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Turkey: COI Compilation

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Origin & Asylum Research and Documentation

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The information in this report is up to date as of 30 April 2020, unless otherwise stated.

This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared within a specified time frame on the basis of publicly available documents as well as information provided by experts. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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Austrian Red Cross/ACCORD
Wiedner Hauptstraße 32
A- 1040 Vienna, Austria

Phone: +43 1 58 900 – 582
E-Mail: accord@redcross.at
Web: <http://www.redcross.at/accord>

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List of abbreviations

- AKP - Adalet ve Kalkınma Partisi (Justice and Development Party)
BDP - Barış ve Demokrasi Partisi (Peace and Democracy Party)
BSEC - Black Sea Economic Cooperation
BTK - Bilgi Teknolojileri ve İletişim Kurumu (Information Technologies Institution)
CHP - Cumhuriyet Halk Partisi (Republican People's Party)
CJP - Council of Judges and Prosecutors
DBP - Demokratik Bölgeler Partisi (Democratic Regions Party)
DDK - Devlet Denetleme Kurulu (State Inspection Council)
DEVA - Demokrasi ve Atılım Partisi (Democracy and Progress Party)
DGMM - Göç İdaresi Genel Müdürlüğü (Directorate-General for Migration Management)
DHKP/C - Devrimci Halk Kurtuluş Partisi-Cephesi (Revolutionary People's Liberation Party/Front)
DIB - Diyanet İşleri Başkanlığı (Presidency of Religious Affairs)
DISK - Türkiye Devrimci İşçi Sendikaları Konfederasyonu (Confederation of Progressive Trade Unions of Turkey)
DYP - Doğru Yol Partisi (True Path Party)
EAJ - European Association of Judges
ECHR - European Court of Human Rights
ECO - Economic Cooperation Organization
ED - Emergency Decree
EGM - Emniyet Genel Müdürlüğü (National Police)
ESSN - Emergency Social Safety Net
FETO / FETÖ - Fethullahçı Terör Örgütü (Fethullahist Terrorist Organisation)
FSA - Free Syrian Army
FTO - Foreign Terrorist Organisation
GKB - Genelkurmay Başkanlığı (General Staff of the Turkish Armed Forces)
GNAT - Grand National Assembly of Turkey
GP - Gelecek Partisi (Future Party)
HDK - Halkların Demokratik Kongresi (People's Democratic Congress)
HDP - Halkların Demokratik Partisi (People's Democratic Party)
HPG - Hezen Parastina Gel (People's Defence Forces)
HRD - human rights defender
HSK - Hâkimler ve Savcılar Kurulu (Council of Judges and Prosecutors)
HSYK - Hâkimler ve Savcılar Yüksek Kurulu (High Council of Judges and Prosecutors)
IB - İletişim Başkanlığı (Directorate of Communications)
ICCPR - International Covenant on Civil and Political Rights
IDAHOTB - International Day Against Homophobia, Transphobia and Biphobia
IED - improvised explosive device
IS - Islamic State
JAT - Justice Academy of Turkey
KHK - Kanun Hükmünde Kararname (Decrees with Force of Law)
LFIP - Law on Foreigners and International Protection
MGKGS - Milli Güvenlik Kurulu Genel Sekreterliği (Secretariat-General of the National Security Council)
MHP - Milliyetçi Hareket Partisi (Nationalist Movement Party)
MIT - Milli İstihbarat Teşkilatı (National Intelligence Organisation)
NHREI - National Human Rights and Equality Institution
OIC - Organization of the Islamic Conference

OPCAT - Optional Protocol to the Convention against Torture
OPS - Operation Peace Spring
PDMM - Provincial Directorate for Migration Management
PDY - Paralel Devlet Yapılanması (Parallel State Structure)
PKK - Partîya Karkerên Kurdistanê (Kurdistan Worker's Party)
PYD - Partiya Yekîtiya Demokrat (Democratic Union Party)
RTÜK - Radyo ve Televizyon Üst Kurulu (Radio and Television Supreme Council)
SDF - Syrian Democratic Forces
SHP - Sosyal Demokrat Halkçı Parti (Social Democratic People's Party)
SNA - Syrian National Army
SoE - State of Emergency
SOGIESC - Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
SP - Saadet Partisi (Felicity Party)
TAK - Teyrebazen Azadiya Kurdistan (Kurdistan Freedom Hawks)
TBMM - Türkiye Büyük Millet Meclisi (Grand National Assembly of Turkey)
TCC - Turkey's Constitutional Court
TCCB - Türkiye Cumhuriyeti Cumhurbaşkanlığı (Presidency of the Republic of Turkey)
TCCP - Turkish Code of Criminal Procedure
TCK - Türk Ceza Kanunu (Turkish Penal Code)
TGNA - The Grand National Assembly of Turkey
TIHEK - Türkiye İnsan Hakları ve Eşitlik Kurumu (Human Rights and Equality Institution of Turkey/ National Human Rights and Equality Institution)
TL - Turkish Lira
TMK - Terörle Mücadele Kanunu (Anti-Terror Law)
TPC - Turkish Penal Code
TPR - Temporary Protection Regulation
TRT - Turkish Radio and Television
TRY - Turkish Lira
TSK - Türk Silahlı Kuvvetleri (Turkish Armed Forces)
TVK - Türkiye Varlık Fonu (Turkey Wealth Fund)
UPR - Universal Periodic Review
VP - Virtue Party (Fazilet Partisi)
WP - Welfare Party (Refah Partisi)
YAŞ - Yüksek Askerî Şûra (Supreme Military Council)
YDG-H - Yurtsever Devrimci Gençlik Hareket (Patriotic Revolutionary Youth Movement)
YÖK - Yükseköğretim Kurulu (Board of Higher Education)
YPG - Yekîneyên Parastina Gel (People's Protection Units)
YPS - Yekîneyên Parastina Sivil (Civil Protection Units)
YSK - Yüksek Seçim Kurulu (Supreme Election Council)

1 Background information

1.1 Geographical information

Turkey, a predominantly mountainous country, lies partly in Asia and partly in Europe and is bounded on the north by the Black Sea and on the southwest and west by the Mediterranean Sea and the Aegean Sea (Encyclopaedia Britannica, last updated 12 July 2020, Introduction & Quick Facts). The country shares borders with eight other states, namely Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Iran, Iraq and Syria. Turkey's territory extends over a total of approximately 784,000 square kilometres, including land and water (CIA, last updated 2 June 2020; Encyclopaedia Britannica, last updated 12 July 2020, Introduction & Quick Facts). The estimated total population amounts to approximately 82 million people, of which 76 percent live in urban areas (CIA, last updated 2 June 2020). The most populous city of Turkey is the metropolis Istanbul (about 15.5 million residents), followed by the country's capital Ankara (about 5.6 million) and the city of Izmir (about 4.4 million) (TurkStat, 2019).

1.1.1 Map of Turkey



Source: [CIA, 2006](#)

1.1.2 Ethnic makeup

The Constitution of the Republic of Turkey does not expressly recognise national, “racial” or ethnic minorities (USDOS, 11 March 2020, section 6), hence “ethnic minorities have no official status” (Encyclopaedia Britannica, last updated 12 July 2020, Ethnic groups). The Turkish

government’s interpretation of the Lausanne Treaty of 1923¹, that involves a section about the protection of minorities, includes only three religious minorities: Armenian Apostolic Orthodox Christians, Jews and Greek Orthodox Christians (USDOS, 10 June 2020; Treaty of Lausanne, 24 July 1923, Articles 37-44). The vast majority, more than nine-tenth of the population, is Muslim by religious affiliation, with a Sunni majority (Encyclopaedia Britannica, last updated 12 July 2020, Religion; USDOS, 10 June 2020).

However, there are no exact numbers concerning ethnic and religious affiliation, because the 1965 census was the last to collect data about the population’s ethnic background and religious denomination (BpB, 31 October 2014). The Turkish Statistical Institute (TurkStat) replaced the traditional census by a register-based census in 2007 (TurkStat, undated (a)) and does not collect linguistic or other data concerning minorities (see TurkStat, undated (b)).

The Danish Immigration Service (DIS), an agency within the Danish Ministry of Immigration and Integration, in September 2019 published a report on Kurds in Turkey. On page four of this report, the DIS provides the following map on the distribution of ethnic groups in Turkey and some neighbouring countries. The map is a section of a larger regional map taken from the Atlas Middle East and North Africa, published by the Austrian Federal Ministry of the Interior (BMI/BMLVS, 2017, pp. 33-34) and has been slightly modified by DIS to include the map legend:



Source: [DIS, September 2019, p. 4](#)

¹ With the Treaty of Lausanne, signed in 1923, the boundaries of the modern state of Turkey were recognised by representatives of Turkey as successor to the Ottoman Empire and Britain, France, Italy, Greece and their allies on the other side (Encyclopaedia Britannica, last updated 18 February 2020).

The following map in German language depicts the different ethnic groups on Turkish territory:

- BpB – Bundeszentrale für politische Bildung: Bevölkerungsgruppen in der Türkei, 31 October 2014

<https://www.bpb.de/internationales/europa/tuerkei/187953/bevoelkerungsgruppen>

Turks

The majority of the population, more than 65 percent, speak Turkish as their mother tongue (Encyclopaedia Britannica, last updated 12 July 2020, Ethnic groups). It is “[...] the major member of the Turkic language family, which is a subfamily of the Altaic languages” (Encyclopaedia Britannica, last updated 20 October 2009). The importance of the Turkish language for the state and its dominance over other languages is established in the Constitution of the Republic of Turkey:

“The State of Turkey, with its territory and nation, is an indivisible entity. Its language is Turkish.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 3)

“No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of education.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 42)

Radio Free Europe/Radio Liberty (RFE/RL), a broadcasting organisation funded by the U.S. Congress, in a May 2016 article gives a brief account of the history of the Turkish people:

“[...] in the early 11th century Turkic tribes invaded the then-Byzantine Empire and gradually took over the entire empire, including its capital, Constantinople, in 1453 that became Istanbul under Turkish rule. But history also tells us that the Turkish newcomers' numbers were less than that of the locals, who were primarily Greek, Aramaic, Armenian, or Iranian speakers. To adapt to new rulers and their rule, most of the locals gradually and in the course of centuries changed their religion to Islam, their language to Turkish and even their names.” (RFE/RL, 3 May 2016)

Kurds

The Turkish majority population is followed in numbers by the Kurds: around 18 percent of the population, approximately 15 million people in Turkey are estimated to speak Kurdish dialects (BpB, 12 August 2014). Kurds are the dominant ethnic group in Southeastern Anatolia (BpB, 31 October 2014).



Source: [Encyclopædia Britannica, last updated 17 December 2019](#) (map as of 2008)

The Kurdish language is related to Persian and Pashto and belongs to the family of Indo-Iranian languages. It has numerous dialects (Encyclopædia Britannica, last updated 28 January 2016). The two main dialects are Kurmanji, also referred to as Northern Kurdish and Sorani, also called Central Kurdish. The Kurds in Turkey predominantly speak Kurmanji (SOAS, undated). On the history of the Kurds the English-language online Encyclopædia Britannica notes:

“The prehistory of the Kurds is poorly known, but their ancestors seem to have inhabited the same upland region for millennia. [...] The principal unit in traditional Kurdish society was the tribe, typically led by a sheikh or an aga, whose rule was firm. Tribal identification and the sheikh’s authority are still felt, though to a lesser degree, in the large urban areas. Detribalization proceeded intermittently as Kurdish culture became urbanized and was nominally assimilated into several nations.” (Encyclopædia Britannica, last updated 17 December 2019)

Concerning Kurdish social structure and religious affiliation Minority Rights Group International (MRG), an international human rights organisation working to promote the rights of ethnic, national, religious and linguistic minorities and indigenous peoples, adds:

“The Kurdish struggle for cultural and political rights is complicated by social and religious factors. Many rural Kurds are primarily motivated by clan or tribal loyalty, with long-standing local conflicts reflected in support for rival political parties at national level. Inter-tribal politics can determine whether support will be given to the PKK [Kurdistan Workers' Party] or government forces. Loyalties are also determined by religious sentiment. Possibly up to 25 per cent of Kurds in the south-east are still primarily motivated by religious affiliation. [...] The majority are Sunni Muslims, while a significant number are Alevis.” (MRG, last updated June 2018a)

For information on the treatment of the Kurdish minority please see [section 8.1](#) of this compilation.

Other minorities

A heritage of the multi-ethnic Ottoman Empire, numerous other, smaller ethnic groups live in Turkey (BpB, 31 October 2014). Different sources vary in their listing of other minority groups, although all of them agree that they are much smaller in numbers than the Kurds. In total, other minorities, for example Arabs, Greeks, peoples from the Caucasus or Turkmen (see Encyclopaedia Britannica, last updated 12 July 2020, Ethnic groups; USDOS, 11 March 2020, section 6; BpB, 31 October 2014; MRG, last updated June 2018c) together are estimated to account for seven to 16 percent of the population (CIA, last updated 2 June 2020; Encyclopaedia Britannica, last updated 12 July 2020, Ethnic groups;).

For information on the treatment of other minorities please see [section 8](#) of this compilation.

1.2 Brief overview of political institutions

The Republic of Turkey was established in 1923. The current constitution has since its coming into force in 1982 (Political Handbook of The World 2018-2019, 2019, p. 1614) been amended several times, most recently after a constitutional referendum held in April 2017 (for information on the April 2017 referendum please see [section 3.3.2](#) of this compilation). Since there was a slim majority of votes in favour of the proposed constitutional amendments, the parliamentary system was transformed into a presidential system (SWP, March 2019, p. 5, p. 7). The constitutional amendments became effective in July 2018 after snap presidential and parliamentary elections in June 2018. Among other amendments, the office of prime minister was abolished, concurrent with the shift of a number of powers to the presidency (Political Handbook of The World 2018-2019, 2019, p. 1614, p. 1618; Encyclopaedia Britannica, last updated 12 July 2020, Constitution; Freedom House, 4 March 2020).

