, among others – not just soldiers, but civilians too..¹⁷⁷ See also the thematic country of origin information report on conscription in Turkey by the Dutch Ministry of Foreign Affairs from July 2019..¹⁷⁸

The death penalty

Turkey abolished the death penalty in 2004 as part of the reforms introduced with a view to Turkey's accession to the European Union. President Erdoğan has repeatedly stated his support for the reintroduction of the death penalty. He has emphasised that if Parliament were to vote in favour of doing so, he would approve it..¹⁷⁹

Access to court records: e-Devlet and Uyap

Uyap is an electronic information system that connects courts with other bodies that fall under the Ministry of Justice. Citizens and lawyers can access this system to look up information of relevance to them or perform certain actions. They can use their e-signature to view their records, make a payment in connection with their case, and submit documents, a claim or a case to any court in Turkey. They have access to information about their case via the Internet and can find information there about the date for which the hearing is scheduled without having to go to court..¹⁸⁰ With the help of this system, any citizen can check whether there are court proceedings against him or her.

A citizen can gain access to Uyap via the E-devlet system. E-devlet is the e-government gateway for Turkish citizens and foreigners in Turkey, providing access to numerous government services. A citizen can gain access to e-devlet using his or her personal identity number and a password..¹⁸¹ Every citizen receives an identity number after his or her birth has been registered with the Turkish government. An e-devlet password can be requested from Turkish post offices or via telecom operators for mobile telephony or banking..¹⁸² Turkish citizens can apply for an e-

¹⁷⁵ Confidential source, 24 June 2019.

¹⁷⁶ Bianet, *ECHR convicts Turkey for 'aggravated life imprisonment'*, 12 February 2019, accessed on 05 June 2019.

¹⁷⁷ Article 19, *Turkey: Aggravated life sentences in Altans trial confirm absence of rule of law*, 3 October 2019. <https://www.article19.org/resources/turkey-aggravated-life-sentences-in-altans-trial-confirm-absence-of-rule-of-law/>; Daily Sabah, *Aggravated life sentences for key figures in grand trial of FETO coup attempt*, 20 June 2019. <https://www.dailysabah.com/investigations/2019/06/20/aggravated-life-sentences-for-key-figures-in-grand-trial-of-feto-coup-attempt>.

¹⁷⁸ Dutch Ministry of Foreign Affairs, *Thematisch ambtsbericht. Dienstplicht Turkije*, July 2019, section 5; confidential source, 30 September 2019. It is not known exactly how many people have been sentenced to life imprisonment without any prospect of early release.

¹⁷⁹ Stockholm Center for Freedom, *Erdoğan says will approve reinstatement of death penalty if passed by parliament*, 20 March 2019. <https://stockholmcf.org/erdogan-says-will-approve-reinstatement-of-death-penalty-if-passed-by-parliament/>

¹⁸⁰ National Judiciary Informatics System (Uyap). Accessed 23 July 2019; Immigration and Refugee Board of Canada, *Turkey: The National Judiciary Informatics System (Ulusal Yargı Ağı Bilişim Sistemi, UYAP), including components, access by citizens and lawyers; arrest warrants and court decisions, including access to such documents on UYAP, who has the authority to issue such documents, and appearance of the documents (2016-November 2018) [TUR106217.E]*, 10 December 2018. A Turkish citizen has access to a court decision provided he or she has an 'e-devlet account' and a password and is a party to the case.

¹⁸¹ Türkiye.gov.tr. *E-government gateway*, accessed 23 July 2019. <https://www.turkiye.gov.tr/non-citizens>; Yellali. Your partner in Turkey. Consultancy company, *What is the E-Devlet Website and how can foreigners use it?* Accessed 23 July 2019. (turkiye.gov.tr)<https://yellali.com/advice/question/443/e-devlet-website-portal-turkiye-gov-tr>.

¹⁸² National Judiciary Informatics System (Uyap), accessed 23 July 2019. <http://www.e-justice.gov.tr/General-Information>; Confidential source, 25 June 2019.

devlet account abroad. They can visit the consulate where they are registered for a user name and password.¹⁸³

Lawyers can gain access by virtue of their profession to court records through Uyap, provided that they have a mandate from their clients. In such circumstances they will automatically gain access to the relevant files via Uyap.¹⁸⁴ It is not always possible to determine through the Uyap system whether an arrest warrant has been issued against a citizen. If the prosecutor has given instructions for confidentiality during the investigation phase, the parties to the case and their lawyers will not have access to the arrest warrant. Lawyers can sometimes check with the court administration whether there are new documents in the investigation phase that still need to be entered in Uyap.¹⁸⁵

2.2.6 Arrests, custody and detentions

In April 2018, the European Commission reported that, since the attempted coup, an estimated 150,000 people had been detained by the police.¹⁸⁶ According to Turkish human rights organisations, the number of people in detention awaiting prosecution increased from 26,000 in July 2016 to more than 70,000 in March 2018.¹⁸⁷ The Turkish prison authorities reported that in November 2018, 260,000 people were in detention; about 43% of them were being held pending trial. In 2004, 58,000 people were being held. The official prison capacity is 220,000 people. On this basis, the occupancy rate is 118%.¹⁸⁸ At the end of February 2019, 743 children were staying in prison with mothers serving sentences.¹⁸⁹ According to the Turkish Ministry of Justice, in June 2018 almost one fifth (48,924) of the total prison population (246,426) were being detained after being charged with or convicted for terrorism. Among those charged or convicted were journalists, public sector workers, teachers and politicians as well as police officers and soldiers. Of these 48,924 individuals, 34,241 had been detained on charges of ties to the Gülen movement, 10,286 for alleged links with the prohibited PKK and 1,270 for alleged links with ISIS.¹⁹⁰

The prisons are overcrowded, the European Commission states in its report for the period March 2018-March 2019, and detention conditions have generally deteriorated. Prisoners have too little space and limited access to healthcare and personal hygiene.¹⁹¹ The human rights report of the United States on Turkey indicated for 2018 that physical conditions in Turkish prisons generally met international standards, except that they were overcrowded, especially after the coup attempt, and that there was insufficient access to health facilities. As far as possible, children were placed in prison institutions for young people, or failing that in separate sections within prisons for adult men or women. Prisoners awaiting trial

¹⁸³ <https://www.turks.nl/turkije/algemeen/online-stamboomprogramma-turkse-overheid-heropend>. Accessed 30 September 2019.

¹⁸⁴ National Judiciary Informatics System (Uyap). Accessed 23 July 2019; Confidential source, 25 June 2019.

¹⁸⁵ Immigration and Refugee Board of Canada, *Turkey: The National Judiciary Informatics System (Ulusal Yargı Ağı Bilişim Sistemi, UYAP), including components, access by citizens and lawyers; arrest warrants and court decisions, including access to such documents on UYAP, who has the authority to issue such documents, and appearance of the documents (2016-November 2018) [TUR106217.E]*, 10 December 2018.

¹⁸⁶ Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 8, October 2018. Based on: European Commission, *Commission Staff Working Document: Turkey 2018 Report*, 17 April 2018

¹⁸⁷ Amnesty International. *Purged beyond return. No remedy for Turkey's dismissed public sector workers*. p. 8, 8 October 2018. Based on: Human Rights Joint Platform, *21 July 2016 – 20 March 2018 State of Emergency in Turkey: Updated Situation Report*, 17 April 2018, http://www.ihop.org.tr/wp-content/uploads/2018/04/SoE_17042018.pdf.

¹⁸⁸ World Prison Brief, *Turkey*. <http://www.prisonstudies.org/country/turkey>. Accessed 22 July 2019. In 2017 there were 9,787 women in detention; European Commission. *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 31.

¹⁸⁹ European Commission. *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 31.

¹⁹⁰ HRW, *World report 2019. Turkey. Events of 2018*; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 31.

¹⁹¹ Confidential source, 26 September 2018; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 31; US Department of State, *Turkey 2018 human rights report*, 13 March 2019, p. 7.

were held in the same institutions as convicted prisoners. Chief prosecutors have the power, in particular under the far-reaching anti-terrorism law, to detain individuals whom they consider to be a threat to public security pending trial, regardless of medical reports on serious health problems.¹⁹² Detainees with health problems were not transferred promptly to clinics and hospitals; as a result, some detainees are thought to have died from not particularly serious health problems. Those detained or convicted in relation to offences against state security, the constitution, national defence or the state, or offences covered by anti-terrorism legislation, faced restrictions on visiting rights and access to exams. A number of these prisoners also indicated that they had been put under psychological pressure by sudden searches, including during the night, and that they had hardly any access to sunlight or fresh air.¹⁹³

The European Commission stated in its 2018 report that there were many allegations of human rights violations in prisons, including arbitrary restrictions on prisoners' rights, lack of access to medical care, the use of torture, mistreatment, prevention of open visits and solitary confinement. In autumn 2018, some 300 detainees in 60 prisons went on hunger strike to protest against the isolation of prisoners on the prison island of Imrah, where PKK leader Öcalan is also detained. In 2018, the Directorate General for Prisons and Detention Centres received 877 complaints about alleged torture and mistreatment in prisons and detention centres. By December 2018, the Turkish government had taken legal and administrative measures against 543 employees. Prison monitoring mechanisms, including access for civil society organisations to prisons, are largely lacking, so that there is no monitoring of human rights violations in prisons.¹⁹⁴

2.2.7

Maltreatment and torture

On 27 February 2018, the United Nations Special Rapporteur on torture expressed serious concerns about the increasing number of allegations of torture and other forms of maltreatment in police custody. According to the Special Rapporteur, many people accused of ties with the Gülen movement or the PKK had been subjected to violent interrogation techniques in order to extract confessions or accusations against others. The abuses that were reported included beating, administration of electric shocks, exposure to ice-cold water, withholding of sleep, threats, insults and sexual violence. The Special Rapporteur stated that he had no indications that the authorities had taken serious steps to investigate these accusations or to prosecute the perpetrators of this violence.¹⁹⁵ See also 2.2.6.

Amnesty International expressed its concern on 24 May 2019 about the detention of 47 people – men, women and three children – in the province of Urfa. They had been arrested by the police after fighting between security forces and the PKK. The Turkish government released 22 of them on 24 May 2019. Amnesty International stated that it had credible indications that the adults had been tortured and abused.¹⁹⁶

¹⁹² US Department of State, *Turkey 2018 human rights report*, 13 March 2019, pp. 6 and 7.

¹⁹³ CISST, *Freedom of speech in prison*, April 2019, pp. 16-21.

http://www.tcps.org.tr/sites/default/files/kitaplar/freedom_of_speech_in_prison_report.pdf; confidential source, 27 June 2019.

¹⁹⁴ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 31.

¹⁹⁵ OHCHR. Turkey: *UN expert says deeply concerned by rise in torture allegations*. 27 February 2018.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22718&LangID=E>. Accessed 12 August 2019.

¹⁹⁶ Amnesty International. Urgent action. Dozens at risk of torture in police detention. 24 May 2019; Confidential source.. 29 May 2019. This source refers to more than 50 people having been detained and tortured following an armed conflict with the PKK in Urfa province. The media reported that the chief prosecutor in Şanlıurfa had conducted an investigation. The bar association in Şanlıurfa stated that the detainees, including children, had been tortured and that there were specific indications of this.

The bar association in Ankara reported on 28 May 2019 that five employees of the Turkish Ministry of Foreign Affairs who had been arrested claimed to have been tortured by the police. Those involved were part of a group of 249 Ministry of Foreign Affairs employees who were prosecuted for involvement in the failed coup of July 2016. Approximately one hundred were arrested at the end of May 2018. The Turkish government denied the allegations of torture.¹⁹⁷

2.2.8

Disappearances and abductions

In April and May 2017, CHP parliamentarians asked Prime Minister Binali Yıldırım questions about the investigation of forcible disappearances of individuals. In an August 2017 letter to the Minister of Justice, Human Rights Watch asked for clarification about five disappearances. Most of these people were teachers; one of them was traced after 42 days in a police station where he had been in custody.¹⁹⁸

In its annual report on human rights in Turkey, the United States indicates that there were unconfirmed reports by human rights organisations in 2018 of politically motivated disappearances of persons. These organisations stated that 28 people had disappeared or were victims of attempted abductions for political reasons.¹⁹⁹ In its 2018 annual report, Human Rights Watch (HRW) reported that the Turkish government had not adequately investigated the abductions of at least six men, allegedly by government officials. After being abducted, they were detained at unknown locations before being released months later.²⁰⁰ In another case of forcible abduction, HRW reported that on 28 July 2019 the Turkish authorities confirmed that they were holding four men in police custody in Ankara on suspicion of links with the Gülen movement. Two of them were teachers, one was an employee of the Information Technology and Communications Board (a government agency), and one was an accountant. According to HRW, they were abducted at various locations in February 2019 and held incommunicado. Relatives of the four men met them briefly in the presence of police officers. The men could not speak freely about what had happened to them and were prevented from telling them where they had been all that time. Lawyers had not had access to the men. The situation of two other men who also disappeared in February 2019 is unknown.²⁰¹

The European Commission notes in its annual report on Turkey for 2018 and in relation to the situation in the east and south-east of the country that the Turkish government still lacks a coherent, consistent approach with regard to missing persons, the excavation of mass graves and independent investigations of all alleged cases of extrajudicial killings by security and law enforcement officers. In this context, reference was also made to the extremely long duration of legal proceedings concerning missing persons and forcible disappearances.²⁰²

2.3

Position of specific groups

¹⁹⁷ Reuters. *Turkish lawyers' group says foreign ministry staff tortured in custody*. 28 May 2019; Confidential source, 31 May 2019. The Ankara Bar Association has credibly documented the torture of five of them. They are accused of fraud in connection with the Ministry of Foreign Affairs entrance exams in the years 2009-2013, in order to help Gülenists into state employment. See in this regard: Bold. Human rights. *Bar Association report: former diplomats sexually abused with batons and tortures*. Accessed 25 September 2019. <https://boldmedya.com/en/2019/05/29/bar-association-report-former-diplomats-sexually-abused-with-batons-and-tortured/>

¹⁹⁸ HRW. *Turkey: Investigate Ankara Abductions, Disappearances. Locate Missing Men; Identify Those Responsible*. 3 August 2017.

¹⁹⁹ US Department of State. *Turkey 2018 human rights report*. 13 March 2019. p. 4.

²⁰⁰ HRW. *World report 2019. Turkey. Events of 2018*.

²⁰¹ HRW, *Turkey: concerns for disappeared men now in police custody*, 6 August 2019.

²⁰² European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 18.

2.3.1 *People suspected of ties with the Gülen movement*

In 2016 and 2017, the Turkish government accused large numbers of people of links with the Gülen movement, and this has continued to be the case since then. According to the International Observatory of Human Rights, most of those arrested since mid-2016 had nothing to do with the attempted coup. The public prosecutor used statements from anonymous witnesses to prove links with the Gülen movement. Those to whom this happened included people known to be opponents of the Gülenists and secular human rights activists.²⁰³

The consequences at a personal level for the hundreds of thousands of Turks and their families who lost their jobs or ended up in prison have been drastic, including loss of income, loss of housing, loss of access to facilities and withdrawal of passports.²⁰⁴ See also 2.2.4 (freedom of movement), 2.2.5.1 (dismissals), 2.2.5.2 (criminal cases) and 2.2.6 (detention).

Extradition

President Erdoğan's efforts to combat the Gülen movement and its institutions were not confined to Turkey itself. Turkey called on foreign governments to close Gülen schools. In Azerbaijan, this led in 2014 to the closure of all Gülenist-led educational institutions in that country, including 11 secondary schools, 14 primary schools and Qafas University.²⁰⁵ The Turkish intelligence service (MIT) has played a leading role in dismantling Gülenist networks abroad. In addition, the religious affairs directorate, Diyanet, stated at the end of 2016 that it had gathered information about Gülenists in at least 38 countries.²⁰⁶

Turkey, according to *Foreign Affairs*, is exerting pressure worldwide to close institutions affiliated with the Gülen movement.²⁰⁷ The Turkish government also asked governments of other countries to extradite alleged Gülenists. Many of those affected are teachers.²⁰⁸ In July 2018, Turkish Foreign Minister Mevlut Cavusoglu confirmed that the National Security Service (MIT) had facilitated the repatriation of more than 100 FETÖ members from 18 countries. In some cases, deportation took place without due process.²⁰⁹ Kosovo extradited six people to Turkey in March 2018, including a school head teacher and his deputy as well as teachers. All were said to be Gülenists. The expulsion was the result of cooperation between the Turkish security service and police and the security services in Kosovo.²¹⁰ Moldova also extradited alleged Gülenists to Turkey through cooperation between the security

²⁰³ International Observatory Human Rights, *2018 in review. Human rights violations in Turkey. # Turkey Human Rights*. <https://observatoryihr.org/2018-in-review-human-rights-violations-in-turkey/>. Accessed 17 July 2019, p. 12. Such secret witness statements were used by the Turkish government to link Andrew Craig Brunson, a pastor from the US, and anti-Gülen columnists Can Dündar and Hikmet Çetinkaya as well as the well-known philanthropist Osman Kavala to the Gülen movement.

²⁰⁴ Amnesty International, *Purged beyond return. No remedy for Turkey's dismissed public sector workers*, p. 4, October 2018; Confidential source, 30 October 2018.

²⁰⁵ Tee, Caroline, *The Gülen movement in Turkey. The politics of islam and modernity*, 2016, p. 178.

²⁰⁶ Confidential source, 16 November 2018; Correctiv. *Recherchen für die Gesellschaft, Black sites Turkey*, 11 December 2018. <https://correctiv.org/en/top-stories-en/2018/12/06/black-sites/>.

²⁰⁷ Foreign Affairs, *How Turkey's Crackdown on Gülenists Threatens the Rule of Law Abroad*, 29 January 2018. <https://www.foreignaffairs.com/articles/turkey/2018-01-29/remarkable-scale-turkeys-global-purge>

²⁰⁸ HRW, *World report 2019. Turkey. Events of 2018*; BalkanInsight. <https://balkaninsight.com/2019/02/05/kosovo-broke-law-when-deporting-turkish-gulenists-02-05-2019/>. 5 February 2019; NOS. *Turkse geheime dienst haalde gulenisten op in buitenland*, 5 April 2018. <https://nos.nl/artikel/2225918-turkse-geheime-dienst-haalde-gulenisten-op-in-buitenland.html>; BalkanInsight, *Turks fleeing a crackdown find haven in Albania*, 21 December 2018. The article reports that the Turkish government was putting pressure on the Albanian government to close down institutions of the Gülen movement. Fleeing Turks were said to avoid registering in Albania for fear of extradition. <https://balkaninsight.com/2018/12/21/turks-fleeing-a-crackdown-find-haven-in-albania-12-19-2018/>

²⁰⁹ US Department of State, *Turkey 2018 human rights report*. 13 March 2019. p. 4. The report refers to press releases about Azerbaijan, Ukraine and Kosovo.

²¹⁰ BalkanInsight. <https://balkaninsight.com/2019/02/05/kosovo-broke-law-when-deporting-turkish-gulenists-02-05-2019/>, 5 February 2019; BBC. *Kosovo security chiefs sacked after six Turks deported*, 30 March 2019. <https://www.bbc.com/news/world-europe-43596926>. Both the Turkish and Kosovo authorities had confirmed the deportation, according to the BBC. The deportation itself was said have taken place without the knowledge of the President of Kosovo.

services of the two countries, and without legal proceedings.²¹¹ The government of Pakistan refused to renew the work and residence documents of the Turkish employees of the PakTurk schools, forcing many of them to leave Pakistan. In early 2019, the Pakistani Supreme Court ruled that the Gülen movement is a terrorist organisation and instructed the Pakistani government to hand these schools over to the Maarif Foundation, an Islamic educational organisation founded by the Turkish government.²¹²

Since 2014, the Turkish authorities have repeatedly asked the United States to extradite Fetullah Gülen.²¹³

The European Union does not regard the Gülen movement as a terrorist organisation.²¹⁴ In November 2018, a British court rejected a Turkish extradition request for Hamdi Akin Ipek and three other Turks. The British Supreme Court also ruled that the extradition request was politically motivated and rejected it. Mr Ipek owns newspapers and TV channels in Turkey that have been seized by the Turkish government. He is accused by the Turkish government of criticising President Erdoğan's government and of having ties with people behind the coup attempt and hence with the Gülen movement.²¹⁵

2.3.2

Opposition parties

The International Observatory of Human Rights (IOHR) reported that Kurdish mayors were removed from office in 2017. By the end of 2018, 101 mayors had been replaced by caretakers. Village heads were also replaced by government-appointed caretakers. The village heads who were replaced had refused to attend meetings with the president.²¹⁶

The immunity of at least 11 HDP parliamentarians was withdrawn in September 2018. They were detained on suspicion (or in the meantime on the basis of a judgment in some cases) of ties with or membership of the PKK.²¹⁷ Between 2017 and September 2018, the government removed 94 HDP/*Democratic Regions Party* (DBP) mayors in the south-east from their positions.²¹⁸ Many of them were imprisoned. At least 50 were replaced by AKP administrators appointed by the government.²¹⁹ At the end of 2018, ten current and former HDP parliamentarians were in detention, as well as 46 deputy HDP mayors. Hundreds of other HDP employees were detained throughout Turkey, as well as the HDP leader and presidential candidate Selahattin Demirtaş. In 2018, there were also new detentions

²¹¹ HRW, *World report 2019. Turkey. Events of 2018*.

²¹² Middle East Institute, *Turkish-Pakistani relations: a burgeoning alliance?* 22 May 2019.

<https://www.May.edu/publications/turkish-pakistani-relations-burgeoning-alliance>

²¹³ Tee, Caroline, *The Gülen movement in Turkey. The politics of islam and modernity*, 2016, pp. 176-177 and 185; European Council on Foreign relations. Asli Aydintasbas, *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt*, September 2016, pp. 8 and 9. This source indicates that in 2007 the Bush government was opposed to granting Fetullah Gülen a permanent residence permit (green card). However, its decision was overturned by a ruling by a US judge; Business Insider, *Trump administration's reported effort to 'barter' a US resident to convince Turkey to ramp down Khashoggi probe stuns foreign-policy veterans*, 16 November 2018. This source reports that Gülen has been living in the US since the late 1990s.

<https://www.businessinsider.nl/trump-fetullah-gulen-turkey-khashoggi-experts-stunned-2018-11?international=true&r=US>

²¹⁴ Confidential source, 24 June 2019; European Council, *EU terrorist list*. Accessed 25 July 2019.

<https://www.consilium.europa.eu/en/policies/fight-against-terrorism/terrorist-list/>

²¹⁵ International Extradition Portal, *Hamdi Akin Ipek: Turkish extradition request is rejected by UK*, 30 November 2018; The Guardian, *Turkey fails in final attempt to extradite media boss from UK*, 9 April 2019

<https://www.theguardian.com/law/2019/apr/09/turkey-fails-to-extradite-hamdi-akin-ipek>

²¹⁶ International Observatory Human Rights, *2018 in review. Human rights violations in Turkey. # Turkey Human Rights*. <https://observatoryihr.org/2018-in-review-human-rights-violations-in-turkey/>. Accessed 17 July 2019, p. 12.

²¹⁷ Confidential source, 26 September 2018; Heinrich Böll Stiftung, *Turkey's Newest Party: Understanding the HDP*, 27 October 2015. <https://www.boell.de/en/2015/10/27/turkeys-newest-party-understanding-hdp>;

<https://www.hdp.org.tr/en/>

²¹⁸ Hürriyet Daily News, *Opposition DBP member jailed for terrorism*, 2 February 2019.

<http://www.hurriyetdailynews.com/opposition-dbp-member-jailed-for-terrorism-140951>. The Democratic Regions Party is the HDP's sister party at local level; Kurdistan24, *Kurdish parties in Turkey unite to reclaim gov-seized municipalities*, 7 January 2019. <https://www.kurdistan24.net/en/news/58a68e12-360f-405a-9f0a-b77d62856c66>.