According to the regime typology used in the Democracy Index 2019 of the Economist Intelligence Unit (EIU), the research and analysis division of The Economist Group, the Republic of Turkey is a “hybrid regime” (EIU, 2020, p. 17). The EIUs definition of a “hybrid regime” reads as follows:

“Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies - in political culture, functioning of government and political participation. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically, there is harassment of and pressure on journalists, and the judiciary is not independent.” (EIU, 2020, p. 53)

The political scientists Steven Levitsky and Lucan Way in a January 2020 article in the Journal of Democracy describe Turkey as a “competitive authoritarian regime”, “[...] in which the coexistence of meaningful democratic institutions and serious incumbent abuse yields electoral competition that is real but unfair” (Levitsky/Way, January 2020).

Freedom House, a U.S.-based NGO which conducts research and advocacy on democracy, political freedom and human rights, designates the Republic of Turkey as “not free” (Freedom House, 4 March 2020).

1.2.1 *Executive branch*

According to the present constitution, as amended in 2017, the executive power is vested in the president of the Republic:

“Executive power and function shall be exercised and carried out by the President of the Republic in conformity with the Constitution and laws.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 8)

The president of the Republic of Turkey is head of state and head of government:

“The President of the Republic is the head of the State. The executive power shall be vested in the President of the Republic.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 104)

The president is elected directly by the public for a five-year term and for two terms at most (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 101). Duties and powers are listed in Article 104 of the constitution. Among other powers and duties, the president appoints and dismisses the deputies of the president, the ministers as well as high ranking executives and determines national security policies. The president represents the Office of Commander-in-Chief of the Turkish Armed Forces and decides on their use (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 104). The Turkish National Police, Turkish General Command of Gendarmerie² (Jandarma Genel Komutanlığı) as well as Coast Guard Command are subordinate to the Ministry of the Interior (OSCE, undated). Turkey’s land, air and navy forces are subordinate to the Defence Ministry (Hürriyet Daily News, 10 July 2018). Both ministries are part of the presidential cabinet (see below). The National Intelligence Organisation (Milli İstihbarat Teşkilatı, MIT) falls within the direct purview of the president (USDOS, 11 March 2020, section 1f).

A list of the powers and duties of the Turkish president can be found on the website of the Presidency of the Republic of Turkey:

- TCCB – Türkiye Cumhuriyeti Cumhurbaşkanlığı (Presidency of the Republic of Turkey): Duties and Powers, undated (a)
<https://www.tccb.gov.tr/en/presidency/power/>

With the 2017 constitutional amendments the powers of the prime minister and the ministerial council were conveyed to the president, both institutions being abolished. The politically

² “The National Police and Jandarma, under the control of the Ministry of Interior, are responsible for security in urban areas and rural and border areas respectively. The military has overall responsibility for border control and external security.” (USDOS, 11 March 2020, executive summary)

independent German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP) in a June 2018 academic paper analyses this change in the following way:

“The president of state is taking over the competences and responsibilities of the prime minister and the cabinet. Both latter institutions cease to exist. The president appoints his own deputy, the ministers, the undersecretaries and leading bureaucrats. Far reaching decisions such as the declaration of the state of emergency, the exceptional convocation of the parliament as well as the issuing of decree-laws and administrative decrees, decisions that prior to the amendments rested with the collective deliberation of the cabinet, are now in the exclusive competence of the president of state.” (SWP, June 2018, p. 14)

Freedom House in its Freedom in the World 2020 report states:

“With the elimination of the prime minister’s post, [...] [the president] now controls all executive functions; he can rule by decree, appoint judges and other officials who are supposed to provide oversight, and order investigations into any civil servant, among other powers.” (Freedom House, 4 March 2020, section C1)

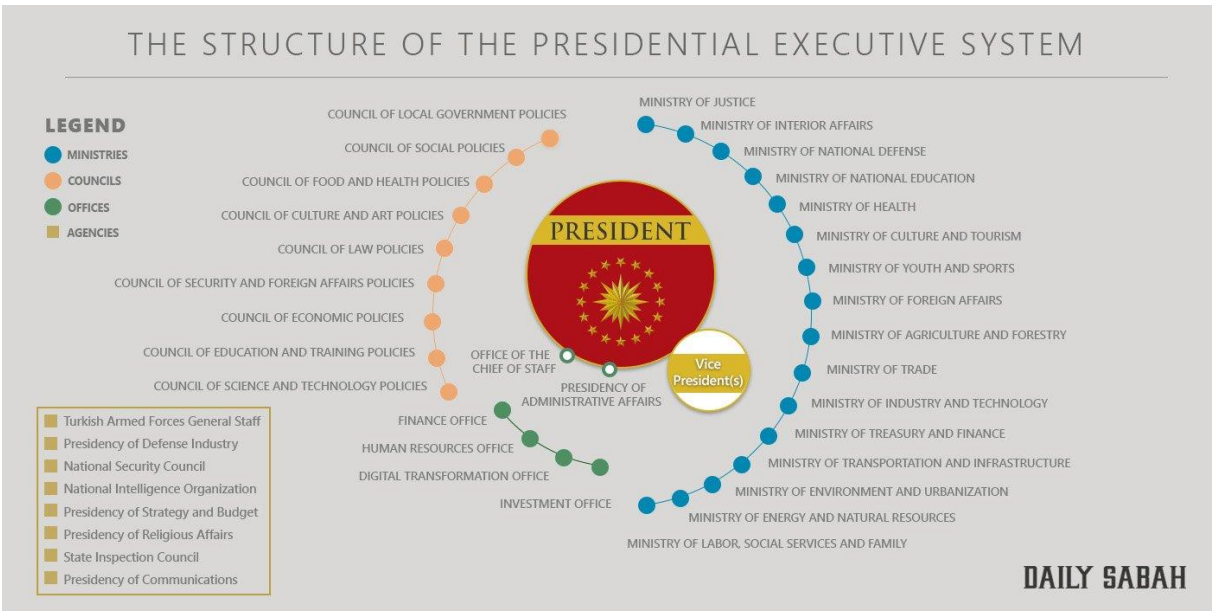
Concerning the new balance of power between the executive branch and the parliament, the above-mentioned SWP June 2018 academic paper describes the situation as follows:

“The amendment drastically reduces the power of the parliament to control the executive. The government does not rely on a parliamentary vote of confidence, ministers are not obliged to answer personally parliamentarians' investigative quests, and there are no sanctions for ministers who refuse to deliver parliament even written reply. Parliament's budget rights also turn into blunt weapons. When the parliament refuses to approve the new budget, the government continues its work, using the adopted budget of the previous year. Impeachment of the president in case of criminal offence requires extraordinary large majorities in parliament. It needs three fifths of the deputies to trigger criminal investigation, and two thirds of the deputies have to back the instigation of the court procedure. In order to dismiss the president, the parliament has to dissolve itself which it can do only with a majority of two thirds of its members. On the other hand, the president may dissolve the parliament whenever he sees fit. The parliament faces serious challenges also regarding its core capacity, legislation. Prior to the amendment, the parliament overturned presidential vetoes of laws adopted by the parliament with the bare majority of the quorum. The new provisions ask for the absolute majority of seats. However, for the parliament’s legislative monopoly, the newly introduced power of the president to issue decree-laws appears to be even more fateful. Although the amendment explicitly limits the scope of decree-laws to areas not already designed by ordinary laws, this limitation does not apply in the state of emergency. Most recent moves on the side of the Turkish government unequivocally displayed a tendency of the executive to use this provision to make large inroads into the legislative monopoly of the parliament. The constitution limits the scope of decree-laws issued under the state of emergency to matters related to the threats that caused the declaration of the state of emergency. However, the government, in August 2017, did not respect this limitation.” (SWP, June 2018, pp. 14-15)

The latest constitutional amendments of 2017 furthermore allow the president to be a member of a political party (DW, 8 April 2017) and to be a party leader (FES, August 2018, p. 4). The SWP June 2018 academic paper remarks with regard to the incumbent president Recep Tayyip Erdoğan:

“As a result, the president who has collected all powers of the executive in his person acts also as the head of the party that enjoys absolute majority in parliament. This leads to a serious blurring of the divide between the executive and the legislative powers as the person that single-handedly runs the executive due to his authority over the hegemonic party also determines the conduct of the parliament.” (SWP, June 2018, p. 15)

The following infographic was published in June 2018 on Twitter by Daily Sabah, an English language pro-government newspaper (MEE, 4 November 2019) and shows the structure of the presidential executive system³:



Source: [Daily Sabah, 22 June 2018](#)

The current presidential cabinet comprises one Vice President and 16 ministers: 1. Minister of Justice, 2. Minister of Interior, 3. Minister of National Defence, 4. Minister of National Education, 5. Minister of Health, 6. Minister of Culture and Tourism, 7. Minister of Youth and Sports, 8. Minister of Foreign Affairs, 9. Minister of Agriculture and Forestry, 10. Minister of Trade, 11. Minister of Industry and Technology, 12. Minister of Treasury and Finance, 13. Minister of Transport and Infrastructure, 14. Minister of Environment and Urbanization, 15. Minister of Energy and Natural Resources, 16. Minister of Family, Labour and Social Services. (TCCB, undated (b))

³ A Turkish version of the chart depicting the structure of the presidential executive system can be found here:

- AA – Anadolu Agency: Yeni sistemle hedef güçlü koordinasyon verimli yönetim, 22 June 2018 <https://www.aa.com.tr/tr/info/infografik/10485#!>

The holders of the positions of ministers can be found on the website of the Presidency of the Republic of Turkey:

- TCCB – Türkiye Cumhuriyeti Cumhurbaşkanlığı (Presidency of the Republic of Turkey): Presidential Cabinet, undated (b)
<https://www.tccb.gov.tr/en/cabinet/>

A study on the Turkish presidential system published by SWP in March 2019 mentions that in addition to the presidential cabinet, the president of the Republic of Turkey heads four so-called “offices” (ofis). They deal with cross-ministerial, cross-sectional issues such as digitalisation, investments, finances and human resources. Together with the presidencies (see below), they form a kind of parallel administration to the ministries and control them at the same time. (SWP, March 2019, p. 12)

Another part of the executive structure of Turkey’s presidential system is formed by nine councils (kurul). Those councils are institutionalised meetings of representatives of economy, science, politics and civil society. They are supposed to develop “long-term visions and strategies” for almost all areas of policy, to observe the measures executed by the ministries and to draw up “progress reports” and “policy recommendations”. By doing so, the councils fulfil a function which is usually conducted by political parties and the parliament. In case of the councils, they do not serve the political public, but only the president. (SWP, March 2019, pp. 11-12)

The president not only appoints all ministers and high-ranking positions in the bureaucracy. In addition to that, all institutions that are central to the direct control of bureaucracy, the military, the economy, the media and civil society, as well as public religious life are directly subordinate to him (SWP, March 2019, p. 10). The above infographic, showing the structure of the presidential executive system, lists eight “agencies” (Daily Sabah, 22 June 2018), which are under the president’s direct control (SWP, March 2019, p. 10).

Those agencies or “presidencies” (başkanlık), include the State Inspection Council (also known as State Supervisory Council, Devlet Denetleme Kurulu, (DDK), whose inspectors are responsible for investigations within the whole of the bureaucratic apparatus, including the military. Another of those agencies is the Secretariat-General of the National Security Council (Milli Güvenlik Kurulu Genel Sekreterliği, MGKGS), coordinating promotions within the armed forces. The Presidency of Defence Industries (Milli Savunma Sanayi Başkanlığı, MSSB) decides upon armament projects. The Presidency of Strategy and Budget (Strateji ve Bütçe Başkanlığı, SBB) draws up the national budget. The Presidency of Religious Affairs (Diyanet İşleri Başkanlığı, DİB) formulates the official version of Islam, controls non-governmental religious associations and constitutes the religious wing of Turkish diplomacy in foreign policy. (SWP, March 2019, pp. 10-11)

The National Intelligence Organisation (Milli İstihbarat Teşkilatı, MIT), which is also listed as agency, not only plays a central role in “fighting terrorism” and monitoring bureaucracy, since August 2017 its mandate also comprises operating within the armed forces and providing information about the military and civilian personnel of the Ministry of Defence (SWP, March 2019, pp. 12-13).

Also headed as agencies under direct control of the president are the General Staff of the Turkish Armed Forces (Genelkurmay Başkanlığı, GKB) and the Directorate of Communications (İletişim Başkanlığı, İB) (SWP, March 2019, p. 12; Daily Sabah, 22 June 2018).

According to the German SWP, there is one more agency that is not listed in the infographic by Daily Sabah above: the Turkey Wealth Fund (Türkiye Varlık Fonu, TVK), which was established in 2016 and guarantees the president decisive influence on investments of large state-owned enterprises (SWP, March 2019, p. 11).

The structure of the presidential executive system, as delineated above, was implemented after the June 2018 snap elections, with the inauguration of the new government in July 2018. On 24 June 2018, eighteen months earlier than originally scheduled (Encyclopaedia Britannica, last updated 12 July 2020, AKP under pressure: failed coup attempt, crackdown on dissidents, and economic crisis) approximately 59 million Turks cast their votes in presidential and parliamentary elections (KAS, 25 June 2018). Recep Tayyip Erdoğan, since 2014 president of the Republic of Turkey (Political Handbook of The World 2018-2019, 2019, p. 1622), succeeded in being re-elected with 52.6 percent of votes, followed by the Republican People's Party's (CHP) candidate Muharrem İnce, who received 30.6 percent of the votes (KAS, 25 June 2018). The HDP's candidate Selahattin Demirtaş ranked third with 8.4 percent (Daily Sabah, undated (a)), despite being held in pretrial detention on terrorism charges (DW, 18 June 2018). The US-based NGO Freedom House states the following about the June 2018 elections:

“The June 2018 presidential election, which was originally scheduled for November 2019, was moved up at Erdoğan’s behest, as he claimed an early election was necessary to implement the new presidential system. The election was held while Turkey was still under a state of emergency, which was put into place in 2016 after an abortive coup attempt. Erdoğan, who leads the AKP [Justice and Development Party], won a second term in June 2018, earning 52.6 percent of the vote in the first round. Muharrem İnce of the CHP won 30.6 percent. Selahattin Demirtaş of the HDP won 8.4 percent, while Meral Aksener of the nationalist İyi (Good) Party won 7.3 percent; other candidates won the remaining 1.1 percent. [...] Election observers with the Organization for Security and Co-operation in Europe (OSCE) criticized the poll, reporting that electoral regulators often deferred to the ruling AKP and that state-run media favored the party in its coverage. The OSCE additionally noted that Erdoğan repeatedly accused his opponents of supporting terrorism during the campaign.” (Freedom House, 4 March 2020, section A1)

1.2.2 Legislative branch

The main legislative body of the Republic of Turkey is the Grand National Assembly (Türkiye Büyük Millet Meclisi, TBMM⁴), a unicameral parliament with 600 seats. Turkey is a multiparty republic and the members of the Turkish Grand National Assembly are elected by universal suffrage (Encyclopaedia Britannica, last updated 12 July 2020, Constitution). Term lengths for members of parliament were increased from four to five years with the 2017 constitutional referendum (Freedom House, 4 March 2020, section A2). According to the constitution, elections for the TBMM and presidential elections shall be held on the same day every five

⁴ Sources also use the abbreviations GNAT (Grand National Assembly of Turkey) or TGNA (Turkish Grand National Assembly).

years (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 77).