²¹⁹ Confidential source, 26 September 2018.

and arrests of elected representatives and municipal officials in the east and south-east, on the basis of terrorism-related allegations.²²⁰

In October 2018, the Turkish government removed from office 259 *muhtars* who had been elected in 2014, after accusing them of links with terrorist groups. Most of these *muhtars* worked in the predominantly Kurdish provinces. The government appointed caretakers to replace them. The police arrested some of the *muhtars* on charges of having links with the PKK.²²¹ On 18 August 2019, the Ministry of the Interior removed from office three mayors who had been democratically elected earlier in the year. They were the HDP mayors of Diyarbakir, Mardin and Van. The Turkish authorities indicated that criminal proceedings were in progress against these mayors for their speeches and political activities, on the basis of terrorism legislation.²²²

The European Court of Human Rights ruled in November 2018 that the repeated extension of the custody of HDP politician Salahattin Demirtaş constituted a human rights violation. According to the Turkish government, Demirtaş is a terrorism suspect because of his speeches and participation in demonstrations, which indicate that he is guilty of the spreading of terrorist propaganda and leadership of the PKK. The European Court also ruled that this practice stifles pluralism and limits the freedom of political debate. The court called for the release of Demirtaş, who has been imprisoned since November 2016.²²³ The Turkish state has initiated various legal proceedings against Demirtaş. On 4 December 2018, the Second Criminal Chamber of the Istanbul Regional Court sentenced Demirtaş to 56 months in prison.²²⁴

Kurdish mayors (especially from the HDP) were not the only ones to be replaced by government-appointed caretakers: some CHP mayors such as Murat Haznedar were also replaced. Murat Haznedar, mayor of the Besiktas district of Istanbul, was dismissed in early 2018. The Ministry of the Interior stated that Haznedar had been dismissed due to an investigation into a property holding company, membership of the Gülen movement, illegal licensing of businessmen, use of government property for private purposes and the appropriation of unfair benefits.²²⁵

In September 2018, the Court of Cassation confirmed the conviction by a court of CHP parliamentarian Enis Berberoğlu for providing video material to the *Cumhuriyet* newspaper about alleged arms deliveries to the Syrian opposition. The court ordered that Enis Berberoğlu be released after 16 months in pretrial detention.²²⁶

²²⁰ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 18; US. Department of State. *Turkey 2018 human rights report*, 13 March 2019, p. 16; Confidential source, 25 June 2019. The source indicates that Turkish-Kurdish politicians are under great pressure. This was already the case before the failed coup of 2016, for example with attacks on the offices of the HDP. After the attempted coup, Turkish-Kurdish MPs were among those arrested. Thousands of political activists were detained. The arrests were arbitrary. This mainly happened before the elections; a number of those concerned have since been released.

²²¹ Kurdistan24, *Turkey deposes some 260 elected village heads, arrests follow*, 18 October 2018.

²²² HRW, *Turkey: 3 Kurdish Mayors Removed from Office. Violates Voters' Rights; Suspends Local Democracy in Major Southeast Cities*, 20 August 2019. <https://www.hrw.org/news/2019/08/20/turkey-3-kurdish-mayors-removed-office>; Financial Times, *Turkey sacks three Kurdish mayors for alleged militant ties*, 19 August 2019;

²²³ HRW, *World report 2019. Turkey. Events of 2018*; Ahval news, *Demirtaş appeals to ECHR Grand Chamber over November ruling*, 23 February 2019. <https://ahvalnews.com/selahattin-demirtas/demirtas-appeals-echr-grand-chamber-over-november-ruling>; Article 19, *Turkey: Respect ECtHR ruling and end politically motivated trials against Demirtaş*, 11 December 2018. <https://www.article19.org/resources/turkey-respect-ecthr-ruling-and-end-politically-motivated-trials-against-demirtas/>

²²⁴ Article 19, *Turkey: Respect ECtHR ruling and end politically motivated trials against Demirtaş*, 11 December 2018. <https://www.article19.org/resources/turkey-respect-ecthr-ruling-and-end-politically-motivated-trials-against-demirtas/>

²²⁵ International Observatory Human Rights, *2018 in review. Human rights violations in Turkey. # Turkey Human Rights*. <https://observatoryihr.org/2018-in-review-human-rights-violations-in-turkey/>. Accessed 17 July 2019, p. 12; Hürriyet Daily News, *CHP leader vows to win Istanbul despite mayor row*, 5 January 2018.

<http://www.hurriyetdailynews.com/chp-leader-vows-to-win-istanbul-despite-mayor-row-125306>.

²²⁶ HRW, *World report 2019. Turkey. Events of 2018*.

2.3.3

Journalists

At the beginning of September 2019, according to the website *Expression Interrupted*, 138 journalists and media staff were in custody or detention in Turkey.²²⁷

As indicated in 2.3.1, freedom of expression was under severe pressure from restrictive measures taken during and after the failed coup.²²⁸ During 2018, courts again convicted journalists in politically motivated cases. The convictions were based on the coverage and reporting of these journalists, who had not incited violence, and on unsubstantiated allegations of links with terrorist organisations or involvement in the attempted coup. Many of those concerned appealed against the judgments.²²⁹ Often there was no link between the charge and the alleged offence. In some widely covered cases, the court took no account in its judgment of the defendant's arguments in his or her defence. In many cases the suspects and their lawyers only found out the nature of the accusation when the charge was filed by the prosecutor. In some cases it took more than a year for the charge to be filed. Details of prosecution files of journalists and members of civil society organisations also appeared in the mainstream media, which amplified smear campaigns against them and violated the principle of the presumption of innocence.²³⁰ Journalists were sometimes victims of physical violence, such as Ergin Çevik. Ergin Çevik is the editor of the Antalya-based Güney Haberci news website. He was attacked by three men in Antalya on 20 May 2019 after writing about corruption allegations. A week earlier, two other journalists had been physically threatened.²³¹ Some examples of prosecutions and convictions of journalists follow.

The writers and reporters Ahmet Altan, Mehmet Altan and Nazlı Ilıcak were sentenced to life imprisonment with no prospect of parole, on charges of involvement in the attempted coup. Mehmet Altan was released on bail in June 2018 following a decision in January 2018 by the Constitutional Court and a decision by the European Court of Human Rights that he should be released. After a regional appeal court upheld the previous convictions in early October 2018, all defendants appealed to the Court of Cassation.²³² In July 2019, the Court acquitted Mehmet Altan of involvement in the attempted coup. His brother Ahmet Altan and Nazlı Ilıcak were acquitted of violating the constitution, but found guilty of supporting the Gülen movement. They were sentenced to 15 years in prison for this.²³³

In early September 2018, Oguz Guven, the online editor of *Cumhuriyet* (one of the last independent opposition newspapers), resigned. He had already been sentenced to imprisonment in April 2018 along with other newspaper staff for alleged support shown in his newspaper for the PKK and the Gülen movement. In another case, in June 2018, Oguz Guven had been given a suspended sentence to six months in detention on a charge of 'sowing hate', and was placed under an exit ban. In total, 14 *Cumhuriyet* employees were convicted of terrorism charges by the court and given prison sentences of between two and eight years. Three employees were

²²⁷ *Expression Interrupted, Freedom of expression and the press in Turkey*, accessed 6 September 2019. The website has a link to the names of the detainees. <https://expressioninterrupted.com/freedom-of-expression-and-the-press-in-turkey-205/>; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 33. In its report, the EC states that an estimated 160 journalists were detained in February 2019.

²²⁸ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 32.

²²⁹ HRW, *World report 2019. Turkey. Events of 2018*.

²³⁰ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 33.

²³¹ Confidential source, 29 May 2019.

²³² HRW, *World report 2019. Turkey. Events of 2018*.

²³³ NRC, *Turkse journalist Mehmet Altan vrijgesproken*, 5 July 2019. <https://www.nrc.nl/nieuws/2019/07/05/turkse-journalist-ahmet-altan-deels-vrijgesproken-a3966277>

acquitted.²³⁴ Five journalists from the newspaper, including the cartoonist Musa Kart, were released on appeal on 12 September 2019 at the order of the court.²³⁵

Pelin Ünker, an investigative journalist working for the Cumhuriyet newspaper, was sentenced in January 2019 to 13 months in detention for 'defamation and insult' in connection with her investigation of offshore tax havens. The investigation provided details of the business activities of President Erdoğan and his sons.²³⁶

Eren Erdem, a former CHP representative from Istanbul, was stopped at the airport on 21 May 2018 when he was about to take a flight to Germany. His passport was confiscated. He was arrested on 29 June 2018. He was accused of cooperating with the Gülen movement and of revealing the identity of a secret witness while he was editor of the newspaper Karşı. In February 2019, Erdem was sentenced to four years and two months in prison for deliberately helping a terrorist organisation without being part of the organisation's hierarchy.²³⁷

On 30 May 2019, the day of the president's announcement of the legal reform strategy, the journalist Sedef Kabaş was sentenced to 11 months in prison for insulting the president.²³⁸

2.3.4

Human rights defenders

A number of national and international human rights organisations declared in a joint statement in September 2018 that the Turkish government was continuing to attack individuals who defended democratic freedoms and respect for human rights. The attacks targeted protesters, trade unionists, journalists, lawyers, academics and employees of non-governmental organisations, among others. According to the statement, hundreds of human rights defenders had been sent to prison or were in detention awaiting trial. Others had met with judicial intimidation, such as the launch of an apparently baseless investigation into alleged links with terrorist organisations. A number of human rights defenders had had their passports cancelled, or had been prevented by an exit ban from leaving the country.²³⁹ See also 2.2.1 on freedom of expression.

The Council of Europe's Commissioner for Human Rights noted in her report of 20 December 2018 that there had been increased pressure since the failed coup of July 2016, in terms of both numbers and intensity, on NGOs reporting human rights

²³⁴ Confidential source, 26 September 2018; HRW, *World report 2019. Turkey. Events of 2018*; CPJ, *Turkey crack down chronicle. Week of July 30, 2018*, 2 August 2018. <https://cpj.org/blog/2018/08/turkey-crackdown-chronicle-week-of-july-30-2018.php> For more information about the detained Cumhuriyet journalists, see: <https://expressioninterrupted.com/bar-associations-call-for-former-cumhuriyet-employees-to-be-released/>. Accessed 6 September 2019.

²³⁵ Le Monde, *Turquie : remise en liberté de cinq anciens journalistes du quotidien « Cumhuriyet »*, 12 September 2019.

²³⁶ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 34; International Consortium of Investigative Journalists, *Turkish President's allies in press freedom attack over paradise papers reporting*, 16 July 2018. <https://www.icij.org/investigations/paradise-papers/turkish-presidents-allies-in-press-freedom-attack-over-paradise-papers-reporting/>; The Guardian, *Journalist Pelin Ünker sentenced to jail in Turkey over Paradise Papers investigation*, 9 January 2019. <https://www.theguardian.com/news/2019/jan/09/journalist-pelin-unker-sentenced-to-jail-in-turkey-over-paradise-papers-investigation>

²³⁷ International Observatory Human Rights, *2018 in review. Human rights violations in Turkey. # Turkey Human Rights*. <https://observatoryihr.org/2018-in-review-human-rights-violations-in-turkey/>. Accessed 17 July 2019, p. 12. Eren Erdem is an Alevite and a well-known secularist; Ahval, *Four-year prison sentence for Turkish former opposition MP*, 1 March 2019. <https://ahvalnews.com/eren-erdem/four-year-prison-sentence-turkish-former-opposition-mp/>; Ahval, *Four-year prison sentence for Turkish former opposition MP*, 1 March 2019.