Political parties must gain 10 percent or more of the national vote to be represented in parliament. On this electoral threshold Freedom House states the following:

“Members are elected by proportional representation, and political parties must earn at least 10 percent of the national vote to hold seats in parliament. [...] The 2018 electoral law permits the formation of alliances to contest elections, allowing parties that would not meet the threshold alone to secure seats through an alliance.” (Freedom House, 4 March 2020, sections A2, B1).

To form a political party group in parliament, a political party needs a minimum of 20 deputies (TBMM, undated (a)). As of 12 June 2020, deputies of eleven parties have a seat in parliament, six TBMM members declare themselves independent. Five parties were able to obtain more than 20 deputies, namely: 1. The Justice and Development Party (Adalet ve Kalkınma Partisi, AKP), 2. The Republican People’s Party (Cumhuriyet Halk Partisi, CHP), 3. The Peoples’ Democratic Party (Halkların Demokratik Partisi, HDP), 4. The Nationalist Movement Party (Milliyetçi Hareket Partisi, MHP), 5. The Good Party (İyi Parti). (TBMM, undated (b))

For an overview of the larger political parties, please see [section 2](#) of this compilation.

A list of all members of the Grand National Assembly and their party affiliation in order of their respective constituency can be found on the Website of the TBMM:

- TBMM – Türkiye Büyük Millet Meclisi (Grand National Assembly): Dönem Milletvekilleri Listesi, undated (c)
https://www.tbmm.gov.tr/develop/owa/milletvekillerimiz_sd.liste

The duties and powers of the Grand National Assembly are described in Article 87 of the constitution:

“The duties and powers of the Grand National Assembly of Turkey are to enact, amend, and repeal laws; to debate and adopt the budget bills and final accounts bills; to decide to issue currency and declare war; to approve the ratification of international treaties, to decide with the majority of three-fifths of the Grand National Assembly of Turkey to proclaim amnesty and pardon; and to exercise the powers and carry out the duties envisaged in the other articles of the Constitution.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 87)

A summary of duties and authorities granted to the Grand National Assembly (TBMM) by the constitution can be found on the website of the TBMM:

- TBMM – Türkiye Büyük Millet Meclisi (Grand National Assembly): Duties and Powers, undated (d)
<https://global.tbmm.gov.tr/index.php/EN/yd/icerik/13>

With the 2017 constitutional amendments and the change from a parliamentary to a presidential system, parliament has lost some of its authorities. The Center for Strategic and

International Studies (CSIS), a US think tank, in a July 2018 commentary summarises parliament's loss of power as follows:

“In any case, the TGNA [Turkish Grand National Assembly] has lost much of its legislative and supervisory powers and lacks the checks and balances role of parliaments in other presidential systems like France or the United States. It cannot, for example, proceed to a vote of confidence, confirm presidential appointments, or direct questions to the president.” (CSIS, 18 July 2018)

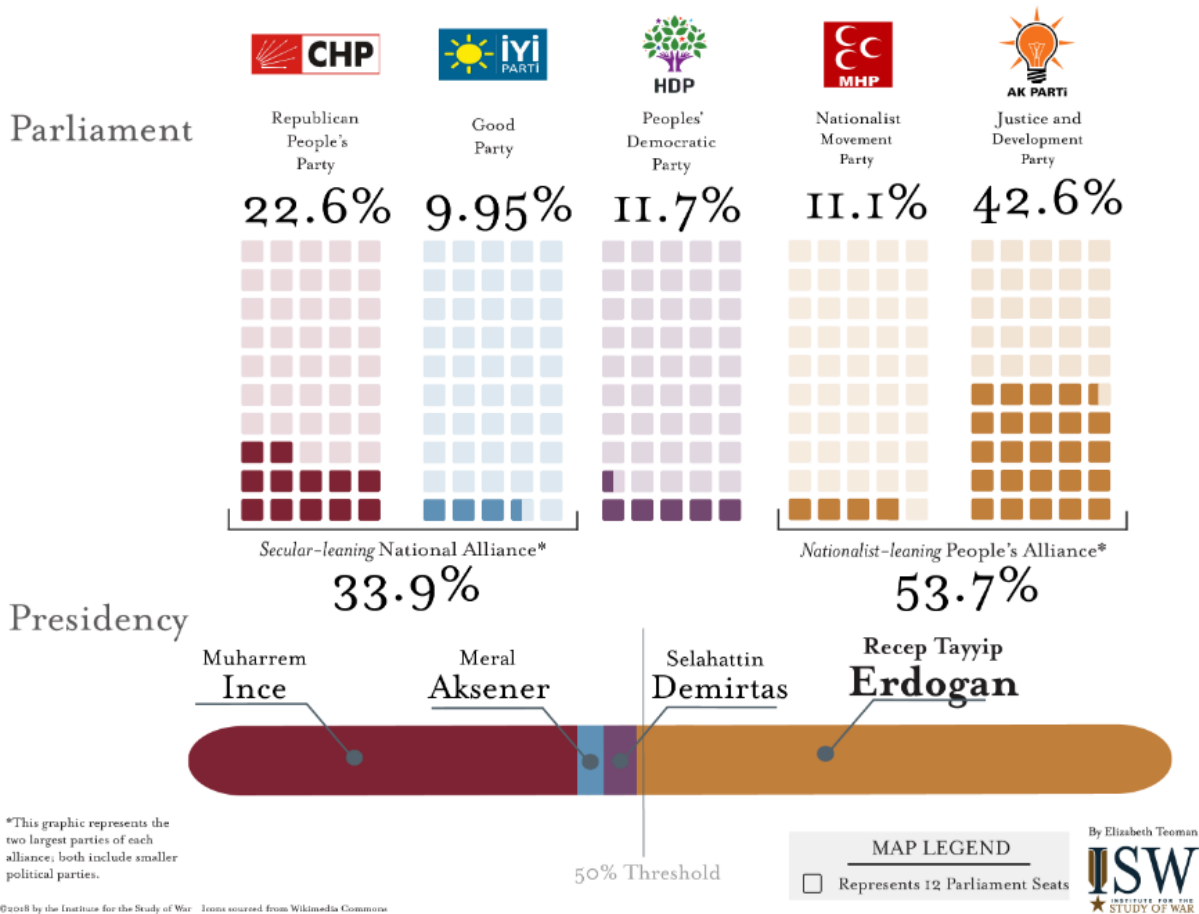
Parliament's consent is not required anymore for ministers to be appointed or dismissed, parliament has lost the possibilities to call for a vote of confidence and to dismiss the government for political reasons. Parliamentary questions are directed to the deputy of the president or the ministers and replied to in writing, there are no sanctions for not replying to parliamentary questions. Parliament has the option of investigating the president only in case he has committed a criminal offence. However, a majority of three fifths of the members of parliament is required to do so. (SWP, March 2019, p. 9)

The Congressional Research Service (CRS), the public policy research agency of the United States Congress, in a 31 August 2018 report states the following on the powers of the Turkish parliament:

“The parliament [...] has some ability to counter presidential actions. It retains power to legislate, appoint some judges and bureaucrats, and approve the president's budget proposals. It also may impeach the president with a two-thirds majority. The president can declare a state of emergency, but parliament can reverse this action, and decrees made during a state of emergency lapse if parliament does not approve them within three months.” (CRS, 31 August 2018, p. 6)

Concerning the new balance of power between the executive branch and the parliament since the April 2017 constitutional amendments please also see [section 1.2.1](#) of this compilation.

In the 24 June 2018 snap parliamentary election the alliance of the AKP, led by president Erdoğan, and the right-wing party MHP emerged as clear winner. The AKP received around 42.6 percent and the MHP 11.1 percent of the votes. With a total of 53.7 percent of the votes the alliance of AKP and MHP gained the absolute majority in the Grand National Assembly of Turkey (SWP, July 2018, pp. 1-2). The alliance of CHP, İYİ party and the Felicity Party (Saadet Partisi, SP) obtained almost 34 percent, followed by the HDP with 11.7 percent (KAS, 25 June 2018).



Source: [ISW, 25 June 2018](https://www.instituteforthe studyofwar.org/2018/06/25/june-2018-turkish-elections/)

The US Department of State (USDOS) in a March 2020 report on human rights practices 2019 states the following on the June 2018 presidential and parliamentary elections:

“The campaign and election both occurred under a state of emergency that had been in place since 2016 and that granted the government expanded powers to restrict basic rights and freedoms, including those of assembly and speech. While most candidates were generally able to campaign ahead of the elections, the HDP’s [Halkların Demokratik Partisi, Peoples’ Democratic Party] candidate remained in prison during the campaign and the candidate for the İYİ Party faced a de facto media embargo. Despite the ability to campaign, the OSCE’s [Organization for Security and Co-operation in Europe] Election Observation Mission noted the elections were held in an environment heavily tilted in favor of the president and the ruling party, noting, ‘the incumbent president and his party enjoyed a notable advantage in the campaign, which was also reflected in excessive coverage by public and government-affiliated private media.’ Media coverage of the 2018 parliamentary and presidential candidates similarly overwhelmingly favored the president and ruling party. [...] Many opposition parties relied instead on social media to connect with supporters.” (USDOS, 11 March 2020, section 3)

1.2.3 *Judicial branch*

The Constitution of the Republic of Turkey declares that “[t]he Republic of Turkey is a democratic, secular and social state governed by rule of law [...]” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 2). According to the Constitution as amended on 16 April 2017 “[j]udicial power shall be exercised by independent and impartial courts on behalf of the Turkish Nation” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 9).

The Constitution in Article 138 outlines the independence of the Judicial Power as follows:

“Judges shall be independent in the discharge of their duties; they shall give judgment in accordance with the Constitution, laws, and their personal conviction conforming to the law. No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power, send them circulars, or make recommendations or suggestions. No questions shall be asked, debates held, or statements made in the Legislative Assembly relating to the exercise of judicial power concerning a case under trial.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 138)

By structure the Turkish judicial system is divided into four branches: 1. Constitutional Court, 2. Civil and criminal courts, 3. Administrative courts and 4. Courts of conflict.

Amongst civil, criminal and administrative courts there are three instances of courts: 1. Courts of first instance, 2. Regional Appellate Courts and 3. the Court of Appeal/State Council. (Thomson Reuters, 1 January 2020)

The Turkish judiciary comprises four Higher Courts: 1. The Constitutional Court, 2. The High Court of Appeals [also known as Court of Cassation, (Court of Cassation, undated)] 3. The Council of State and 4. The Court of Jurisdictional Disputes (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Articles 146-158).

The International Commission of Jurists (ICJ), an international, non-governmental human rights organisation consisting of 60 eminent jurists, gives a brief summary of the respective purviews of the High Courts:

“The Constitutional Court has the power to review the constitutionality of laws; the High Court of Appeals which has power to review the judgments of first instance civil and criminal courts; the Council of State has the power to review the decisions and judgments of all administrative courts; and Court of Jurisdictional Disputes, has the power to resolve disputes of jurisdiction among high courts.” (ICJ, 2018, p. 3)

Article 148 of the constitution defines the functions and powers of the Constitutional Court:

“The Constitutional Court shall examine the constitutionality, in respect of both form and substance, of laws, presidential decrees and the Rules of Procedure of the Grand National Assembly of Turkey, and decide on individual applications. Constitutional amendments shall be examined and verified only with regard to their form. However, presidential decrees issued during a state of emergency or in time of war shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance. [...] Everyone may apply to the Constitutional Court on the grounds that one of the fundamental rights and freedoms within the scope of the European Convention on Human

Rights which are guaranteed by the Constitution has been violated by public authorities. In order to make an application, ordinary legal remedies must be exhausted.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 148)

Article 154 of the constitution stipulates with regard to the High Court of Appeals:

“The High Court of Appeals is the last instance for reviewing decisions and judgments given by civil courts that are not referred by law to other civil judicial authority.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 154)

Article 155 of the constitution stipulates the following concerning the Council of State:

“The Council of State is the last instance for reviewing decisions and judgments given by administrative courts and not referred by law to other administrative courts. It shall also be the first and last instance for dealing with specific cases prescribed by law.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 155)

Article 158 governs the responsibility and powers of the Court of Jurisdictional Disputes:

“The Court of Jurisdictional Disputes shall be empowered to deliver final judgments in disputes between civil and administrative courts concerning their jurisdiction and judgments.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 155)

With the April 2017 amendments to the constitution high military courts, namely the High Military Court of Appeals and the High Military Administrative Court, have been abolished (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Articles 156-157) and the following paragraph was added to the constitution:

“No military courts shall be established other than military disciplinary courts. However, in state of war, military courts having the jurisdiction to try offences committed by military personnel in relation to their duties may be established.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 142)

According to the online legal know how service Practical Law by Thomson Reuters there are “specialised courts for certain legal areas within the scope of the powers of civil courts” for example family courts, commercial courts or labour courts (Thomson Reuters, 1 January 2020). With regard to the form of the legal system Thomson Reuters states:

“Turkey has a civil law system based on codified laws. Case law is taken into consideration for the interpretation of laws. Higher court decisions have influence over the lower courts to ensure uniformity in judicial practice. International law duly approved and enacted by the legislature is also deemed to be part of the legal system.” (Thomson Reuters, 1 January 2020)

The council responsible for appointing judges and prosecutors is the Council of Judges and Prosecutors (Hâkimler ve Savcılar Kurulu, HSK). The above-mentioned March 2020 USDOS

report on human rights practices 2019 states the following about the influence of the executive branch on the judiciary through the HSK:

“The law provides for an independent judiciary, but there were indications the judiciary remained subject to influence, particularly from the executive branch. The executive branch also exerts strong influence over the Board of Judges and Prosecutors (HSK), the judicial body that assigns and reassigns judges and prosecutors to the country’s courts nationwide and is responsible for their discipline. The executive branch and parliament appoint 11 members (seven by parliament and four by the president) every four years, with the other two members being the presidentially appointed justice minister and deputy justice minister. The ruling party controlled both the executive and the parliament when the current members were appointed in 2017. Although the constitution provides tenure for judges, the HSK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges challenges the requirement to remain impartial, and judges’ inclination to give precedence to the state’s interests contributed to inconsistent application of laws. Bar associations, lawyers, and scholars expressed concern regarding application procedures for prosecutors and judges described as highly subjective [...]” (USDOS, 11 March 2020, section 1e)

A June 2019 article on the effect of the purges following the 2016 coup attempt (see [section 3.1.3](#) and [section 4.1.3](#) of this compilation) by the US daily newspaper The New York Times (NYT) comes to the conclusion that the political events since 2016 have plunged the judicial system into a crisis:

“Mr. Erdogan was praised in his early years in power, from 2003, as his government pushed through judicial reforms, encouraged by the European Union. He abolished the death penalty and brought in a three-tier system (first court, appeals court and Supreme Court) to bring Turkey’s system closer in line with European standards. [...] Yet after nearly two decades of Mr. Erdogan’s rule, the state of the judiciary in Turkey is in such crisis that the lives of millions of citizens are tied up in tortuous legal procedures, and public trust in justice has fallen as low as it has ever been in Turkey’s long, uneven record. [...] Purges and a persistent brain drain have rotted out the judiciary, and those judges still in their jobs are paralyzed by a climate of fear, legal professionals say. [...] Prisons have never been fuller - levels of incarceration have soared under Mr. Erdogan - while the court system is weighed down by the combined weakness of inexperienced judges and the heavy hand of government control. Around 4,000 judges have been purged in the aftermath of a failed 2016 coup attempt, and they have been hurriedly replaced, often by Erdogan loyalists, some of them barely out of college. The average level of experience of the country’s entire force of 14,000 judges is just two and a half years practicing law, said Metin Feyzioglu, the head of the Turkish Bar Association. [...] The judiciary has become precariously dysfunctional, legal professionals warn. With the purges, almost all first-instance judges were promoted to the appeals courts, and newcomers were appointed in the first courts. The result is that many judges, incapable or unsure of how to handle cases, push their cases up to the appeals courts, which are overwhelmed, said Mr. Feyzioglu, the head of the bar association. [...] At least 15 million Turkish citizens are caught up in the criminal justice

process as witnesses or defendants, he says, since there are 7.5 million active criminal cases. [...] What's more, the inexperience of the judges, and the fact that many owe their jobs to Mr. Erdogan's party, has made them more susceptible to pressure. [...] Those who are not indebted to Mr. Erdogan's party have seen their colleagues purged or jailed, including people who had nothing do with Fethullah Gulen, the Islamist preacher accused of instigating the coup. The fear of prosecution has paralyzed the judiciary and academia." (NYT, 21 June 2019)

According to the USDOS country report on human rights practices 2019 the Turkish government "acknowledged problems in the judicial sector and in October [2019] launched a Judicial Reform Strategy designed to strengthen the independence of the judiciary while fostering more transparency, efficiency, and uniformity in legal procedures." (USDOS, 11 March 2020, section 1d)

For information on changes to the judiciary during the state of emergency please see [section 3.4.1](#) of this compilation. For information on the rule of law and administration of justice please see [section 6](#) of this compilation.

2 Political actors

The Bertelsmann Stiftung, a German non-profit think tank, in a 2018 Turkey Country Report covering the period from 1 February 2015 to 31 January 2017 gives a brief general insight into the landscape of political parties and ideologies in Turkey:

“The parties are not strongly socially rooted and often do not have a long tradition. This is a consequence of the military coups which occurred in 1960, 1971 and 1980: after each coup, some parties were outlawed, necessitating the foundation of new parties (often marketing similar programs under a different name). A tradition of clientelism means that voters consider their MPs responsible for their interests. Generally speaking, personalities are more important than party affiliation. A comparison between the June and November 2015 elections indicates that there is considerable voter fluctuation (even given that the November 2015 elections have been widely criticized as unfair).” (Bertelsmann Stiftung, 2018, p. 13)

“Potential cleavages run across the boundaries of nationalism and religion. The first refers to the conflict between Kurdish and Turkish nationalists; the second between Islamists and Secularists. In both cases, extreme Turkish nationalists and nationalistic Kemalists are as militant and aggressive as their opponents. [...] In today’s Turkey, the struggle between Kemalists and Islamists appears decided in favor of the latter group. The Turkish military as the embodiment of ‘Kemalism’ has been brought under effective civilian (i.e., government) control. This is particularly true since the failed military coup of July 2016.” (Bertelsmann Stiftung, 2018, pp. 26 - 27)

An overview of voting results from 2002 to today of general, local and presidential elections and results of the referendums that took place in 2007, 2010 and 2017 can be found here:

- Daily Sabah: Turkey Elections, undated (a)
<https://www.dailysabah.com/election-results>

2.1 Justice and Development Party (Adalet ve Kalkınma Partisi, AKP)

The Adalet ve Kalkınma Partisi (AKP), the Justice and Development Party, was founded in August 2001 and only one year later came out victorious in the 2002 general elections. Since then, the AKP has received the most votes in all subsequent general and local elections (BpB, 19 February 2018a). However, the AKP lost the 2019 local elections in Istanbul and Ankara for the first time since 1994 (Istanbul) and 1999 (Ankara), which means that the AKP is not part of the local administration of the three major cities in Turkey: Istanbul, Ankara and Izmir, which together account for about half of Turkey’s gross domestic product (SPERI, 3 September 2019).

The German political foundation Konrad Adenauer Stiftung (KAS), which is affiliated with the Christian-Democratic Union of Germany, states that at the time of its founding in 2001, the AKP stood for democratisation, the rejection of Kemalist elites and was oriented towards the European Union. Until today the AKP describes itself as a conservative democratic people’s party, although observers now view the AKP as Islamist, nationalist and conservative (KAS, June 2018, p. 5). According to a 2018 Bertelsmann Stiftung report “[t]he AKP mainly recruits its voters from Anatolia and among the more religious segments of society. Its program envisages bringing Turkey back to its ‘proper’ roots by enhancing the role of Islam in society, but also developing Turkey into a regional power.” (Bertelsmann Stiftung, 2018, p. 12)

Encyclopaedia Britannica gives an overview of precursor parties and the founding history of the AK Party:

“The success of the AKP in the early 2000s can be traced to inroads made in the 1990s by the Welfare Party (WP; Refah Partisi), an Islamic party founded in 1983. Buoyed by the increasing role of Islam in Turkish life in the 1980s and ’90s - evidenced by changes in dress and appearance, segregation of the sexes, the growth of Islamic schools and banks, and support for Sufi orders - the WP won an overwhelming victory in the 1995 parliamentary elections and became the first Islamic party ever to win a general election in Turkey. In January 1998, however, the WP was banned by Turkey’s constitutional court on charges of disturbing the secular order. A number of its members joined another Islamic party, the newly formed Virtue Party (VP; Fazilet Partisi), but in June 2001 it too was banned. In August a group led by Abdullah Gül and Recep Tayyip Erdoğan (a former mayor of Istanbul [1994–98]) struck out to form the AKP - or AK Party, *ak* in Turkish also meaning ‘white’ or ‘clean’ - as a democratic, conservative, nonconfessional movement. Unlike its predecessors, the AKP did not centre its image around an Islamic identity; indeed, its leaders underscored that it was not an Islamist party and emphasized that its focus was democratization, not the politicization of religion. Nevertheless, the political roots of the AKP and its leadership, some of the party’s political endeavours (including proposed regulation of the display and advertisement of alcohol), and the head scarves worn by some AKP leaders’ wives - including Emine Erdoğan and Hayrünnisa Gül - meant that the AKP was viewed with suspicion by some segments of the Turkish population.” (Encyclopaedia Britannica, last updated 3 April 2019)

Before the 2002 general elections took place in November that year (Daily Sabah, undated (a)), the electoral commission had ruled, “that AKP president Recep Tayyip Erdoğan was ineligible to run for office due to his imprisonment in 1999 on charges of having ‘incited hatred on religious grounds’” (Political Handbook of the World 2018-2019, 2019, p.1622). In the November 2002 elections the AKP, under the ostensible leadership of Abdullah Gül (Encyclopaedia Britannica, last updated 12 July 2020, Rise of the AKP), won an absolute majority in the parliament (Encyclopaedia Britannica, last updated 3 April 2019) and “Erdoğan’s ineligibility was overturned when parliament approved a change to the constitution that allowed Erdoğan to run in a by-election in March 2003. A few days later, he was named prime minister.” (Political Handbook of the World 2018-2019, 2019, p. 1622).

The German Bundeszentrale für politische Bildung (BpB), an agency of the German Federal Ministry of the Interior responsible for promoting civic education, reports that in the following years the AKP government was successful in asserting itself against the former secular-national political and military elites, disempowering them and securing its own position. The BpB attributes the success of the AKP on the one hand to the popularity of its leader Erdoğan and on the other hand to the considerable economic development and the increase in wealth since 2003. The economic development was accompanied by the expansion of social rights, improvement of health care and social infrastructure. Political, legal and economic reforms paved the way to Turkey’s status as candidate for accession to the European Union in 2005. In 2007 the AKP overrode the military and Abdullah Gül was, against military’s opposition, elected

president by parliament (BpB, 19 February 2018a). With regard to the election of Abdullah Gül to the presidency in 2007 Encyclopaedia Britannica notes:

“Tensions between Turkey’s secularist parties and Erdoğan’s AKP were highlighted in 2007, when attempts to elect an AKP candidate with Islamist roots [Abdullah Gül] to the country’s presidency were blocked in parliament by an opposition boycott. Erdoğan called for early parliamentary elections, and his party won a decisive victory at the polls in July.” (Encyclopaedia Britannica, last updated 22 February 2020)

According to Encyclopaedia Britannica the AKP was again challenged by secular powers in 2008:

“The AKP and its secular opponents clashed [...] in early 2008, when parliament passed an amendment that lifted a ban on head scarves - an outward sign of religion long contested in Turkey - on university campuses. Opponents of the AKP renewed their charges that the party posed a threat to Turkish secular order, and in March the constitutional court voted to hear a case that called for the dismantling of the AKP and the banning of dozens of party members, including Erdoğan, from political life for five years. In July 2008 the court ruled narrowly against the party’s closure but sharply reduced its state funding.” (Encyclopaedia Britannica, last updated 3 April 2019)

Concerning the AKP’s approach to the treatment of the Kurdish minority, the party at first introduced tentative reforms (Reuters, 28 July 2015). Those reforms included steps to improve the social and economic situation of the Kurdish population, launching a state television channel in Kurdish in 2009 (BpB, 19 February 2018a) and the start of negotiations in 2012, an attempt to bring about an end to the PKK insurgency (Reuters, 28 July 2015). The negotiations did not lead to any result and violence between the Turkish armed forces and the PKK militias escalated again in the summer of 2015 (BpB, 19 February 2018a).

In September 2010 a national referendum took place and approved, supported by Erdoğan, amendments to the constitution that included “measures to make the military more accountable to civilian courts and to increase the legislature’s power to appoint judges.” (Encyclopaedia Britannica, last updated 22 February 2020)

Measures that restricted press freedom, violated the rule of law and the repressive dealing with the opposition for some years led to nationwide protests in June 2013, the so-called Gezi protests (BpB, 19 February 2018a), of “hundreds of thousands of people across the country against the increasingly authoritarian style of Erdogan's government and the Islamic-conservative ‘Justice and Development Party’ (AKP). [...] The protests were triggered by government building plans in Gezi Park” (DW, 28 May 2018). During the government’s crackdown on the demonstration (BpB, 19 February 2018a) protestors clashed with the Turkish police (BBC, 16 June 2013), which left eleven people dead and more than 8,000 people injured (DW, 31 May 2017). In spite of those protests and corruption allegations against leading politicians and ministers, the AKP came out successful in the March 2014 local elections (BpB, 19 February 2018a).