²³⁸ Confidential source, 31 May 2019; Ahval. *Journalist receives jail term for insulting president in Turkey*, 31 May 2019. <https://ahvalnews.com/insulting-president/journalist-receives-jail-term-insulting-president-turkey>

²³⁹ EuroMed Rights, *Recommendations on the recent legislative amendments in Turkey integrating state of emergency restrictive provisions into ordinary law*, 12 September 2018. This latter is a joint statement by EuroMed Rights, the International Federation for Human Rights (FIDH), İnsan Hakları Derneği (İHD) and the World Organisation Against Torture (OMCT); EuroMed Rights, *Osman Işçi. Emblematic case among hundreds of human rights defenders in Turkey*, 25 October 2017. <https://euromedrights.org/publication/osman-isci-emblematic-case-among-hundreds-human-rights-defenders-turkey/>.

violations.²⁴⁰ The Netherlands Helsinki Committee (NHC) pointed in particular to increased pressure on human rights organisations in Turkey that defend the rights of minorities.²⁴¹

In an earlier report from 2017, the Commissioner for Human Rights of the Council of Europe stated that there were clear indications that human rights defenders concerned with the human rights situation in south-eastern Turkey were facing various forms of retaliation and intimidation in revenge for their legitimate activities.²⁴² In its 2018 report, the European Commission reported that human rights defenders continued to suffer intimidation, judicial prosecution, violent attacks, threats, surveillance, prolonged arbitrary detention and ill-treatment.²⁴³ According to the International Commission of Jurists, at least 225 members of non-governmental human rights organisations came before the courts in 2018. Human rights protectors were accused of supporting or participating in terrorist organisations. The work of human rights lawyers was used as evidence against them. This was especially true of lawyers who gave legal assistance to clients accused of terrorism. The Ministry of Justice also revoked the licences of human rights lawyers.²⁴⁴ In addition, human rights defenders were convicted on the basis of press statements.²⁴⁵

Information is given below about a number of prosecutions and convictions of human rights defenders.

On 21 May 2019, a court sentenced human rights defender and lawyer Eren Keskin to three years and nine months in prison on charges of terrorist propaganda. She had been convicted before. This time she was convicted for being a rotating editor of *Özgür Gündem*, a banned pro-Kurdish newspaper. A large number of other prosecutions are in progress against Eren Keskin, who has been placed under an exit ban.²⁴⁶ In a press release on 28 February 2019, the NHC drew attention to the Turkish state's prosecution of Raci Bilici, a human rights defender from Diyarbakir active both in the local branch of the Human Rights Association (IHD) and at national level. Raci Bilici lost his job as a teacher on the basis of an emergency decree, and was held in custody for ten days on charges of membership of a terrorist organisation. The investigation against him was ongoing. If convicted, he was likely to be imprisoned for up to 15 years. Raci Bilici was portrayed in pro-government media as an enemy of the Turkish state and the people.²⁴⁷

There were also instances of apparently selective government audits of some of the oldest civil society organisations working in the field of human rights, such as the

²⁴⁰ Council of Europe. Commissioner for Human Rights, *Third party intervention by the Council of Europe Commissioner for Human Rights. Application No. 28749/18 Mehmet Osman Kavala v. Turkey*. CommDH(2018)30, 20 December 2018, p. 3, paragraph 10.

²⁴¹ Netherlands Helsinki Committee, *The situation of Human Rights Defenders in Turkey*, undated paper.

²⁴² Council of Europe. Commissioner for Human Rights, *Third party intervention by the Council of Europe Commissioner for Human Rights. Application No. 28749/18 Mehmet Osman Kavala v. Turkey*. CommDH(2018)30, 20 December 2018, p. 4, paragraph 12. Reference is made to the Council of Europe. Commissioner for Human Rights. *Third party intervention by the Council of Europe Commissioner for Human Rights. Abdullah Kaplan v. Turkey and others*. CommDH(2017)13, paragraph 37 and following, conclusions, 25 April 2017.

²⁴³ European Commission. *Commission Staff Working Document, Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final, p. 30. The report covers the period from 1 March 2018 to 1 March 2019.

²⁴⁴ Netherlands Helsinki Committee, *The situation of Human Rights Defenders in Turkey*. Undated paper; NHC, *Defending Human Rights in Turkey: Stories that Need to Be Heard*, 17 September 2018. <https://www.nhc.nl/human-rights-defenders-stories-turkey/>

²⁴⁵ European Commission. *Commission Staff Working Document, Turkey 2019 Report*. 29 May 2019. SWD(2019)220 final, p. 34.

²⁴⁶ Confidential source, 29 May 2019; Frontline defenders, *Eren Keskin: sentenced to 3 years & nine months in prison*, 30 May 2019. <https://www.frontlinedefenders.org/en/case/eren-keskin-sentenced-3-years-9-months-prison>

²⁴⁷ Netherlands Helsinki Committee, *Defending Human Rights in Turkey: Raci Bilici*, 28 February 2019.

<https://www.nhc.nl/turkey-raci-bilici/>. Accessed 2 May 2019; Keep the volume up for rights defenders in Turkey. Raci Bilici. <https://www.sessizkalma.org/en/defender/raci-bilici/>. The next session in this case is scheduled for 21 November 2019. Accessed 10 August 2019.

Turkish Human Rights Association and the Turkish Human Rights Foundation. This resulted in a number of ongoing legal cases.²⁴⁸

The Turkish government also imposed restrictive measures which affected the day-to-day operations of NGOs, such as the banning or stopping of LGBTI activities and Pride parades by the police in various provinces, including Ankara, Adana and Istanbul. LGBTI activities can only be held informally and as private events.²⁴⁹ See also 2.3.6.

Gezi Park

On 16 November 2018, an operation took place in which the police arrested 13 members of civil society organisations. They were accused of organising the Gezi protests in 2013 under the leadership of Osman Kavala with, according to Turkey, the aim of overthrowing the Turkish state. They were released pending trial.²⁵⁰ Yiğit Aksakoğlu, the only other person held in custody alongside Osman Kavala, was released on bail at the start of the trial on 25 June 2019.²⁵¹ Kavala, an entrepreneur and philanthropist who engaged in social activism, had been imprisoned in November 2017 and remained in detention.²⁵²

Signatories of the Academics for Peace petition

More than 2,000 academics signed the declaration 'We will not be a party to this crime' dated 10 January 2016. This declaration was drawn up by the Academics for Peace group. It accused the Turkish government of a deliberate and planned bloodbath among the civilian population of eastern Turkey. The petition called for peace and did not support or approve of violence or terrorism. The Turkish government instituted criminal proceedings against several hundred of the signatories, suspended them from work or dismissed them. They were also subjected to intimidation.²⁵³

By 20 July 2019, 646 signatories had appeared before the courts to make a statement. In all 204 cases in which the court pronounced judgment, the accused were found guilty. The court imposed prison sentences of 15 months in 146 cases, of between 18 months and 2 years in 28 cases and of more than 2 years in 30 cases. The longest sentence was 36 months. In 175 of these cases, the judge proposed a suspended prison sentence subject to conditions (in accordance with Article 231 of the Criminal Code), as the sentence was for less than two years. All but seven of the accused accepted this proposal.²⁵⁴ On 26 July 2019, the Turkish

²⁴⁸ Council of Europe. Commissioner for Human Rights, *Third party intervention by the Council of Europe Commissioner for Human Rights. Application No. 28749/18 Mehmet Osman Kavala v. Turkey*. CommDH(2018)30. 20 December 2018, p. 4, paragraph 11.

²⁴⁹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 38.

²⁵⁰ Confidential source, 6 December 2018; Bianet, *Operation Against Civil Society and Academics: 13 People Taken into Custody*, 16 November 2018. The initial environmental protest (Gezi Park) in Istanbul in 2013 grew into a national movement against (then) Prime Minister Erdoğan. Erdoğan ordered the suppression of the protests and riots that took place in Istanbul, Ankara, Izmir and many other major cities in Turkey in 2013.

²⁵¹ De Volkskrant. *Turkse rechter beëindigt hechtenis medewerker Nederlandse hulporganisatie in Gezi-rechtszaak*. 25 June 2019; Bianet, *Osman Kavala Deprived of His Freedom for 1 Year With Still No Indictment*. 18 October 2018; HRW, *In Court with Osman Kavala: Turkey's Credibility on Trial*. 26 June 2019. <https://www.hrw.org/news/2019/06/26/court-osman-kavala-turkeys-credibility-trial>.

²⁵² Bianet, *Osman Kavala Deprived of His Freedom for 1 Year With Still No Indictment*, 18 October 2018; HRW, *In Court with Osman Kavala: Turkey's Credibility on Trial*, 26 June 2019. <https://www.hrw.org/news/2019/06/26/court-osman-kavala-turkeys-credibility-trial>.

²⁵³ Le Figaro, *Turquie : le procès d'un mathématicien turc enseignant en France ajourné*, 16 July 2019; Scholars at risk network, *Peace petition scholars: Turkey*. <https://www.scholarsatrisk.org/actions/academics-for-peace-turkey/#Case-Information>. Accessed 12 August 2019. The declaration was initially signed by 1,128 scholars from 89 Turkish universities and by more than 300 scholars residing outside Turkey; HRFT academy, *Academics for peace. A brief history*, March 2019. On 21 January 2016, the petition was presented to the Turkish parliament. By then, 2,212 academics had signed it. This publication contains more information about the different universities where those involved were working. <http://www.tihvakademi.org/wp-content/uploads/2019/03/AcademicsforPeace-ABriefHistory.pdf>.

²⁵⁴ Bianet, *Trial of academics. Constitutional Court: Freedom of Expression of Academics for Peace Violated*, 26 July 2019. <http://bianet.org/english/law/210934-constitutional-court-freedom-of-expression-of-academics-for-peace-violated>; HRFT academy, *Academics for peace. A brief history*, March 2019, p. 19. The court imposed prison

Constitutional Court ruled that the conviction of academics based on allegations that they were 'engaging in propaganda for a terrorist organisation' because of signing a peace declaration in 2016 constituted a violation of their freedom of expression.²⁵⁵ The Constitutional Court directed that local courts should reopen the cases and grant acquittals in ongoing cases, and that for those who had been convicted at first instance, appeal courts should revoke the earlier judgment. According to the Academics for Peace, the local courts had acquitted 329 academics by early October 2019. The organisation called on the Turkish authorities to reinstate the academics to their old positions and lift passport restrictions.²⁵⁶

2.3.5 Minorities

Religious (non-Muslim) minorities make up less than one percent of the Turkish population. The Turkish constitution provides for freedom of religious belief and practice and the propagation of religious ideas by private individuals and prohibits discrimination on religious grounds. No religion has full legal status in Turkey. The state maintains control over religious communities and their practices and places of worship. The Religious Affairs Directorate (Diyanet) maintains control over the practice of Islam in Turkey. All other religions are overseen by the General Directorate of Foundations (Vakıflar).

The Alevites are the largest religious minority in Turkey. The Turkish authorities regard Alevites as Muslims, but do not recognise them as a religious community separate from the Sunni Muslim majority.²⁵⁷

Although the legislation provides for freedom of religion, minorities sometimes encounter problems in practice. Members of non-Muslim religious minorities can gain an exemption from compulsory participation in religious education at state schools. People with secular beliefs were also able to obtain such an exemption in 2018. However, this exemption is not always granted, and Alevites encounter problems in this regard.²⁵⁸

A non-Muslim source indicated that the legislation on minorities is reasonably good, but that the problem lies mainly in the views held by those for whom Sunni Islam is the norm, meaning that the law is not complied with particularly closely. The source claims that minorities therefore have to contend with hate speech, threats and expropriations.²⁵⁹

2.3.6 LGBTI

Homosexual contact was legalised in the Ottoman Empire in 1858, and homosexuality has been legal since the establishment of the Turkish Republic in

sentences varying from 15 to 36 months without any reasonable explanation for the variations in sentencing; Scholars at risk network. *Peace petition scholars: Turkey*. <https://www.scholarsatrisk.org/actions/academics-for-peace-turkey/#Case> Information. Accessed 12 August 2019. Courts postponed the pronouncement of the verdict on the basis of a procedural arrangement that allowed convicted persons to avoid prison as long as they were not subsequently convicted of individual crimes.