Encyclopaedia Britannica describes the years 2014 to 2019 as follows:

“In August 2014 Erdoğan stepped down as prime minister because AKP rules prevented him from seeking another term in office. He was replaced by Ahmet Davutoğlu, an AKP stalwart who had previously served as foreign minister. [...] In June 2015 the AKP failed to win a parliamentary majority for the first time since its formation, receiving just 41 percent of the vote in the general election. The result was widely seen as a rebuke to Erdoğan’s ambitions for an enhanced presidency, but for the AKP the setback proved to be short-lived: the party won back its parliamentary majority in a snap election in November 2015, which was triggered when negotiations to form a governing coalition failed following the June election. A referendum was held in April 2017 for proposed constitutional changes [...]. Early elections were held in June 2018, however. The AKP entered into an alliance with the Nationalist Movement Party (MHP), and, while the AKP itself received less than half the vote, the alliance won the majority. [...] The economy sank into recession and the prices of basic goods soared. The AKP suffered a huge blow in the municipal elections held on March 31, 2019, when results showed that it had lost its hold on five of Turkey’s six largest cities, including Ankara and Istanbul, for the first time since the party gained ascendancy in 2004.” (Encyclopaedia Britannica, last updated 3 April 2019)

The German Bertelsmann Stiftung in a 2018 report depicts the political atmosphere brought about by the AKP as follows:

“The increasingly authoritarian policies adopted by the AKP party attest to a political climate marked by high tensions and antagonism, aggravated by heavy-handed policies since the failed putsch. There is an atmosphere of conflict. The government intends to transform Turkey into a strong regional power and global player. Oppositional groups are highly concerned about the weakening of democratic institutions and decrease in civil liberties observable in recent years. These groups have been further alarmed by the increasing introduction of ‘Islamic morals’ in a country once marked by a commitment to secularism and in the process of becoming a liberal democracy.” (Bertelsmann Stiftung, 2018, p. 27)

In an April 2020 background report on Turkey concerning recent losses in local elections, CRS notes:

“The AKP maintained the largest share of votes in 2019 local elections, but lost some key municipalities, including Istanbul, to opposition candidates. It remains unclear to what extent, if at all, these losses pose a threat to Erdoğan’s rule. Since the local elections, former Erdoğan colleagues and senior officials Ahmet Davutoglu and Ali Babacan each have established new political parties that could weaken Erdoğan’s political base.” (CRS, 7 April 2020, p. 12)

2.1.1 President Recep Tayyip Erdoğan

In a background report on Turkey of April 2020, CRS states:

“Erdoğan is generally seen as a polarizing figure, with about half the country supporting his rule, and half the country opposing it.” (CRS, 7 April 2020, p. 12)

The U.S.-based Cable News Network (CNN) in an editorial research article on its news website adds:

“[...] [S]upporters say he has improved the Turkish economy and introduced political reform. Critics have accused Erdogan of autocratic tendencies, corruption and extravagance. Erdogan has also been heavily criticized for failing to protect women’s and human rights, curbing freedom of speech and attempting to curb Turkey’s secular identity.” (CNN, last updated 24 February 2020)

Another above-mentioned report of the CRS of August 2018 contains some personal information about the current president of the Republic of Turkey:

“Recep Tayyip Erdogan - President (pronounced air-doe-wan) [was b]orn in 1954 [and] [...] raised in Istanbul and in his familial hometown of Rize on the Black Sea coast. He attended a religious imam hatip secondary school in Istanbul. [...] Erdogan is married and has two sons and two daughters. [...] Erdogan does not speak English.” (CRS, 31 August 2018, p. 37)

Political History

About Recep Tayyip Erdoğan's entry into politics Encyclopaedia Britannica and CRS relate the following:

“In high school Erdoğan became known as a fiery orator in the cause of political Islam. He later played on a professional football (soccer) team and attended Marmara University. During this time he met Necmettin Erbakan, a veteran Islamist politician, and Erdoğan became active in parties led by Erbakan, despite a ban in Turkey on religiously based political parties.” (Encyclopaedia Britannica, last updated 22 February 2020)

“In the 1970s, Erdogan studied business at what is today Marmara University, became a business consultant and executive [...]” (CRS, 31 August 2018, p. 37)

Erdoğan became mayor of Istanbul in 1994. Encyclopaedia Britannica gives a brief description of this period (1994 – 1998):

“In 1994 Erdoğan was elected mayor of Istanbul on the ticket of the Welfare Party. The election of the first-ever Islamist to the mayoralty shook the secularist establishment, but Erdoğan proved to be a competent and canny manager. He yielded to protests against the building of a mosque in the city’s central square but banned the sale of alcoholic beverages in city-owned cafés. In 1998 he was convicted for inciting religious hatred after reciting a poem that compared mosques to barracks, minarets to bayonets, and the faithful to an army. Sentenced to 10 months in prison, Erdoğan resigned as mayor.” (Encyclopaedia Britannica, last updated 22 February 2020)

The official website of the Presidency of the Republic of Turkey describes the incident which led to Erdoğan’s conviction as follows:

“On December 12, 1997, while addressing the public in Siirt, Recep Tayyip Erdoğan read a poem from a book, which was recommended by the National Education Ministry and

published by a state agency, and after that, he was sentenced to imprisonment for reading that poem. Thus, his term as mayor was ended.” (TCCB, undated (c))

About Erdoğan’s time after being unseated from mayoralty Encyclopaedia Britannica and CRS report the following basic facts:

“After serving four months of his sentence, Erdoğan was released from prison in 1999, and he reentered politics. When Erbakan’s Virtue Party was banned in 2001, Erdoğan broke with Erbakan and helped form the Justice and Development Party (Adalet ve Kalkınma Partisi; AKP) [...]. [He] was legally barred from serving in parliament or as prime minister because of his 1998 conviction. A constitutional amendment in December 2002, however, effectively removed Erdoğan’s disqualification.” (Encyclopaedia Britannica, last updated 22 February 2020)

“[...] [This] legal change allowed Erdogan to run for parliament in a 2003 special election, and after he won, Erdogan replaced Abdullah Gul as prime minister.” (CRS, 31 August 2018, p. 37)

“As prime minister, Erdoğan toured the United States and Europe in order to dispel any fears that he held anti-Western biases and to advance Turkey’s bid to join the European Union. [...] In 2004 he sought to resolve the issue of Cyprus, which had been partitioned into Greek and Turkish sectors since a 1974 civil war. Erdoğan supported a United Nations plan for the reunification of the island; in April 2004, Turkish Cypriots approved the referendum, but their Greek counterparts rejected it. [...] While campaigning for parliamentary elections in early 2011, Erdoğan pledged to replace Turkey’s constitution with a new one that would strengthen democratic freedoms. In June 2011 Erdoğan secured a third term as prime minister when the AKP won by a wide margin in parliamentary elections. However, the AKP fell short of the two-thirds majority needed to unilaterally write a new constitution.” (Encyclopaedia Britannica, last updated 22 February 2020)

Encyclopaedia Britannica also gives an account of Erdoğan’s time as president of the Republic of Turkey:

“Barred by AKP rules from seeking a fourth term as prime minister, Erdoğan instead ran for the largely ceremonial role of president in 2014. In accordance with the constitutional amendments of 2007, the 2014 election was the first time that the president was elected directly, rather than by the parliament. Erdoğan won easily in the first round of voting and was inaugurated on August 28, 2014. [...] In summer of 2016 Erdoğan survived a violent coup attempt. [...] The coup plotters accused Erdoğan and the AKP of undermining democracy and damaging the rule of law in Turkey [...] [but] the government quickly regained control. [...] Erdoğan’s desire for the expansion of presidential powers came to fruition in April 2017. Sweeping changes to the constitution that would abolish the post of prime minister and empower the president as the executive head of government were put to a referendum and passed by a narrow majority. The changes were set to be implemented after the next election cycle, initially planned for November 2019. Early elections were called, however, and on June 24, 2018, Erdoğan won a majority of the vote

for the office of president. Upon being inaugurated on July 9, he assumed the expanded presidential powers.” (Encyclopaedia Britannica, last updated 22 February 2020)

Erdoğan has for a long time been accused of corruption and nepotism (TIJ, 14 March 2020; Die Zeit, 2 November 2019; Ahval, 26 April 2019). The CRS August 2018 report states that “[m]any observers believe that he [Erdoğan] primarily seeks to consolidate power and to avoid the reopening of corruption cases that could implicate him and close family members or associates” (CRS, 31 August 2018, p. 37).

2.2 Nationalist Movement Party (Milliyetçi Hareket Partisi, MHP)

The Milliyetçi Hareket Partisi (MHP), the Nationalist Movement Party, according to the Bertelsmann Stiftung’s BTI Country Report Turkey 2020 covering the period 1 February 2017 to 31 January 2019, stands at the “extreme nationalist end of the party spectrum” (Bertelsmann Stiftung, 2020, p. 13). The Konrad Adenauer Stiftung (KAS) in its June 2018 report states that the MHP is considered to be ultra-nationalist and far-right (KAS, June 2018, p. 5). According to the BpB the MHP envisions a Turkey-centred civilisation and the basic values of the party include nationalism, democracy, primacy of law, secularism, national unity and integrity as well as social justice. The MHP is sceptical about the European Union and rejects the expansion of minority rights, such as Kurdish demands for ethnic and cultural recognition (BpB, 19 February 2018c). In its BTI Country Report Turkey 2018, the Bertelsmann Stiftung states:

“The MHP is an extreme Turkish nationalist party with a program that is both anti-Kurdish and anti-left. To a certain extent it regards itself, rather than the CHP [the Republican People’s party], as the ‘true’ Kemalist party. [...] The MHP, with its strongly Turkish nationalist program is fiercely opposed to the HDP [the People’s Democratic Party] advocating Kurdish and left-wing interests.” (Bertelsmann Stiftung, 2018, pp. 12-13)

The constituency of the MHP also includes larger groups of pious Sunni-Muslims and in recent years the MHP was able to win votes from urban secular sections of the western Turkish coastal region (BpB, 19 February 2018c).

The current leader of the MHP, Devlet Bahçeli took over party leadership in 1997 (Political Handbook of the World 2018-2019, 2019, p. 1622). Bahçeli in the past built shifting alliances (KAS, June 2018, p. 5): the MHP formed a coalition government together with the Democratic Left Party (Demokratik Sol Parti) and the Motherland Party (Anavatan Partisi) in 1999. To please its Sunni-Muslim constituency, the MHP supported the election of Abdullah Gül for president in 2007 (BpB, 19 February 2018c) and “supported the constitutional amendment proposed by the AKP to allow women to wear headscarves in universities, a concession made to the ruling party despite the MHP’s continued nationalist stance [...]” (Political Handbook of the World 2018-2019, p. 1622). In the 2014 presidential election, the MHP and the CHP agreed on a joint candidate, who lost against the AKP candidate Erdoğan. In the 2015 general election the MHP obtained 16 percent of the vote and after the failed military coup in July 2016 the party entered into an alliance with the ruling AKP. The MHP declared itself in favour of the 2017 referendum, the constitutional changes and thus of Turkey’s transformation into a presidential system (BpB, 19 February 2018c).

In the June 2018 parliamentary election the party gained about 11 percent and “joined with the AKP to form a parliamentary majority.” (Political Handbook of the World 2018-2019, p. 1623).

For his change of course from Erdoğan critic to Erdoğan supporter, Devlet Bahçeli had earned much criticism within his own party, which resulted in the secession of MHP-members and the founding of a new party: the Good Party (İyi Parti) (KAS, June 2018, pp. 5-6).

2.3 Republican People’s Party (Cumhuriyet Halk Partisi, CHP)

The Cumhuriyet Halk Partisi (CHP), the Republican People’s party, is the country’s oldest party. It was founded in 1923 by Mustafa Kemal Atatürk (Political Handbook of the World 2018-2019, 2019, p. 1623). According to the Political Handbook of the World 2018-2019:

“Turkey’s multiparty system developed gradually out of the monopoly originally exercised by the historic Republican People’s Party (Cumhuriyet Halk Partisi - CHP), which ruled the country without serious competition until 1950 and which, under Bülent Ecevit, was most recently in power from January 1978 to October 1979.” (The Political Handbook of the World 2018-2019, 2019, p. 1622)

“The CHP is a left-of-center party [...]. It was dissolved in 1981 and reactivated in 1992 by 21 MPs who resigned from the Social Democratic People’s Party (Sosyal Demokrat Halkçı Parti - SHP) to reclaim the group’s historic legacy. The CHP absorbed the SHP on February 18, 1995.” (The Political Handbook of the World 2018-2019, 2019, p. 1623)

About the political orientation of the CHP and its constituency the Bertelsmann Stiftung in its above-mentioned 2018 Turkey Country Report states:

“Traditionally a nationalist party dedicated to upholding the Kemalist ideology (which combines nationalism, secularism and etatism), it has recently transformed into a social democratic party. Its voters are mainly secular-minded urban inhabitants.” (Bertelsmann Stiftung, 2018, p. 12)

Concerning the background of CHP supporters the BpB adds that they are predominantly educated and that the CHP is popular with people living in Thrace and western Anatolia as well as with the religious minority of Alevis, who view the party as bulwark against Islamisation (BpB, 19 February 2018b).

Current leader of the CHP since 2010 is Kemal Kılıçdaroğlu (BpB, 19 February 2018b), who was criticised for supporting a bill (Reuters, 14 April 2016) that stripped 138 members of parliament, 51 of them CHP members, of their immunity from prosecution, because of alleged connections with the Kurdistan Worker’s Party (PKK) (BpB, 19 February 2018b). In July 2016, the CHP opposed the coup attempt and briefly supported the AKP government against possible further coup attempts (BpB, 19 February 2018b).

The CHP is the largest opposition party, in the 2018 general elections the CHP received around 23 percent of the votes (see Daily Sabah, undated (a)). “The CHP led a coalition [as electoral alliance] that included the newly formed Good Party (İyi Parti) and the Felicity Party (Saadet Partisi – SP) [...]” (Political Handbook of the World 2018-2019, 2019, p. 1623). The CHP’s presidential candidate Muharrem İnce came second after Erdoğan in the 2018 presidential elections, he gained around 31 percent (see Daily Sabah, undated (b)).

In the 2019 Turkish local elections the CHP won the country's biggest cities: Istanbul, Ankara and Izmir. The results in Istanbul and Ankara were contested by the AKP (BBC, 2 April 2019). In Istanbul the mayoral vote was held again and "Istanbul residents headed back to the polls on Sunday [23 June 2019] to elect the city mayor after the first vote in March was declared void by election authorities due to rigging complaints" (DW, 23 June 2019), but the CHP's candidate Ekrem İmamoğlu won "a landslide victory over his rival" (SWP, 31 July 2019, p. 1).

2.4 People's Democratic Party (Halkların Demokratik Partisi, HDP)

About the founding and the beginnings of the Halkların Demokratik Partisi (HDP), the People's Democratic Party, the Political Handbook of the World states:

"The HDP was launched in October 2012 from the People's Democratic Congress (Halkların Demokratik Kongresi - HDK) alliance, a grouping of some 20 socialist parties that contested the 2011 elections together with the BDP [the pro-Kurdish Barış ve Demokrasi Partisi, Peace and Democracy Party]. [...] The party gained significant footing in October 2013 when four deputies of the BDP defected to join the HDP. The BDP and HDP contested the March 2014 municipal elections in parallel, with BDP candidates running in Kurdish-dominated regions while HDP candidates contested in the rest of the country [...]. Subsequently [...] the BDP joined the HDP." (The Political Handbook of the World 2018-2019, 2019, p. 1623)

According to the BpB, the HDP does not define itself as pro-Kurdish but as a left-wing party for all population groups. It advocates minority rights and as the only party in Turkish parliament particularly those of the Kurdish minority (BpB, 19 February 2018d). About the political objectives of the HDP the Bertelsmann Stiftung BTI 2020 Turkey Country Report and the Political Handbook of the World 2018-2019 state the following:

"The People's Democratic Party (HDP) is a pro-Kurdish party, advocating the transformation of Turkey into a more democratic, tolerant, and multicultural country." (Bertelsmann Stiftung, 2020, p. 13)

"The HDP aims to make itself representative of minorities across the country, allocating a 10 percent quota for LGBT individuals and a 50 percent quota for women." (The Political Handbook of the World 2018-2019, 2019, p. 1623)

The German foundation Stiftung Wissenschaft und Politik (SWP) states in its July 2018 report that the HDP presents itself as a left-wing alternative, but is generally perceived as the party of the Kurdish movement. Ethnic-national motives determine the affiliation of the HDP's followers even more than it is the case with other parties. 90 percent of its votes the HDP receives in primarily Kurdish-populated regions. (SWP, July 2018, p. 3)

In the June 2018 parliamentary elections the HDP obtained 11.7 percent of the votes and 67 seats in parliament (Daily Sabah, undated (b)). The HDP's candidate for the 2018 presidential elections, Selahattin Demirtaş, a human rights attorney of Kurdish descent, had to organise his election campaign from prison (DW, 18 June 2018), where he is being held since 2016 on charges related to terrorism (DW, 12 January 2020).

In the 2019 local elections the HDP "[w]on 3 metropolitan municipalities with 4.15 percent of the votes" (Daily Sabah, undated (a)). In an April 2019 article, that analyses the results of the

2019 local elections the Centre for Eastern Studies (OSW), a Polish state analytical centre based in Warsaw, writes the following about the results of the HDP:

“In turn, the low support level for the HDP results from the fact that the party decided to only put forward its candidates in areas with a predominant Kurdish population due to the arrests of a significant section of its leadership and isolation resulting from allegations that it supports the terrorist Kurdistan Workers’ Party (PKK). It did not enter any open alliances with the other opposition parties in the remaining parts of the country. However, it did score a victory in its heartland, Diyarbakır, the largest city in south-eastern Turkey.” (OSW, 3 April 2019)

For information on purges of Kurdish-affiliated politicians between January 2018 and April 2020 please see [section 4.1.7](#) of this compilation.

2.4.1 Alleged association with PKK

The Turkish government accuses the HDP of having links to the Kurdistan Worker’s Party (PKK) (Reuters, 23 March 2020; Hürriyet Daily News, 17 July 2015) (for information on the PKK please see [section 2.7](#) of this compilation), which the HDP denies (BBC, 4 November 2016).

The London-based online news organisation Middle East Eye (MEE), which publishes freelance journalist articles and articles by think tanks, in a February 2016 article writes that “[i]n Turkey the extent of HDP's links with the PKK has been subject of much conjecture and confusion. Both on the pro-government side and among supporters of HDP the issue is still debated, often tensely”. The article continues, citing Ertuğrul Kürkçü, former head of the HDP: “The fact is the PKK welcomed the idea [of the HDP] very strongly from the start” (MEE, 17 February 2016). The same article also relates the founding history of the HDP and the party’s relationship with the founder of the PKK, Abdullah Öcalan:

“The idea of a national, but Kurdish-based, political party was conceived by Abdullah Ocalan, the jailed leader of the banned Kurdistan Workers Party (PKK) and spiritual head of the Kurdish liberation movement not only in Turkey but also in Syria, Iran and Iraq, who has been imprisoned on the island of Imrali since 1999. At his suggestion, a congress [the Peoples’ Democratic Congress, HDK, see above 2.4] was formed of Turkish leftists, ecological activists, women's activists, minority groups and the Kurdish left. [...] Highly unusual for a major Turkish political movement – and the party that would follow – the congress supported not only women's equality but also LGBT rights. [...] The government did not tolerate a growing opposition block, and the movement endured a crackdown on its activists. Thousands were arrested in 2011 and 2012, and by 2013 the number of detentions reached 9,000. But the congress survived, and by 2013 the national mood had changed. Talks began between the government and the PKK and a ceasefire came into effect. Suddenly there was space again for opposition parties. The group reinvigorated the idea of forming a proper political party, HDP, and planned to bring it fully into the political arena. [...] Kurkcu was suggested as a potential leader for the party by Ocalan and was elected at a gathering in October 2013.” (MEE, 17 February 2016)

Hürriyet Daily News, a Turkish pro-government English-language daily newspaper (BBC News, 22 July 2019), in an article of 27 October 2013 reports that “[t]he jailed leader of the outlawed

Kurdistan Workers' Party (PKK) Abdullah Öcalan has declared the Peoples' Democratic Party (HDP) – an umbrella party encompassing the Peace and Democracy Party (BDP) and a number of leftist parties – as the inheritor of the 'historical legacy of [his] revolutionary struggle.'" (Hürriyet Daily News, 27 October 2013)

In its Freedom in the World 2020 Turkey report Freedom House briefly portrays the events that took place in 2015 and led to the HDP's 2018 presidential candidate's arrest:

"After a cease-fire with the militant Kurdistan Workers' Party (PKK) collapsed in 2015, the government accused the HDP of serving as a proxy for the group, which is designated as a terrorist organization. A 2016 constitutional amendment facilitated the removal of parliamentary immunity, and many of the HDP's leaders have since been jailed on terrorism charges. In September 2018, Demirtaş, the HDP's presidential candidate, was sentenced to four years and eight months in prison for a 2013 speech praising the PKK in the context of peace negotiations." (Freedom House, 4 March 2020)

The Bertelsmann Stiftung in its BTI 2020 Country Report Turkey finds that during the time of the election campaign for the 2018 parliamentary and presidential elections "[o]pposition candidates were disadvantaged in several ways. Several members of the People's Democratic Party (HDP), including its two co-chairs Selahattin Demirtaş and Figen Yüksekdağ, remained in pre-trial detention and could not campaign freely." (Bertelsmann Stiftung, 2020, p. 8)

According to the international human rights organisation Amnesty International (AI), after the March 2019 municipal elections "[e]lected mayors in 32 municipalities representing the leftist, Kurdish-rooted Peoples' Democracy Party (HDP) were removed from office on spurious grounds and replaced with unelected civil servants. The government cited ongoing terrorism-related investigations and prosecutions for their removal. At the end of the year, 18 remained in pre-trial detention" (AI, 16 April 2020).

2.5 The Good Party (İyi Parti)

The İyi Party was founded in October 2017 under the leadership of the former MHP-member Meral Akşener. Before she started her political career, first with the True Path Party (Doğru Yol Partisi, DYP) and then from 2007 to 2015 with the MHP, Meral Akşener was a lecturer in history. From 1996 to 1997 she was Minister of the Interior in the government of the Islamist prime minister Necmettin Erbakan. Akşener was excluded from the MHP as a result of her 2016 candidacy for MHP-chairmanship against the incumbent MHP-leader Bahçeli. She held different views on how to deal with the AKP (KAS, June 2018, p. 6).

The Bertelsmann Stiftung 2020 Country Report briefly states the following on the İyi Party:

"The İyi Party (Good Party) has emerged as a new political party in October 2017. It primarily comprises MHP defectors, who left MHP after the party's support for a 'Yes' vote in the 2017 constitutional referendum. The Good Party has adopted a conservative, nationalist and secularist line, criticizing the AKP and its close ally MHP for pursuing an anti-democratic agenda." (Bertelsmann Stiftung, 2020, p. 13)

The İyi Party during the 2018 election campaign ran on a platform of strengthening the education system, fostering the youth and promoting a programme to reduce the private debt burden. It advocates minority rights, except for the Kurdish minority. Meral Akşener was the İyi Party's candidate in the 2018 presidential election (KAS, June 2018, p. 6). In the 2018 parliamentary election, the İyi Party received 10 percent of the votes and is represented with more than 40 seats in parliament (see Daily Sabah, undated (b)).

2.6 Other political parties

For information on other political parties not mentioned in this compilation, please see the following sources. The BpB is available in German:

- BpB – Bundeszentrale für politische Bildung: Parteien der Türkei, 19 February 2018e <https://www.bpb.de/internationales/europa/tuerkei/188249/parteien-der-tuerkei>
- Political Handbook of the World, 2018-2019, SAGE Publications (edited by Tom Lansford), 2019 (Kindle edition)
- TRT World: Turkey elections 2018: Understanding the political parties, 23 June 2018 <https://www.trtworld.com/turkey/turkey-elections-2018-understanding-political-parties-18224>

2.6.1 Felicity Party (*Saadet Partisi, SP*)

The Saadet Partisi (SP), Felicity Party, is a successor to Necmettin Erbakan's Virtue Party (Fazilet Partisi), as is the AKP of Recep Tayyip Erdoğan. The SP was founded in 2001 by Erbakan (BpB, 11 June 2018), who died in 2011 (Encyclopaedia Britannica, last updated 4 March 2020). He was a leading figure in Turkish Islamism, several of his parties have been banned because of their perceived threat to the secular order of the Turkish Republic (KAS, June 2018, p. 6). A February 2018 article by Al-Monitor, an online news platform for news coverage on the Middle East, summarises the development of the AKP and the SP since their founding:

“[I]n the early 21st century, it was not Saadet but the AKP that was the more moderate face of Turkey's political Islam. Both parties were rooted in Turkey's old school Islamism, which was led for decades by the late Necmettin Erbakan. Erbakan had always promoted a pan-Islamic foreign policy and a 'just order' at home with Islamist themes such as an 'interest-free' economy. When Erbakan's coalition government was forced from power by the military in 1997, however, the reformist wing of his party broke up and founded the Justice and Development Party [AKP] in 2001. It came to power only a year later and dominates Turkish politics to date. Meanwhile, Erbakan loyalists gathered in the Felicity Party, which survived as a small and dull vestige of the old Islamist line. However, things have changed in Turkey quite dramatically in the past few years. The AKP abandoned the reformism of its early years, clung to power and began to establish an authoritarian regime, particularly after the failed coup of June 2016. Saadet [...] did not join this drive. Quite the contrary, especially under its new leader Temel Karamollaoglu [...] Saadet began to voice a mild opposition, with Islamic references, to Erdogan and his government. One of the themes Karamollaoglu repeatedly emphasizes is the blatant injustice of the post-coup crackdown. [...] Saadet is not a party with a liberal worldview, and it certainly has very conservative values about social life. It is suspicious toward the West and is coming from a political tradition with unmistakably anti-Semitic tones. But the party ideology seems to be

changing for the moderate. More importantly, it has the potential to appeal to a broader segment of religious conservatives and give them a new political language.” (Al-Monitor, 23 February 2018)

In the 2018 parliamentary elections the SP was part of an election alliance together with the CHP, the İyi Party and the Democrat Party (KAS, June 2018, p. 6). The SP received 1.3 percent of the votes (Daily Sabah, undated (b)).

2.6.2 Future Party (Gelecek Partisi, GP) and Democracy and Progress Party (Demokrasi ve Atılım Partisi, DEVA)

Two former political allies of Recep Tayyip Erdoğan have left the AKP in 2019 and since December 2019 founded new political parties: former prime minister and AK Party chairman Ahmet Davutoğlu (Al Jazeera, 13 December 2019) and former deputy prime minister and AKP founding member Ali Babacan (Reuters, 9 March 2020).