²⁵⁵ Bianet, *Trial of academics. Constitutional Court: Freedom of Expression of Academics for Peace Violated*, 26 July 2019; Amnesty International, *Turkey: Constitutional Court clears academics from spurious 'terrorism propaganda' charges*, 26 July 2019. <https://www.amnesty.org/en/latest/news/2019/07/turkey-constitutional-court-clears-academics-from-spurious-terrorism-propaganda-charges/>

²⁵⁶ Academics for Peace, *Academics for Peace Acquitted by 17 Courts*, 17 September 2019. <https://barisicinakademisyenler.net/node/1577>; Bianet, *Academics for peace: we request our unconditional reinstatement*, 4 October 2019. <http://bianet.org/english/freedom-of-expression/213979-academics-for-peace-we-request-our-undociditional-reinstatement>

²⁵⁷ United States Commission on international religious freedom, *Turkey chapter. 2019 annual report*. https://www.uscirf.gov/sites/default/files/Tier2_TURKEY_2019.pdf. The Turkish non-Muslim minorities consist of less than 0.2% of the total population, and include members of the Armenian Apostolic, Baia, Bulgarian Orthodox, Chaldean Catholic, Greek Orthodox, Jehovah's Witnesses, Jewish, Protestant, Roman Catholic, Syrian Catholic and Syrian Orthodox communities.

²⁵⁸ United States Commission on international religious freedom, *Turkey chapter. 2019 annual report*.

²⁵⁹ Confidential source, 26 September 2018.

1923. For transgender people, the possibility of a legal change of gender has existed in Turkish law since 1988.²⁶⁰ However, there is discriminatory military legislation.²⁶¹ Since about 2015 there has been a relative deterioration in the social climate for LGBTI, which means that in practice their rights are under pressure. This is partly due to the overall deterioration of the human rights situation in Turkey, and partly due to LGBTI people being treated negatively in the media, by the government and on a regular basis in the workplace. The government and media claim that the orientation and activities of LGBTI people are inconsistent with public morality and the spiritual values of Turkish society, and that they threaten family values. The Turkish government also cites public order in this context, claiming that it cannot guarantee the safety of LGBTI groups.²⁶²

In November 2017, the governor of Ankara (Vasip Şahin) announced a total ban on the activities of LGBTI organisations for an indefinite period. After the end of the state of emergency in July 2018, the ban was tacitly extended on 3 October 2018, on the grounds of protection of public order and 'social sensitivities'. However, on 19 April 2019, the court in Ankara ruled that the original prohibition (during the state of emergency) was illegal and disproportionate.²⁶³ However, the ban on public LGBTI-related activities in Ankara, remains in force at present, as is clear from a police circular.²⁶⁴ Similar measures have been taken by authorities in other cities. The governor of Istanbul banned the annual Pride march for the fourth consecutive year, citing security and public order concerns.²⁶⁵ There was also a crackdown by the Turkish government on demonstrations held by the LGBTI community. An example of this was the Pride march at the Middle East Technical University on 10 May 2019, which was forcibly dispersed by the police; around 20 students were taken into custody.²⁶⁶ They were released pending legal proceedings.²⁶⁷

Media

The social debate on the LGBTI issue is to a large extent conducted negatively in the Turkish newspapers. A study of 2,442 news reports on the theme of LGBTI (in newspapers and online) in 2018 showed that around half the articles reported negatively about LGBTI. Homosexuality was depicted as a crime in more than a quarter of the articles. Just 93 articles (about four percent) reported positively on the subject of LGBTI. At the forefront of the attacks on the LGBTI community is the newspaper *Yeni Akit*, which in 2018 wrote no fewer than 111 articles featuring discrimination or hate speech.²⁶⁸

The Turkish media watchdog (RTÜK) regularly imposes sanctions on TV channels that it views as having gone too far. On 12 April 2019, for example, RTÜK fined television channel Fox for broadcasting the American drama series *9-1-1* containing 'inappropriate material showing an older male couple' in which 'homosexuality is presented as normal'. In September 2018, a TV channel that broadcast a video clip containing 'homo-erotic dancing' was fined by RTÜK. The broadcasters of the TV

²⁶⁰ Confidential source, 22 May 2019. LGBTI: Lesbian, gay, bisexual, transgender and intersex

²⁶¹ Dutch Ministry of Foreign Affairs, Thematisch ambtsbericht dienstplicht Turkije, July 2019; Rijksoverheid.nl; Confidential source, 22 May 2019. The Constitutional Court ruled in February 2018 that the decision to discharge a number of homosexual soldiers from the Turkish army was well-founded, on the basis of a military law prohibiting 'unnatural intimacy'.

²⁶² Confidential source, 22 May 2019.

²⁶³ Confidential source, 22 May 2019; HRW. World report 2019. *Turkey. Events in 2018*.

²⁶⁴ Confidential source, 30 September 2019.

²⁶⁵ HRW, World report 2019, *Turkey. Events in 2018*.

²⁶⁶ Confidential source, 22 May 2019; A.I., *Turkey: Police use violence to break up student Pride march*, 10 May 2019. <https://www.amnesty.org.uk/press-releases/turkey-police-use-violence-break-student-pride-march>

²⁶⁷ Bianet, *Lawsuit Against 19 METU Students for Joining Pride Parade*, 8 August 2019.

<http://bianet.org/english/lgbti/211477-lawsuit-against-19-metu-students-for-joining-pride-parade>

²⁶⁸ Confidential source, 22 May 2019.

series *Modern Family* were also fined in 2018 because the series contains gay couples, 'which encourages young people to raise a child without being married'.²⁶⁹

Insufficient legal protection by the Turkish authorities

Some of the institutions that are supposed to protect the rights of minorities, including LGBTI people, turn out in practice to be ineffective or even counterproductive. One example is the Human Rights and Equality Institution of Turkey (TİHEK), which was established in 2016. The main task of this institution is to combat discrimination, but at a recent symposium in Ankara (April 2019), under the motto 'It's Time for Family', a fierce attack was made on LGBTI people. The main speaker, Orhan Çeker, an Islamic theologian from Konya, stated among other things that 'improprieties such as (being) LGBT are attempts to undermine the natural order of humanity and the family'.²⁷⁰

2.3.7

Women and minors

The legislative and institutional framework in Turkey is based on gender equality. However, according to the European Commission's 2018 annual report, gender inequality still exists in many areas such as governance, the labour market, education and healthcare. The implementation of legislation and measures is weak, as is monitoring. Although Turkey has ratified the Istanbul Convention of the Council of Europe on preventing and combating violence against women and domestic violence,²⁷¹ the social status of women in society is low and domestic violence against women is common. Thirty-eight percent of women stated that they had experienced physical or sexual violence from their partner at least once in their lives, and eleven percent had had such an experience during the past year.²⁷² In 2018, gender-related violence led to the deaths of 440 women. The closure following the attempted coup of a number of non-governmental women's organisations and centres and organisations promoting children's rights adversely affected the assistance provided to female victims of violence and young people.²⁷³ It also reduced the possibilities for independent monitoring of women's and children's rights and for awareness-raising activities.²⁷⁴ The European Commission also indicated that there are serious concerns about child marriages and forced marriages and the discretionary mitigation in court cases of violence against women. Sexual prejudices and a tendency to blame the victim for violence are possible explanations of arbitrariness in court rulings.²⁷⁵ The Turkish Court of Cassation confirmed a life sentence previously imposed by a local court on Nevin Yildirim for killing a man in Isparta who raped her in 2011. Yildirim became pregnant as a result of the rape and had to give birth to the child against her will in 2012.²⁷⁶

At the end of 2017, around 14,000 children were living in care institutions. The Turkish government has minimum standards for institutionalised care, which it attempts to apply and enforce.²⁷⁷; however, the system has shortcomings in both

²⁶⁹ Confidential source, 22 May 2019.

²⁷⁰ Confidential source, 22 May 2019.

²⁷¹ <https://www.coe.int/en/web/istanbul-convention/about-the-convention>. Accessed 8 October 2010.

²⁷² UN-women. <http://evaw-global-database.unwomen.org/en/countries/asia/turkey>. Accessed 5 August 2019.

²⁷³ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 38.

²⁷⁴ Confidential source, 25 June 2019.

²⁷⁵ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 38; Confidential source, 25 June 2019. This source indicates that child marriages are becoming rarer in Turkey and that the age of the young people involved is increasing. Child marriage among Syrian refugees is also a cause for concern.

²⁷⁶ Confidential source, 29 May 2019. One judge at the Court of Cassation took a different view and pointed to mitigating circumstances for the woman; Bianet, Supreme court of appeals upholds life sentence of Nevin Yildirim, 23 May 2019. <https://bianet.org/english/women/208765-supreme-court-of-appeals-upholds-life-sentence-of-nevin-yildirim>

²⁷⁷ UNICEF, risks and childprotection. Accessed 16 September 2019.

<http://www.unicef.org.tr/sayfa.aspx?id=22&dil=en&d=1>. UNICEF Turkey has reported on this institutionalised childcare under the responsibility of the Ministry of Family and Social Policy: 'In recent years, the General Directorate

legal and practical terms...²⁷⁸ Turkey has a national strategy for the prevention of violence against children. However, the European Commission believes that this strategy needs to be updated or adjusted. There is also insufficient supervision and investigation in connection with sexual abuse and mistreatment of children...²⁷⁹

has been improving the quality of its children's homes and hostels, notably by reducing the numbers of children per room and introducing new, friendlier/smaller types of home known as "affection homes" and "child houses". In addition, it has developed minimum standards for children without parental care, to apply not only to its own institutions but to all situations where children are away from their parents overnight, and is starting to implement these. Staff profiles, child rights awareness, administrative procedures, physical conditions and hygiene are among the issues covered in the minimum standards. Together with ongoing improvements in physical conditions and staffing, the implementation of the minimum standards will - provided they are fully implemented and monitored (including in the affection homes and child houses) - help to enhance the care, school performance, self-esteem, socialisation and life skills of the resident children, as well as to eliminate cases of violence and abuse towards and among children.'

²⁷⁸ Confidential source, 25 June 2019; UNICEF. risks and childprotection. Accessed 16 September 2019. <http://www.unicef.org.tr/sayfa.aspx?id=22&dil=en&d=1>. The source points to the lack of a legal framework for legal representation of children and areas where improvement of supervision is required, such as safeguarding the best interests of the child.

²⁷⁹ European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 38.

3 Asylum and Migration

3.1 Reception and protection of asylum-seekers and refugees in Turkey

Due to its geographical location, Turkey is a country of first reception and transit for many refugees and migrants. In mid-2019 Turkey had nearly 4 million registered refugees, including nearly 3.6 million Syrians.²⁸⁰ Other registered refugees are currently mainly from Afghanistan (170,000), Iraq (142,000) and Iran (39,000).²⁸¹ The European Union, through the EU Refugee Facility in Turkey, contributes to the reception and integration of refugees in Turkey through, among other things, support for emergency aid, education and healthcare.²⁸²

Less than four percent of refugees in Turkey, mostly Syrians, live in temporary reception centres; most refugees live in urban or rural areas where they rent accommodation.²⁸³

Turkish politics and society have taken a very tolerant attitude so far to the reception of a large number of refugees. However, there are also tensions between refugees and the local population, which are being exacerbated by the ongoing economic downturn.²⁸⁴ This is illustrated by a nationwide survey of Turks conducted by Kadir-Has University in Istanbul in 2019, which showed that 68% were unhappy about the presence of Syrian refugees. In 2017, the corresponding figure was 55%.²⁸⁵

The vast majority of Syrian refugees are registered. However, there are indications that a large number of unregistered Syrians are staying in Istanbul in particular.²⁸⁶ In July 2019, politicians took steps by stepping up checks for refugees and irregular migrants in Istanbul. In mid-July 2019, Interior Minister Soylu and the governor of Istanbul announced that unregistered refugees or refugees registered in other provinces of Turkey must leave Istanbul no later than 30 October 2019 and either return to the province of registration or register for the first time.²⁸⁷

To reinforce this announcement, a large number of migrants were arrested by the police in Istanbul between 12 and 17 July 2019 during checks on residence and travel documents. The arrests occurred on the street and in public spaces, in shops, and through door-to-door checks. In total, more than 6,000 refugees and irregular migrants, including 2,600 Afghans and around 1,000 Syrians, were arrested and expelled from the city. According to official statements, arrested Syrians/other status-holders and asylum-seekers were returned to the provinces where they were registered, or to the refugee camps in the south-east if they were not registered. Undocumented migrants who did not apply for protection were taken to deportation

²⁸⁰ European Commission, *The EU facility for refugees in Turkey*. Updated July 2019. Accessed 24 July 2019.