Ahmet Davutoğlu introduced his new Gelecek Partisi (GP), Future party, in December 2019 (Al Jazeera, 13 December 2019; Ahval, 18 December 2019). A December 2019 article by Al Jazeera cites Davutoğlu at the news conference, unveiling the Future Party as follows:

“There can be no state that neglects human beings and their fundamental rights or reduces them to a secondary position. The basis of a democratic administration is the equal and free use of fundamental rights and freedoms by all citizens.’ Criticising constitutional changes that concentrated power in Erdogan’s hands, Davutoglu said the presidential system introduced after a 2017 referendum had led to ‘a sharp decline in democratic standards’.” (Al Jazeera, 13 December 2019)

Ahval, a Turkish online news-site critical of the Turkish government (Der Tagesspiegel, 8 November 2017), adds that Davutoğlu, at the launch of the Future party criticised the AKP heavily, “honing in on its management of the economy over years of poor performance and accusing it of smothering press freedom, practicing nepotism and holding back minority rights.” (Ahval, 18 December 2019)

About the new Demokrasi ve Atılım Partisi, the Democracy and Progress Party (DEVA), founded by Ali Babacan, the MEE writes in March 2020:

“A former top official from President Recep Tayyip Erdogan’s government [...] unveiled his much-anticipated new political party, DEVA, with a programme centred upon fiscal reforms and social freedoms. Ali Babacan [...] broke ranks with Erdogan last year, presented his Democracy and Progress Party - whose Turkish initials DEVA mean ‘remedy’ - as a liberal democratic and pro-Western political organisation in his launch speech addressed to supporters and founders of the party in Ankara. ‘The rule of law in our country is always crumpled, justice is wounded,’ Babacan said. ‘Our democracy is weak. Our people cannot raise their voice no matter how high they shout.’ Babacan also unveiled a 132-page-long party programme, which mostly focuses on the restoration of fundamental rights and freedoms, including the press freedom, and education in mother tongues, a central demand by the Kurdish nationalist movement in Turkey. DEVA’s programme also included a call to return to a parliamentary democracy from the current executive presidential

system, and promised a new constitution based on strong separation of powers. [...] On the foreign policy front, DEVA's party programme calls for stronger ties with NATO, the European Union and the United States and committed itself to resolving differences with Turkey's allies in diplomatic ways. It also says that the territorial integrity of Syria and Iraq would have utmost importance for a DEVA government in the future." (MEE, 11 March 2020)

The European Policy Centre (EPC), an independent, not-for-profit think tank dedicated to fostering European integration, in a March 2020 policy brief focusing on the impact of the founding of the GP and DEVA, summarises the aims of the two parties and analyses the differences between their founders:

"The principles and values upheld by Babacan are very similar to those advocated by Davutoğlu: the rule of law, human rights, freedoms and democracy. The DEVA also supports the idea of an 'enforced parliamentary system', namely, a more democratic version of the parliamentary system that existed before the 2017 constitutional changes. [...] Cooperation between Davutoğlu and Babacan is not an option due to serious ideological differences, but they could be part of a broader coalition of opposition forces. While Davutoğlu seems to be building a conservative political party, Babacan aims to position DEVA as a moderate centre-right party, encompassing different ideological tendencies [...]. Thus, Davutoğlu's party can be considered as a neo-Islamist conservative party, and Babacan's a post-Islamist centre-right party. However, given that this assessment is based on their current discourses, the actual political profile of these new parties will become clearer only once they will deliver concrete policy proposals." (EPC, 13 March 2020, p. 3)

About the potential impact of those two new parties on Turkish political landscape, the EPC in the same policy brief states:

"The establishment of two new political parties by former AKP heavyweights, Ahmet Davutoğlu and Ali Babacan [...] further jeopardises the AKP voter base. Even if both parties fail to go beyond single-digit support at this stage, they have the potential to shift the balance of power in Turkey." (EPC, 13 March 2020, p. 1)

2.7 Kurdistan Worker's Party (Partîya Karkerên Kurdistanê, PKK)

The Partîya Karkerên Kurdistanê (PKK), the Kurdistan Worker's Party is a proscribed terrorist organisation under Turkish law (UK Home Office, 1 October 2019, p. 9) as well as a designated foreign terrorist organisation by the United States (USDOS, undated) and the European Union (Council of the European Union, 8 August 2019). According to the Political Handbook of the World it was "[f]ounded in 1978 [...] under the leadership of Abdullah (Apo) Öcalan, [and] was for a long time based principally in Lebanon's Bekaa Valley and northern Iraq. In southeast Anatolia [...] it continues to maintain a presence [...]" (Political Handbook of the World 2018-2019, 2019, p. 1626). The BBC in a November 2016 article reports:

"The group [PKK], which has Marxist-Leninist roots [...] launched an armed struggle against the Turkish government in 1984, calling for an independent Kurdish state within Turkey. [...] The PKK suffered a major blow in 1999 when its leader, Abdullah Öcalan, was arrested

and jailed for treason. [...] Shortly after Ocalan's arrest, the PKK introduced a five-year unilateral ceasefire and tried to change its image and widen its appeal. It called for a role in Turkey's politics, more cultural rights for the country's estimated 15 million Kurds and the release of imprisoned PKK members." (BBC, 4 November 2016)

The above-mentioned August 2018 CRS report relates the following on the PKK and Turkish authorities' handling of the conflict:

"Since 1984, the Turkish military has periodically countered an on-and-off separatist insurgency and urban terrorism campaign by the PKK. The initially secessionist demands of the PKK have since ostensibly evolved toward the less ambitious goal of greater cultural and political autonomy. According to the U.S. government and European Union, the PKK partially finances its activities through criminal activities, including its operation of a Europe-wide drug trafficking network. The struggle between Turkish authorities and the PKK was most intense during the 1990s, but has flared periodically since then. The PKK uses safe havens in areas of northern Iraq under the nominal authority of Iraq's Kurdistan Regional Government (KRG). The Turkish military's approach to neutralizing the PKK has been routinely criticized by Western governments and human rights organizations for being overly hard on ethnic Kurds. Thousands have been imprisoned and hundreds of thousands have been displaced or had their livelihoods disrupted for suspected PKK involvement or sympathies. Until the spring of 2015, Erdogan appeared to prefer negotiating a political compromise with PKK leaders over the prospect of armed conflict. However, against the backdrop of PKK-affiliated Kurdish groups' success in Syria and domestic political considerations, Erdogan then adopted a more confrontational political stance with the PKK. Within that context, a complicated set of circumstances involving terrorist attacks and mutual suspicion led to a resumption of violence between government forces and the PKK in the summer of 2015. As a result of the violence, which has been concentrated in southeastern Turkey and has tapered off somewhat since late 2016, hundreds of fighters and civilians have died. In addition to mass population displacement, infrastructure in the southeast has suffered significant damage." (CRS, 31 August 2018, pp. 9-10)

The BBC in its above-mentioned November 2016 article states:

"More than 40,000 people have died in the conflict. It reached a peak in the mid-1990s, when thousands of villages were destroyed in the largely Kurdish south-east and east of Turkey. Hundreds of thousands of Kurds fled to cities in other parts of the country." (BBC, 4 November 2016)

The Bertelsmann Stiftung in its 2020 Country Report Turkey, covering the period 1 February 2017 to 31 January 2019, concludes:

"The security risks emanating from the PKK remain high, and the government has intensified its fight against it." (Bertelsmann Stiftung, 2020, p. 6)

For information on the conflict with the PKK please see [section 4.4.1](#) of this compilation.

3 Political background

3.1 Coup d'état attempt 2016

3.1.1 Developments during the coup attempt

The Parliamentary Assembly of the Council of Europe (CoE-PACE) in an April 2017 report describes the events during the coup attempt on 15 July 2016:

“On 15 July 2016, a group within the Turkish Armed Forces attempted to overthrow the democratic institutions and abolish the constitutional order with force and violence. According to the General Staff of the Army, 8 651 military personnel were involved and 35 planes including fighter jets of the Turkish armed forces, 37 helicopters, 246 armoured vehicles including 74 tanks and approximately 4 000 light weapons were used. This group issued a declaration on behalf of the ‘Peace at Home Council’ on the Turkish Radio and Television (TRT).” (CoE-PACE, 5 April 2017, p. 12)

The Congressional Research Service (CRS), which provides research for the United States Congress, in a July 2016 report states that the “perpetrators detained the military's top commanders [...], but failed in their efforts to seize Erdogan or other key leaders”. (CRS, 19 July 2016)

The German Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) describes in its Briefing Notes of 18 July 2016 the situation during the night of the attempted coup as follows:

“Gunshots were fired in Istanbul and Ankara, there were explosions and fighter jets flew over Istanbul at low level. In the evening of 15 July 2016 tanks took up position in Istanbul at key points such as major bridges, i.e. the Bosphorus bridge connecting Asia and Europe. Atatürk airport was attacked. The secret service headquarters and the parliament building in Ankara were attacked and the latter was badly damaged.” (BAMF, 18 July 2016, p. 2)

According to CRS, “[g]overnment officials used various traditional and social media platforms and alerts from mosque loudspeakers to rally Turkey's citizens in opposition to the plot” (CRS, 19 July 2016). The international human rights organisation Amnesty International (AI) notes in a statement published in July 2016 that “[d]eaths were reported as members of the public confronted armed soldiers” (AI, 16 July 2016, p. 1). On 22 July 2016 AI mentions “images circulating showing ‘coup plotters’ being beaten or even killed, apparently the victims of lynch mobs and violence by members of the public” (AI, 22 July 2016). CRS explains that “[r]esistance by security forces loyal to the government and civilians in key areas of Istanbul and Ankara succeeded in foiling the coup (CRS, 19 July 2016). BAMF mentions that “[s]hortly before noon on 16 July 2016 Turkish Prime Minister Yildirim declared that the situation was fully under control” (BAMF, 18 July 2016, p. 2) and according to CoE-PACE the coup “was unanimously condemned by all political parties and civil organisations, as well as by the international community” (CoE-PACE, 5 April 2017, p. 12). The nongovernmental human rights organisation Human Rights Watch (HRW) explains in a July 2016 article that the “[m]ass popular opposition” as well as “the unity of all political parties in condemning the coup attempt are widely regarded as having played a critical role in the coup’s failure” (HRW; 18 July 2016). According to the

Political Handbook of the World 2018-2019 “[t]he government blamed Fethullah GÜLEN, a Muslim cleric in exile in the United States, for instigating the coup” (Political Handbook of the World 2018-2019, 2019, p. 1622).

A very detailed description of the events during the coup as well as of the relationship between Recep Tayyip Erdoğan and Fethullah Gülen can be found in the following article published by the German weekly newspaper Die Zeit in July 2017:

- Die Zeit: Turkish coup d'état attempt: "Surrender. Or Flee!", 13 July 2017
<https://www.zeit.de/politik/ausland/2017-07/turkish-coup-d-etat-attempt-2016-military-recep-tayyip-erdogan/komplettansicht>

The article written by Die Zeit also provides the following overview of assessments of the attempted coup made by various actors inside and outside Turkey:

“An investigative committee of the Turkish parliament, where Erdoğan's AKP [Adalet ve Kalkınma Partisi, Justice and Development Party] party has an absolute majority, spent months attempting to untangle the events of the night of the coup. The result is a farce. The committee's report is more than 650 pages long, of which around 550 are devoted to the question as to what the ‘Fethullah Gülen terrorist organization’ is, who belongs to it and how it got started. Slightly fewer than 80 pages are dedicated to the night of the attempted coup itself, but they ‘don't provide us with any new insights,’ says constitutional law expert Mithat Sancar, who was on the committee as a representative of the pro-Kurdish HDP [Halkların Demokratik Partisi, Peoples' Democratic Party] party. ‘There is nothing in this report that will resolve any of our questions,’ he says. [...] Sancar suspects that the government isn't interested in resolving events. ‘They have created a narrative for July 15, a ‘founding myth’ for a new Turkey,’ he says. And no one is to question it.

CHP [Cumhuriyet Halk Partisi, Republican People's Party], the largest opposition party, has since presented a report from its own investigation. It speaks of a ‘controlled coup’ and claims that the government saw the coup coming and allowed it to happen so that it could exploit the consequences for its own purposes.

Several European governments and parliaments that have examined the events hold a similar view. ‘It's unlikely that Fethullah Gülen participated directly in the putsch attempt in the sense of ordering it,’ reads the classified report from a NATO member-state intelligence agency, which DIE ZEIT has obtained. Some Western observers speak of an ‘African-style’ coup: badly planned, chaotic and bloody. The Foreign Affairs Committee of Britain's House of Commons believes there was an alliance of at least three different groups who had different reasons to support a regime change: strongly pious Gülen supporters, strictly secular members of the military in the tradition of Atatürk and opportunistic members of the military who joined the coup out of fear for their own positions. An alliance of convenience. ‘The coup was likely just a welcome pretext,’ Bruno Kahl, the president of Germany's foreign intelligence agency, recently told the German

newsmagazine Spiegel in an interview. He says he sees no indication the Hizmet⁵ movement was behind the coup attempt. 'Turkey has tried to convince us on a number of different levels,' says Kahl. 'But they haven't yet been successful.' Erdoğan considers such doubt on the part of Western governments to be an impertinence. He feels they didn't support Turkey after the coup attempt, despite the destruction and despite the deaths." (Die Zeit, 13 July 2017)

3.1.2 Immediate aftermath

Sources provide different figures concerning the persons killed and injured during the coup attempt and the military personnel arrested and charged after the failed takeover of power.

The Turkish state-run news agency Anadolu (AA) (DW, 3 April 2019) reports on 16 July 2016 that at least 90 were killed and more than 1,000 injured during the failed coup (AA, 16 July 2016). AI notes on 16 July 2016 that "[a]ccording to the authorities, 161 people were killed opposing the coup attempt while more than 100 coup plotters were killed" (AI, 16 July 2016, p. 1). In its Briefing Notes of 18 July 2016 BAMF cites government accounts, according to which 265 were killed during the coup. In addition, "[a]llegedly more than 1,150 people were injured" (BAMF, 18 July 2016, p. 2). HRW in an article published on 18 July 2016 mentions "at least 200 civilian and police deaths" (HRW; 18 July 2016). CoE-PACE writes in the above-mentioned April 2017 report that the coup "left 248 people dead and 2 200 injured" (CoE-PACE, 5 April 2017, p. 12). AA mentions in an article published on the 3rd anniversary of the coup attempt that during the failed coup 251 people were killed and nearly 2,200 injured (AA, 15 July 2019).

The reported numbers regarding persons detained in connection to the coup attempt also widely differ as can be seen in the following sources.