²⁸¹ UNHCR, *Turkey: key facts and figures. April 2019*, May 2019. Accessed 24 July 2019. <https://data2.unhcr.org/en/documents/details/69480>

²⁸² European Commission, *The EU facility for refugees in Turkey*. Updated July 2019. Accessed 24 July 2019.

²⁸³ Confidential source, 24 June 2019; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 19. Around 142,000 Syrians receiving temporary protection are staying in 13 temporary reception centres managed by the DGMM.

²⁸⁴ Confidential source, 26 September 2018.

²⁸⁵ The results of the Kadir-Has University survey can be found at:

https://www.khas.edu.tr/sites/khas.edu.tr/files/inline-files/TDP-2019_BASINENG_FINAL.PDF; Frankfurter AllgeMayne, *Nicht mehr erwünscht*, 31 July 2019.

²⁸⁶ Frankfurter AllgeMayne, *Nicht mehr erwünscht*, 31 July 2019. According to the Frankfurter AllgeMayne, there are probably a million Syrians in this situation.

²⁸⁷ Confidential source, 17 July 2018; HRW, *Turkey Forcibly Returning Syrians to Danger Authorities Detain, Coerce Syrians to Sign "Voluntary Return" Forms*, 26 July 2019

<https://www.hrw.org/news/2019/07/26/turkey-forcibly-returning-syrians-danger>

centres for deportation. Although UN sources confirm that many Syrians did indeed arrive in the camps or the relevant provinces, reports also emerged soon after the action of forcible deportations of – as far as could be ascertained – (young) Syrian men to Syria.²⁸⁸ Human Rights Watch investigated these reports and stated that in some cases the Turkish authorities had detained Syrians and forced them to sign declarations indicating that they wished to return voluntarily, after which the Turkish authorities deported them to Syria. Based on various sources and reports in the media, there seem to have been forced deportations of at least several dozen Syrians via the Cilvegözü/Bab al-Hawa border crossing.²⁸⁹ However, there appears to be no systematic policy aimed at sending Syrian refugees back to Syria.²⁹⁰

Non-refoulement

Turkey is a party to the United Nations Refugee Convention.²⁹¹ The non-refoulement principle is clearly stated in relevant Turkish legislation and there are some clear guarantees in the legislation. Turkey has several deportation centres. The law states how long people can be held for and what appeal procedures are possible against an intended deportation. Someone requesting international protection from such a centre should, according to the source, be allowed to do so. Lawyers have access to these centres, albeit with difficulty.²⁹²

Access to identity documents, other services and the labour market

The legal framework for the protection of asylum-seekers and refugees is the Law on Foreigners and International Protection, which entered into force in Turkey in 2014.²⁹³ It distinguishes between four forms of residence right: refugee status, conditional refugee status, subsidiary protection and temporary protection. The last category concerns individuals who were forced to flee and arrived in Turkey en masse. Turkey is a party to the UN Refugee Convention, albeit with a geographical limitation to refugees from Europe only. Despite this limitation, Turkey provides protection and temporary asylum to non-European refugees.²⁹⁴ Refugees who fled due to events outside Europe can qualify for conditional refugee status: once their refugee status has been established, a sustainable solution must be found outside Turkey. In practice, however, this is only possible for certain groups of refugees. Turkey offers subsidiary protection to persons who do not fall under the definition of refugee or conditional refugee status if returning to their country of origin or country of normal residence would lead to a death sentence or the execution of a death penalty, would expose them to torture or other forms of inhumane punishment, or

²⁸⁸ Confidential source, 31 July 2019; Syria Justice and Accountability Center, *Anti-migrant Political Climate in Turkey Triggers Deportation of Syrian Nationals*, 25 July 2019. <https://syriaaccountability.org/updates/2019/07/25/anti-migrant-political-climate-in-turkey-triggers-deportations-of-syrian-nationals/>; Washington Post, *Turkey has deported hundreds of Syrian migrants, advocates say*, 23 July 2019; Human Rights Watch, *Turkey Forcibly Returning Syrians to Danger. Authorities Detain, Coerce Syrians to Sign "Voluntary Return" Forms*, 26 July 2019; Aljazeera, *As 1,000 Syrians arrested in Turkey, crackdown fears intensify. Refugees tell Al Jazeera why they worry about being returned to the Turkish province they arrived in, or worse, Idlib*, 29 July 2019. According to the Turkish authorities, there are about 1 million Syrians living in Istanbul, whereas only 547,479 Syrians have registered as refugees; Frankfurter Allgemeine Zeitung, *Nicht mehr erwünscht*, 31 July 2019.

²⁸⁹ Confidential source, 31 July 2019; Human Rights Watch, *Turkey Forcibly Returning Syrians to Danger. Authorities Detain, Coerce Syrians to Sign "Voluntary Return" Forms*, 26 July 2019; Syria Justice and Accountability Center, *Anti-migrant Political Climate in Turkey Triggers Deportation of Syrian Nationals*, 25 July 2019. <https://syriaaccountability.org/updates/2019/07/25/anti-migrant-political-climate-in-turkey-triggers-deportations-of-syrian-nationals/>; Washington Post, *Turkey has deported hundreds of Syrian migrants, advocates say*, 23 July 2019.

²⁹⁰ Confidential source, 31 July 2019.

²⁹¹ European Migration Network (EMN). *Asylum*. The core of asylum protection is the principle of non-refoulement, which states that a person may not be sent back to a country where his/her life is in danger. Accessed 31 July 2019.

²⁹² Confidential source, 24 June 2019.

²⁹³ Republic of Turkey. Ministry of Interior. Directorate General of Migration Management, *Law on foreigners and international protection*, April 2014. https://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf

²⁹⁴ UNHCR-Turkey. <https://www.unhcr.org/474ac8e60.pdf>. Accessed 25 September 2019; AIDA & ECRE, *Country report Turkey. Update 2018*, p. 17; NRC & UNHCR, *Lost identity. Challenges relating to legal identity and civil documentation in the north-west of the Syrian Arab Republic*, p. 46, December 2018.

in the event of a national or international conflict exposing them to arbitrary violence..²⁹⁵

Turkey offers temporary protection (TP) to refugees from Syria, including stateless Palestinians from that country, on a prima facie, group basis. This temporary protection framework gives refugees from Syria the right to legal residence in Turkey and access to a certain level of basic rights and services. Asylum-seekers from other countries of origin must apply for an individual international protection status (IP)..²⁹⁶

In terms of assistance, there is little difference between people with IP status and those with TP status. Both groups have access to medical assistance, education, services provided by social service centres and work permits. The difference is that those with IP status may apply for a work permit six months after registration, whereas there is no such time frame for those with TP status. Applicants for international protection are also required to sign to confirm their presence. This means that they must contact the provincial directorate for migration management (PDMM) to confirm with a signature that they are present in the province of registration..²⁹⁷ Refugees may work if they have a work permit. The problem is access to the labour market. Lack of knowledge of the Turkish language is a serious problem here, as well as lack of the required knowledge and skills..²⁹⁸ A work permit can be obtained on the basis of an employment contract with an employer, and only for the province where the refugee is registered. According to the source, only 1.5% of Syrians working in Turkey have an official employment contract. Many Syrians work in sectors such as textiles and farming. Syrian workers are cheap and have replaced Turkish workers in some sectors. This plays a part in creating social tensions with the local population..²⁹⁹

Since 2014, the Directorate-General for Migration Management (DGMM) of the Turkish Ministry of the Interior has been the government body responsible for registering and determining the residence status of foreigners. The DGMM has provincial departments in the 81 Turkish provinces: PDMMs..³⁰⁰ During registration, the DGMM collects biometric data, including fingerprints, and has electronic records of every registered foreigner in an electronic data management base called 'Göç-Net'. This is an internal Turkish government database to which only DGMM employees have access for registration purposes..³⁰¹

Refugees registered in Turkey as applicants for international protection receive a refugee identity card from the Turkish government after their registration interview:

²⁹⁵ Republic of Turkey. Ministry of Interior. Directorate General of Migration Management, *Law on foreigners and international protection*, April 2014. https://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf. Articles 61-63; Confidential source, 24 June 2019; UNHCR. *Turkey: key facts and figures. April 2019*, May 2019. Accessed 24 July 2019. In 2019 up to 31 April, UNHCR had submitted 6,820 resettlement requests to other countries; confidential source, 24 June 2019.

²⁹⁶ AIDA & ECRE, *Country report Turkey. Update 2018*, p. 17.

https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf

²⁹⁷ Confidential source, 24 June 2019;

²⁹⁸ Confidential source, 24 June 2019.

²⁹⁹ Confidential source, 24 June 2019; European Commission, *Commission Staff Working Document. Turkey 2019 Report*, 29 May 2019. SWD(2019)220 final, p. 19. In May 2018, 43,000 Syrians with temporary protection had a work permit; Frankfurter Allgemeine Zeitung, *Nicht mehr erwünscht*, 31 July 2019. Especially Turks who work in low-paid sectors see Syrians as competitors because they work for even lower wages. Nearly 1 million Syrians work in the informal sector; only 15,000 have a formal employment contract. On the night of 29 June 2019, a gang in Istanbul attacked Syrians' shops and restaurants in a district where relatively large numbers of Syrians live.

³⁰⁰ Republic of Turkey. Ministry of Interior, *Directorate General for Migration Management*.

https://www.goc.gov.tr/icerik6/directorate-general_911_925_926_icerik. Accessed 25 July 2019. DGMM was established by law on 4 April 2013; Confidential source, 24 June 2019. At the start of the Syrian refugee crisis, responsibility for reception and protection lay with the police and other government agencies, including the Disaster and Emergency Management Authority (AFAD) for those received in camps: <https://www.afad.gov.tr/en/4298/Homepage>

³⁰¹ AIDA & ECRE, *Registration under temporary protection*. <https://www.asylumineurope.org/print/1866>. Accessed 26 July 2019.

the international protection applicant identity card. Their stay in Turkey is thus legally approved. With this document, refugees have access to services from the Turkish government...³⁰² The temporary protection identity document is known as *Geçici Koruma Kimlik Belgesi* or *kimlik* for short, and includes a foreigner identification number (YKN)...³⁰³

Refugees and asylum seekers in Turkey are assigned a province in which they are supposed to reside (both pending the application for protection and after obtaining a status). Travel to other provinces is only permitted on the basis of a temporary travel permit, applied for in advance. Through this system of internal redistribution of refugees, Turkey tries to spread the pressure of reception across the various provinces...³⁰⁴

Delays in registration lead to problems with access to health care and other services, for which the beneficiary requires a *kimlik* showing a YKN...³⁰⁵ NGOs reported that PDMs in large provinces such as Istanbul, Hatay and Mardin in practice stopped registering and issuing documents to newly arrived Syrian refugees in 2018, with the exception of vulnerable refugees. The Turkish authorities denied that the registration of Syrians had stopped in the provinces mentioned...³⁰⁶

Refugees International conducted an investigation into the situation of Afghan asylum-seekers in Turkey in November 2018, and found from interviews with Afghans that single young men in particular experienced serious problems in obtaining a *kimlik*, a refugee registration certificate. People in this situation lacked access to a range of facilities, and were at risk of arrest, detention and deportation...³⁰⁷ On 25 May 2019, the Turkish Interior Minister announced that 41,192 migrants from Afghanistan had arrived in Turkey between January and May 2019 and that 20,558 of them had been deported...³⁰⁸

3.1.1

Uighurs

Since the 1950s, there has been a constant flow of members of the Uighur diaspora who have settled in Turkey. Although there are no exact figures, this group is estimated at 20,000 to 30,000 people. Turkey has historical, linguistic and religious links with the Uighurs, a Muslim minority in China, and has granted asylum to people from this community. Although Turkey's overt role as a protector had diminished in recent years (until recent statements by the Turkish Foreign Ministry), this Sunni minority could rely on Turkish support...³⁰⁹

³⁰² Confidential source, 24 June 2019.