AA reports on 16 July 2016 that according to the Interior Ministry "[a]t least 1,563 army personnel were detained across Turkey" (AA, 16 July 2016). AI mentions on the same day that "[b]y mid-afternoon today, 2839 military personnel had been detained on suspicion of taking part in the attempted coup" (AI, 16 July 2016). In its Briefing Notes of 18 July 2016 BAMF mentions that "over 6,000 were arrested, including the generals of the second and third armies. N-TV broadcasting station reported that 34 generals were taken into custody [...]" (BAMF, 18 July 2016, p. 2). According to the above-mentioned HRW article of 18 July 2018 on the same day "Prime Minister Binali Yıldırım announced the detention of 7,543 people, 6,038 of them soldiers allegedly involved in the coup attempt" (HRW; 18 July 2016). The Time Magazine website in a July 2016 article mentions former Air Force Commander General Akın Oztürk as being considered one of the masterminds of the plot, according to state officials (Time Magazine, 18 July 2016). Reuters news agency mentions on 20 July 2016 that "Turkish authorities have formally charged 99 of the country's roughly 360 military generals for their

⁵ The Research Directorate of the Immigration and Refugee Board of Canada (IRB), an independent administrative tribunal responsible for making decisions on immigration and refugee matters, in a January 2020 query response states based on various sources that "[s]ources indicate that the Fethullah Gülen movement is called Hizmet, which means 'service' in Turkish [...]". (IRB, 6 January 2020)

alleged role in last weekend's failed military coup, two Turkish officials said on Wednesday. A further 14 generals remain in detention following the coup, the officials said" (Reuters, 20 July 2016a). The U.S.-based Cable News Network (CNN) mentions in a 20 July 2016 article that "[m]ore than 9,000 military officers are in detention" and "among those thousands detained are over 100 top generals and admirals" (CNN, 20 July 2016). The pro-Government Turkish newspaper Yeni Safak (Ahval, 21 May 2019) on 20 July 2016 provides the following information with regard to detentions and charges:

"An Istanbul court has remanded a total of 278 people in custody early Tuesday over their alleged connections with Friday's deadly coup attempt. The suspects, including 13 high-ranking military officers and soldiers, have been charged with 'crime against government' and 'being members of an armed terrorist organization'. According to Istanbul Chief Public Prosecutor's Office, over 900 detained suspects are still being interrogated." (Yeni Safak, 20 July 2016)

Concerning the situation in the country after the failed coup attempt the Human Rights Foundation of Turkey (HRFT), a Turkish "non-governmental and non-profit organisation providing treatment and rehabilitation services for torture survivors and documenting human rights violations in Turkey" (HRFT, undated), in one of its daily human rights monitoring reports for 16 to 22 July 2016 mentions violent demonstrations against the coup as well as gatherings after the coup attempt in different Turkish cities and regions:

"Following the coup attempt, State President and the government called civilians on the streets stage demonstrations to protest the coup attempt. Starting from 16 July 2016, people gathered on Taksim Square in Istanbul and on Kızılay Square in Ankara for meetings which were banned for public meetings and gatherings for years. [...] Demonstrations and meetings continued every evening and nights since 16 July 2016. According to the news appeared in the media, some of the participants of the meetings attempted lynching of opposition groups. The persons who did not take part in the meetings, especially women, were subjected to assaults and beatings. Their vehicles were damaged. The monument in front of Ankara Train Station for the victims of 10 October Ankara Massacre was also attacked and damaged. The Alevite quarters in Hatay and Malatya were attacked by the demonstrators. The quarters where Syrian refugees were living were reportedly attacked in several cities. The schools allegedly owned by Gülenist Movement were reportedly set to fire. 9 persons who objected lynching attempts in Hopa district of Artvin were arrested on 16 July 2016 on the allegations of supporting the coup attempt. Peoples' Democratic Party (HDP) premises were also attacked by the demonstrators. HDP premises in Osmaniye and Kocaeli provinces, Iskenderun district of Mersin, Sancaktepe district of Istanbul were attacked." (HRFT, 22 July 2016)

The US business news channel Consumer News and Business Channel (CNBC) in a July 2016 article also describes the situation in Turkey after the coup attempt and mentions "simmering tensions in Turkey between pro-Erdogan religious conservatives and secularists who fear that Turkey is drifting away from its founding, secular principles":

"Millions of Turks might be celebrating the failure of an attempted coup but experts are warning that the thousands of arrests of alleged government opponents could herald a

more 'radical and authoritarian' regime. [...] Crowds of pro-government supporters have called for the reinstatement of the death penalty to deal with the 'plotters' and Erdogan said that 'those who launch a coup will have to pay the price for it.' He has accused political opponent Fethullah Gulen who is in self-imposed exile in the U.S. of being behind the plot, and has demanded his extradition. [...]

The large number of people accused of being part of the plot to overthrow Erdogan has prompted international concern with world leaders warning Turkey to respect the 'rule of law' and to not to use the coup as an excuse to get rid of any political opposition. However the coup attempt highlighted popular support for the leader and for Turkey's democracy among a people who are fed up with political instability - there have been four coups of varying degrees since 1960. [...] Erdogan has called on Turks to show support for democracy - and, by default, his leadership and his AKP party - by taking to the streets to celebrate the coup's failure. Even though thousands have done so, bringing a carnival atmosphere to Turkish cities, analysts warn that the party could soon be over and Erdogan's regime could become increasingly authoritarian from now on.

Attila Yesilada, partner at analysis firm GlobalSource Partners in Istanbul, told CNBC on Tuesday that more arrests were likely and that these could exacerbate simmering tensions in Turkey between pro-Erdogan religious conservatives and secularists who fear that Turkey is drifting away from its founding, secular principles." (CNBC, 20 July 2016)

According to a July 2016 article by AI, the authorities blocked news websites, revoked licenses of media houses and cancelled press cards of journalists in the aftermath of the coup attempt:

"Amnesty International has learned that the authorities arbitrarily blocked access to more than 20 news websites in the days following the coup attempt. Yesterday it was widely reported that the government revoked the licenses of 25 media houses in the country. In addition, 34 individual journalists have had their press cards cancelled and at least one journalist has had an arrest warrant issued against her for her coverage of the attempted coup." (AI, 20 July 2016)

HRW also provides information on the situation of the media in the aftermath of the coup:

"At the request of the prime minister's office, about 20 news websites critical of the government have been closed down. This consolidates on the ongoing crackdown on the media, which has intensified over the past 10 months. Rumors are circulating on social media sites close to the government that the government plans to detain a number of well-known journalists and close down further media outlets, though it is unclear whether the reports are accurate." (HRW, 18 July 2016)

The international news agency Agence France-Presse (AFP) mentions in an article published on 20 July 2016 that "[l]icences for several radio and television stations were cancelled because the broadcasters are suspected of having links to an exiled Islamic cleric, Fethullah Gulen, who stands accused of orchestrating the coup" (AFP, 20 July 2016).

In another July 2016 article AI describes a climate of fear in the aftermath of the coup:

“Many journalists we tried to speak to about the government’s actions to stamp out, and respond to, the coup were terrified. One told us that there was a lot of hate speech circulating on social media and that he feared reprisals by both the authorities and government supporters if he spoke out.

It was a similar story for lawyers, doctors and the relatives of those who had been detained. Their fear is palpable and as a result, an entire narrative is currently missing from the events of Friday night and the government crackdown that followed it. Who was killed and who was injured? Who is responsible for these casualties and how did they take place?” (AI, 22 July 2016)

Several sources report that after the failed coup President Erdoğan considered reintroducing the death penalty if parliament approved the legislation (CoE-PACE, 5 April 2017, p. 12; BBC News, 19 July 2016; The Guardian, 18 July 2016). By April 2020 no information could be found with regard to the introduction of the death penalty in Turkey.

3.1.3 Purge of government and civil service in the immediate aftermath of the coup attempt

The German international broadcaster Deutsche Welle (DW) in July 2016 describes “a crackdown that has included mass arrests, suspensions, forced resignations and the closure of hundreds of schools. Nearly 70,000 government or military employees were affected in total, including close to 10,000 arrests” (DW, 21 July 2016).

BBC News provides an overview of the crackdown immediately after the failed coup:

“As soon as it became clear that the coup had failed, the crackdown began - first with the security forces, then spreading to Turkey’s entire civilian infrastructure. In the words of one Turkish columnist it was a ‘counter-coup’ - a cleansing of the system, in the style of a coup, that had taken place in the past. The express aim of the president is to ‘cleanse all state institutions’. And the target is what he calls ‘the parallel state’ - a movement headed by an arch-rival in self-imposed exile in the US, accused of plotting the coup.

No-one really knows how extensive that movement is, but followers of cleric Fethullah Gulen are suspected of infiltrating some of the posts closest to the president, including chief military aide Ali Yazici and air force adviser Lt Col Erkan Kivrak. A ‘Gülenist clique’ in the army was behind the coup, officials say. And they came so close, says the president, that they were within 10 or 15 minutes of assassinating or kidnapping him. [...]

Who is being purged? The purge is so extensive that few believe it was not already planned. And there seems little chance that everyone on the list is a Gülenist.

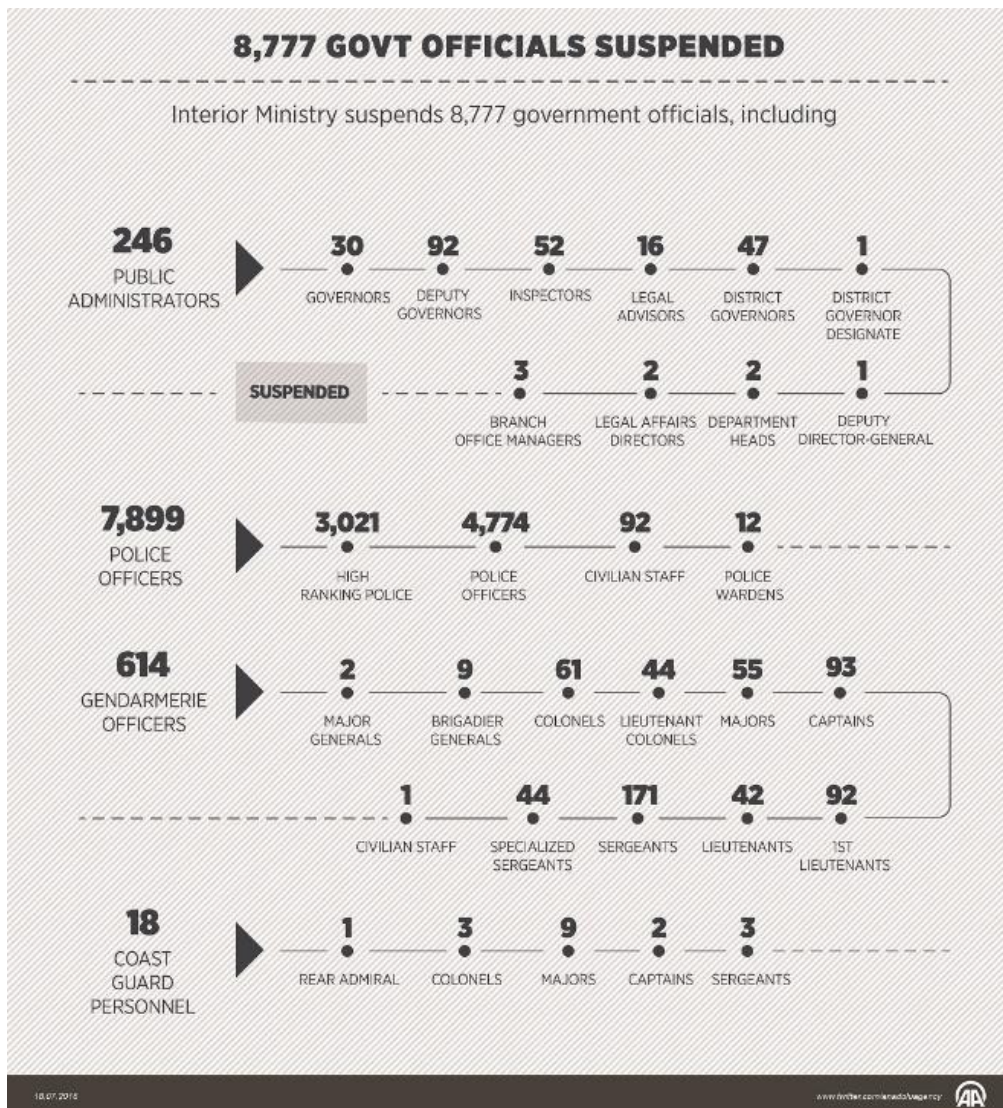
The sheer numbers are sobering. Some 9,000 people are in custody and many more are out of a job. Although accurate details are difficult to come by, this is the current list:

7,500 soldiers have been detained, including 118 generals and admirals

8,000 police have been removed from their posts and 1,000 arrested
 3,000 members of the judiciary, including 1,481 judges, have been suspended
 15,200 education ministry officials have lost their jobs
 21,000 private school teachers have had their licences revoked
 1,577 university deans (faculty heads) have been asked to resign
 1,500 finance ministry staff have been removed
 492 clerics, preachers and religious teachers have been fired
 393 social policy ministry staff have been dismissed
 257 prime minister's office staff have been removed
 100 intelligence officials have been suspended

The list may be incomplete because the situation is constantly changing. But it is clear that the purge has affected well over 58,000 people.” (BBC News, 20 July 2016)

AA published the following infographic on 19 July 2016 giving an overview of government officials suspended by the Interior Ministry since the coup attempt:



Source: [AA, 19 July 2016](#)

In the Briefing Notes of 25 July 2016 BAMF mentions that “[a]lready on 18 July 2016 the Turkish government had tightened controls for leaving the country and banned public employees from travelling abroad, over 10,000 passports were declared void” (BAMF, 25 July 2016, p. 2). The US daily newspaper Washington Post informs in a July 2016 article that “Prime Minister Binali Yıldırım suspended annual leave for more than 3 million civil servants” (The Washington Post, 18 July 2016).

With regard to the situation of judges and prosecutors after the failed coup HRW in July and August 2016 provides the following information:

“On July 18, Prime Minister Binali Yıldırım announced the detention of 7,543 people, 6,038 of them soldiers allegedly involved in the coup attempt and also 755 judges and prosecutors. With the reported suspension of an additional 2,500 judges and prosecutors over two days about one-fifth of the members of Turkey’s justice system have been suspended or detained. This has plunged the judiciary into yet more crisis after repeated purges over the past two years. There has been no explanation of what role the judges and prosecutors might have had in a military coup attempt.” (HRW; 18 July 2016)

“On July 16, the day after the attempted coup, the Higher Council of Judges and Prosecutors issued a list of 2,745 judges and prosecutors who were to be suspended on the grounds that they were suspected of being ‘members of the Fethullah Gülen Terrorist Group/Parallel state structure (FETÖ/PYD).’ The council is charged with administering the justice system, including the appointments, assignments, and oversight of judges and prosecutors. Versions of these lists were published in the media that day, and police began to arrest those named. In addition to the 2,745 judges and prosecutors from lower courts, the investigation includes 48 members of the Council of State, Turkey’s highest administrative court, two members of the Constitutional Court, 140 members of the Court of Cassation, and four members of the Higher Council of Judges and Prosecutors.

At a July 19 news conference, Mehmet Yılmaz, the deputy head of the Higher Council, indicated that the Ankara prosecutors’ office had issued a decision to detain 2,740 judges and prosecutors. [...] The