³⁰³ AIDA & ECRE, Temporary protection identification document. <https://www.asylumineurope.org/reports/country/turkey/temporary-protection-identification-document>. Accessed 26 July 2019.

³⁰⁴ Confidential source, 31 July 2019; AIDA & ECRE. *Country report Turkey. Update 2018*, pp. 63 and 64. https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf. Accessed 5 August 2019.

³⁰⁵ AIDA & ECRE. *Registration under temporary protection*. <https://www.asylumineurope.org/print/1866>. Accessed 26 July 2019.

³⁰⁶ Confidential source, 17 July 2018; Human Rights Watch, Turkey Stops Registering Syrian Asylum Seekers. New Arrivals Deported, Coerced Back to Syria, 16 July 2018. <https://www.hrw.org/news/2018/07/16/turkey-stops-registering-syrian-asylum-seekers>; AIDA & ECRE, *Registration under temporary protection*. <https://www.asylumineurope.org/print/1866>. Accessed 26 July 2019.

³⁰⁷ Refugees International, *You can't exist in this place. Lack of registration denies Afghan refugees protection in Turkey*. Field report, December 2018, p. 4. <https://reliefweb.int/sites/reliefweb.int/files/resources/Turkey%2BReport%2B-%2BNovember%2B2018%2B-%2Bin%2BEnglish%2B-%2B2.0.pdf>

³⁰⁸ Daily Sabah Investigations, *Influx and deportation of illegal Afghan migrants on the rise*, 27 May 2019.

³⁰⁹ Confidential source, 1 March 2019. Recent harsh Turkish statements about China's treatment of the Uighurs and the (unjustified) accusation that China had killed Uighur folk singer Heyit are the most significant examples of this. The Turkish statement about the Uighur poet Heyit was the first official condemnation from a Muslim country of the Chinese policy on the Uighurs; Al-Monitor. *Improved Turkish-Chinese come at a cost to Uighurs*. 19 July 2019. According to Ismail Cengiz, the Prime Minister of the government in exile of East Turkistan, around 30,000 Uighurs live in Turkey. <https://www.al-monitor.com/pulse/originals/2019/07/turkey-china-why-erdogan-is-silent-about-uighurs.html>

On 13 May 2017 China and Turkey signed an extradition treaty.³¹⁰ This treaty has been before the Turkish parliament for approval since 12 April 2019.³¹¹ Turkey does not send Uighurs back to China. The justification used is Turkish membership of the Council of Europe and the fact that the death penalty applies in China.³¹² A trusted source stated that it had no indications that Uighurs were being deported by Turkey to China.³¹³

In October 2018 Turkey admitted 11 Uighurs who had fled the suppression of the Uighurs by the Chinese authorities. Malaysia had previously refused to deport them to China.³¹⁴

In February 2019, the Turkish Foreign Ministry called on the Chinese government to respect the human rights of the Uighurs and to close the internment camps, which China calls vocational training centres. In early July 2019, President Erdoğan visited China, and according to the Turkish press expressed positive views about the situation in Xinjiang province (the Chinese province where the majority of the Uighurs live), underlined the good bilateral relations between the two countries and spoke out against extremism. Uighurs in Turkey demonstrated after President Erdoğan's visit to China to draw attention to what is happening to the Uighurs.³¹⁵ The Turkish Foreign Minister announced on 30 July 2019 that Turkey had accepted an invitation from China to send a delegation to visit Xinjiang province.³¹⁶ According to Ismail Cengiz, the leader of the Uighurs' government in exile, the Turkish government has restricted the freedom of movement of some Uighurs in Turkey. These restrictions have been imposed because of accusations against them from the Chinese government and suspicions that they have contacts with terrorist organisations. According to Cengiz, many Uighurs who have made phone calls to Syria have been registered by Turkey as suspected terrorists. Those with this status have to report regularly to the authorities or are forced to live in immigration centres.³¹⁷ The Turkish authorities denied media reports that a Uighur family had been deported to China. They said that the family in question had Tajik nationality and had been deported to Tajikistan at the request of the government of that country on charges of terrorism. Interior Minister Soylu indicated that he would have an investigation carried out and stressed that Uighurs fearing persecution would not be deported to China.³¹⁸

Uighurs who registered as asylum-seekers in Turkey up to and including 2017 received a residence permit on humanitarian grounds. From 2018, Uighurs were eligible for an extended residency permit. This permit, according to an internal Turkish government circular, is specifically for this group of asylum-seekers. Those who hold it receive a right of residence with the possibility of a two-year extension. After a five-year uninterrupted stay in Turkey, they can apply for Turkish nationality. Refugees and asylum-seekers do not normally have the right to apply for an

³¹⁰ Republic of Turkey. Ministry of Foreign Affairs, *Foreign Minister Mevlüt Çavuşoğlu accompanied President Erdoğan during his visit to People's Republic of China, 12-15 May 2017*. http://www.mfa.gov.tr/disisleri-bakani-cavusoglunun-china-ziyareti_en.en.mfa. Accessed 25 July 2019.

³¹¹ Confidential source, 24 July 2019.

³¹² Confidential source, 1 March 2019.

³¹³ Confidential source, 24 June 2019.

³¹⁴ HRW World report 2019, *Turkey. Events of 2018*.

³¹⁵ Al-Monitor, *Improved Turkish-Chinese come at a cost to Uighurs*, 19 July 2019.

³¹⁶ Associated Press, *Turkey sends delegation to China to observe Uighur situation*, 30 July 2019.

³¹⁷ Al-Monitor, *Improved Turkish-Chinese come at a cost to Uighurs*, 19 July 2019.

³¹⁸ Middle East Eye, *Turkey says Uighur man threatened with deportation will not be expelled. Senior official tells Middle East Eye that Turkey has not deported Uighurs to China and has no plans to do so in the future*, 29 July 2019. <https://www.middleeasteye.net/news/turkey-says-uighur-refugee-wont-be-deported>; Financial Times, *Xinjiang conflict. Diaspora impact. Deportation stokes fears for Turkey's ethnic Uighurs. Concerns grow that Ankara will prioritise deepening of economic ties with Beijing*, 26 August 2019; Al Monitor, *Uighurs no longer feel safe in Turkey*, 2 September 2019 <https://www.al-monitor.com/pulse/originals/2019/08/turkey-uighurs-increasingly-relying-on-western-support.html>

extended residency permit.³¹⁹ Uighurs admitted to Turkey as refugees before 2018 are eligible for the same assistance as others who have received international protection in Turkey. If Uighur refugees are in possession of an extended residency permit, they have the same rights as other foreigners in Turkey. They can apply for a work permit, go to school, open a bank account and rent a house.³²⁰

No information was available as to whether Uighurs who have previously stayed in Turkey are re-admitted if they return to Turkey.³²¹

3.2 Migration

Turkey is not just a transit and destination country: it is also a country of origin for migrants.³²²

There has been a sharp increase in emigration by Turks recently. According to the Turkish Statistical Institute, more than 250,000 Turks emigrated in 2017; this represented an increase of 42% on 2016, when nearly 178,000 Turks left their country. According to the Irish Times, this increase in emigration is due to the political and human rights situation in Turkey as well as the economic problems.³²³ Turks submitted nearly 25,000 applications in the EU+ in 2018. It was the third consecutive year that the number of asylum applications had increased. Two-fifths of the asylum applications in 2018 were submitted in Germany, and one-fifth in Greece.³²⁴

EU-Turkey migration agreements

The EU and Turkey made agreements in March 2016 to disrupt the people smugglers' income model and offer migrants an alternative to risking their lives. These agreements, which aim to combat irregular migration through Turkey to Europe, are still in place.³²⁵

In the first half of 2018, Turkey stopped 131,000 migrants, 43% of them in the western provinces bordering on the Aegean Sea or the Bulgarian land border. By way of comparison, in the first half of 2017, Turkey stopped 58,500 migrants across the whole country.³²⁶ Most of the migrants were Syrians, Iraqis and Afghans who were trying to reach Europe via Turkey. Turkey also arrested people smugglers who were facilitating their efforts.³²⁷

The number of migrants who managed to reach Greece via illegal routes was more than 50,000 in 2018, including 18,000 via the land route, compared with more than 36,000 in 2017, including 6,600 via the land route. In 2019, approximately 34,000 migrants reached Greece via illegal routes during the first eight months, including nearly 8,000 via the land border with Turkey. Those who tried to reach Greece by

³¹⁹ Confidential source, 24 June 2019.

³²⁰ Confidential source, 24 June 2019.

³²¹ Confidential source, 24 June 2019. The source stated that there were no indications that such a person could not be re-admitted to Turkey.

³²² IOM, *Turkey*. Accessed 25 September 2019. <https://www.iom.int/countries/turkey>

³²³ Irish Times, *Spurning Erdogan's vision, Turks exiting country in droves. Money and talent flow out of Istanbul as Turks reject new sociopolitical reality*, 6 January 2019. <https://www.irishtimes.com/news/world/europe/spurning-erdogan-s-vision-turks-exiting-country-in-droves-1.3749229>

³²⁴ EASO, *International protection in the EU+: 2018 overview*. Accessed 8 October 2019. EASO defines EU+ as the EU 28 plus Norway, Switzerland, Liechtenstein and Iceland.

³²⁵ European parliament, *EU statement & action plan*. <http://www.europarl.europa.eu/legislative-train/api/stages/report/current/theme/towards-a-new-policy-on-migration/file/eu-turkey-statement-action-plan>; Confidential source, 26 September 2018; Confidential source, 4 September 2019.

³²⁶ Confidential source, 17 July 2018.

³²⁷ Confidential source, 26 September 2018; Confidential source, 15 May 2019.

sea also did so from Turkey.³²⁸ According to information from the Greek authorities, 5,786 Turkish citizens applied for asylum in Greece from the attempted coup in July 2016 until November 2018. The number of people in the first ten months of 2018 was 3,807, compared with 1,826 for the whole of 2017.³²⁹

3.3 Repatriation

In 2016, a total of 2,535 people of Turkish nationality returned to Turkey from the European Union following a departure notice; the figures for 2017 and 2018 are 2,635 and 3,365 respectively. In 2018, the main countries from which enforced departures of people of Turkish nationality took place were Germany (600), the United Kingdom (520) and Croatia (370). Two hundred and ninety people of Turkish nationality were forced to leave the Netherlands in 2016; the figures for 2017 and 2018 were 215 and 235 respectively.³³⁰ With the help of the International Organisation for Migration, a small number of people returned voluntarily from the Netherlands to Turkey. In 2019, 15 people had done so in the year to the end of August, while 32 did so in the whole of 2018.³³¹

Turkey has no legal provisions under which applying for asylum in another country is a criminal offence.³³²

The details of every person, Turkish or foreign, are checked by Turkish customs on arrival in Turkey. If this data check gives cause for concern, a person may be held by the authorities for further investigation. This could lead to an arrest if the person concerned is wanted by the authorities in connection with a crime.

There is no information available as to whether any Turkish citizen has submitted an asylum application in another country and had it rejected solely because the submission of the asylum application attracted negative interest from the Turkish authorities. However, a Turk may be of interest to the Turkish government for other reasons, if for example, as indicated in a report from the Australian government, he or she has a criminal record or belongs to a group that is being closely monitored, including the Gülen movement, Kurdish or opposition activists, human rights activists or evaders of military service and deserters. In this context it is of relevance that the Turkish government has advanced information databases.³³³ See also 2.2.6 and 2.2.7 as well as 2.3 on the position of specific groups and the thematic country of origin information report on Turkey from July 2019 on military service.³³⁴ Cases are also known where Turks – including Turks with dual nationality – criticised the Turkish government in the media or on social media, and the Turkish government had them arrested or placed them under house arrest or a travel ban when they visited Turkey.³³⁵

³²⁸ UNHCR, *Operational portal. Refugee situations. Mediterranean situation. Greece*.

<https://data2.unhcr.org/en/situations/mediterranean/location/5179>. Accessed 8 September 2019.

³²⁹ Ahval, *Over 5000 Turks seek asylum in Greece since failed coup-Greek ministry*, 11 November 2018; Wall Street Journal, *Turks Fleeing Erdogan Fuel New Influx of Refugees to Greece*, 1 December 2018. Many of those who had left Turkey illegally did not register in Greece, but travelled further into Europe.

³³⁰ <https://ec.europa.eu/eurostat/data/database>. Accessed 26 September 2019.

³³¹ <https://iom-nederland.nl/cijfers>. Accessed 25 September 2019.

³³² Australian Government. Department of Foreign Affairs and Trade (DFAT), *Country information Report Turkey*, 9 October 2018, p. 58.

³³³ Australian Government. Department of Foreign Affairs and Trade (DFAT), *Country information Report Turkey*, 9 October 2018, p. 58;

³³⁴ On the position of military service evaders and deserters, see the July 2019 Ministry of Foreign Affairs thematic country of origin information report on military service in Turkey.

³³⁵ DW, *Germany warns citizens to be careful on social media when in Turkey*, 25 October 2018.

<https://www.dw.com/en/germany-warns-citizens-to-be-careful-on-social-media-when-in-turkey/a-46032981>;

Algemeen Dagblad, *Ministerie waarschuwt: Pas op met wat je socialt over Turkije*, 14 May 2019

<https://www.ad.nl/binnenland/ministerie-waarschuwt-pas-op-met-wat-je-socialt-over-turkije-ab9d0fc0/?referrer=https://www.google.nl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjg>

UNHCR's position on the repatriation of rejected Turkish asylum-seekers

The UNHCR has not published a position statement that specifically concerns Turkish asylum-seekers and refugees, including the repatriation of rejected Turkish asylum-seekers.

4 Appendixes

4.1 Reports and publications

AIDA & ECRE. *Country report Turkey. Update 2018.*

https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf

Akdeniz, Yaman & Altıparmak, Kerem. *Turkey: freedom of expression in jeopardy. Violations of the rights of authors, publishers and academics under the state of emergency.* p. 4. https://www.englishpen.org/wp-content/uploads/2018/03/Turkey_Freedom_of_Expression_in_Jeopardy_ENG.pdf

Amnesty International. *Kobani protests in Turkey. Human Rights failures.* July 2015.

Amnesty International. *Purged beyond return. No remedy for Turkey's dismissed public sector workers.* October 2018.

Amnesty International. *Turkey's state of emergency ended but the crackdown on human rights continues.* 1 February 2019.

Australian Government. Department of Foreign Affairs and Trade (DFAT). *Country information Report Turkey.* 9 October 2018. <https://dfat.gov.au/about-us/publications/Documents/country-information-report-turkey.pdf>

Brookings. *Turkey's new presidential system and a changing West: implications for Turkish Foreign policy and Turkey-West relations.* Turkey project policy paper. No. 16. January 2019.

The Century Foundation. Akyol, Mustafa. *Turkey's Troubled Experiment with Secularism. Lessons from Turkey's Struggle to Balance Democracy and Laiklik.* 25 April 2019. https://production-tcf.imgix.net/app/uploads/2019/02/23094811/Akyol_FinalPDF.pdf

CISST. *Freedom of speech in prison.* April 2019.

http://www.tcps.org.tr/sites/default/files/kitaplar/freedom_of_speech_in_prison_report.pdf

Council of Europe (Venice Commission). *Opinion on articles 216, 299, 301 and 314 of the penal code of Turkey.* 15 March 2016.

Council of Europe (Venice Commission), *Emergency decree laws of July- September 2016 nos 667-674,* 10 September 2016.

Council of Europe (Venice Commission). *Turkey. Criminal judgements of peace. Memorandum of the ministry of Justice.* 8 February 2017.

Council of Europe (Venice Commission). *Turkey. Opinion on the amendments to the constitution adopted by the grand national assembly on 21 January 2017 and submitted to a national referendum on 16 April 2017.* 13 March 2017.

Council of Europe (Venice Commission). *Turkey. Opinion on the provisions of the emergency decree law no. 674 of 1 September 2016 which concern the exercise of*

local democracy in Turkey. 6-7 October 2017.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)021-e)

Council of Europe. Fourth Evaluation Round. Group of States against corruption (GRECO). *Corruption prevention in respect of members of parliament, judges and prosecutors. Compliance report. Turkey.* GrecoRC4 017)16. 15 March 2018.

Council of Europe. Commissioner for Human Rights. Third party intervention by the Council of Europe Commissioner for Human Rights. Application No. 28749/18 Mehmet Osman Kavala v. Turkey. CommDH(2018)30. 20 December 2018.

EASO. *International protection in the EU+: 2018 overview.*

European Commission, *Commission Staff Working Document. Turkey 2018 Report,* 17 April 2018. SWD(2018)153 final.

European Commission. *Commission Staff Working Document. Turkey 2019 Report.* 29 May 2019. SWD(2019)220 final.

European Council on Foreign relations. Asli Aydintasbas. *The good, the bad, and the Gülenists: the role of the Gülen movement in Turkey's coup attempt.* September 2016.

Foreign Affairs. *How Turkey's Crackdown on Gulenists Threatens the Rule of Law Abroad.* 29 January 2018. <https://www.foreignaffairs.com/articles/turkey/2018-01-29/remarkable-scale-turkeys-global-purge>

Freedom of expression association (iFoD). Yaman Akdeniz and Ozan Güven. *Engelli Web 2018.* July 2019

Haimerl, Maria. Verfassungsblog on constitutional matters. *The Turkish Constitutional Court under the Amended Turkish Constitution.* 27 January 2017. <https://verfassungsblog.de/the-turkish-constitutional-court-under-the-amended-turkish-constitution/>

Heinrich Böll Stiftung Istanbul. Çavdar, Ayşe. *Gülen sect: Reached for the state, got capital instead.* 9 August 2016.

HRFT academy. *Academics for peace. A brief history.* March 2019. <https://www.scholarsatrisk.org/actions/academics-for-peace-turkey/#Case-Information>.

Human Rights Watch. *Turkey: Investigate Ankara Abductions, Disappearances. Locate Missing Men; Identify Those Responsible.* 3 August 2017.

Human Rights Watch. *World report 2019. Turkey, events of 2018.*

Human Rights Watch. *Lawyers on trial. Abusive prosecutions and erosion of fair trial rights in Turkey.* 10 April 2019.

Human Rights Watch. *Turkey Forcibly Returning Syrians to Danger. Authorities Detain, Coerce Syrians to Sign "Voluntary Return" Forms.* 26 July 2019.

International Commission of Jurists. *The Turkish criminal peace judgeships and international law*. 2018.

IHOP. 21 July 2016-20 March 2018. *State of emergency in Turkey*. Updated situation report. 17 April 2018.

Immigration and Refugee Board of Canada. *Turkey: The National Judiciary Informatics System (Ulusal Yargı Ağı Bilişim Sistemi, UYAP), including components, access by citizens and lawyers; arrest warrants and court decisions, including access to such documents on UYAP, who has the authority to issue such documents, and appearance of the documents (2016-November 2018) [TUR106217.E]*. 10 December 2018.

Institute for the study of War. *Turkey escalates against pro-Assad forces to protect Afrin operation*. 30 January 2018.

International Crisis Group. *Turkey's PKK conflict: a visual explainer*. <https://www.crisisgroup.org/content/turkeys-pkk-conflict-visual-explainer>.

International Observatory Human Rights. *2018 in review. Human rights violations in Turkey*. # *Turkey Human Rights*. <https://observatoryihr.org/2018-in-review-human-rights-violations-in-turkey/>.

Middle East Institute. *Turkish-Pakistani relations: a burgeoning alliance?* 22 May 2019. <https://www.May.edu/publications/turkish-pakistani-relations-burgeoning-alliance>

Ministry of Foreign Affairs. *Thematisch amtsbericht. Turkse Hezbollah*. October 2016.

Ministry of Foreign Affairs. *Thematisch amtsbericht. Dienstpflicht Turkije*. July 2019.

NRC & UNHCR. *Lost identity. Challenges relating to legal identity and civil documentation in the north-west of the Syrian Arab Republic*, p. 46. December 2018

OHCHR. *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East. January-December 2017*. March 2018.

OSCE. *Republic of Turkey. Early Presidential and Parliamentary Elections, 24 June 2018. ODIHR Election Observation Mission Final Report*. Executive summary. 21 September 2018.

Refugees International. *You can't exist in this place. Lack of registration denies Afghan refugees protection in Turkey*. Field report. December 2018. p. 4. <https://reliefweb.int/sites/reliefweb.int/files/resources/Turkey%2BReport%2B-%2BNovember%2B2018%2B-%2Bin%2BEnglish%2B-%2B2.0.pdf>

Republic of Turkey. Ministry of Interior. Directorate General of Migration Management. *Law on foreigners and international protection*. April 2014. https://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf

Stockholm Center for Freedom (SCF). *SCF's submission for the United Nations Universal Periodic Review of Turkey*. 19 July 2019

Tee, Caroline. *The Gülen movement in Turkey. The politics of islam and modernity.* 2016.

The Arrested Lawyers Initiative. *Incarceration of Turkish Lawyers. Unjust arrests& convictions (2016-2019).*
<https://arrestedlawyers.files.wordpress.com/2019/04/report-edit4.1.0.pdf>

US. Commission on international religious freedom. *Turkey chapter. 2019 annual report.* https://www.uscirf.gov/sites/default/files/Tier2_TURKEY_2019.pdf.

US. Department of State. *Turkey 2018 human rights report.* 13 March 2019.

United Kingdom. House of Commons Foreign Affairs Committee. *The UK's relations with Turkey.* 21 March 2017.

4.2 Newspapers

Algemeen Dagblad
Daily Sabah
Frankfurter Allgemeine
Le Figaro
The Guardian
Hürriyet Daily News
Le Monde
The Times
Washington Post
Wall Street Journal

4.3 Websites

<https://www.amnesty.org/en/>
<https://ahvalnews.com/>
<https://www.article19.org/>
<https://www.asylumineurope.org/>
<https://bianet.org/english>
<https://www.bloomberg.com/>
<https://www.consilium.europa.eu>
<http://www.dusun-think.net/en/newsletter/>
<https://www.dw.com/en>
<https://www.economist.com>
<https://ekurd.net/>
https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/frit_factsheet.pdf
<http://www.europarl.europa.eu/>
<https://www.emnnetherlands.nl/migratiethemas/asiel>
<https://euobserver.com/foreign>
<https://www.euractiv.com/>
<https://ec.europa.eu/eurostat/data/database>
<http://evaw-global-database.unwomen.org/en/countries/asia/turkey>
<https://freedomhouse.org/report/freedom-world/2019/turkey>
<https://www.huffpost.com/>
<https://www.icj.org/>
<https://www.icj.org/investigations/>
<https://iom-nederland.nl/cijfers> **Error! Hyperlink reference not valid.**
<https://www.kurdistan24.net/en/default>
<https://www.al-monitor.com/pulse/home.html>

<https://www.nhc.nl/human-rights-defenders-stories-turkey/>
<https://nos.nl/nieuws/>
<https://www.opensocietyfoundations.org>
<http://www.prisonstudies.org/>
<https://www.reuters.com>
<https://www.rudaw.net/english>
<https://stockholmcf.org/>
<https://syriaaccountability.org/>
<http://www.tbb.gov.tr/en/local-authorities/types-of-local-governments/>
Error! Hyperlink reference not valid.

4.4 List of abbreviations

AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
CJP	Council of Judges and Prosecutors
CoI	Commission of Inquiry on the State of Emergency
DBP	Democratic Regions Party
DGMM	Directorate General Migration Management
HDP	Halkların Demokratik Partisi (Peoples' Democratic Party)
ISIS	Islamic State in Iraq and Al-Sham
MHP	Milliyetçi Hareket Partisi (Nationalist Movement Party)
PKK	Kurdistan Workers' Party
PDMM	Provincial directorates for migration management
YSK	Yüksek Seçim Kurulu (Supreme Election Council)

4.5 Map

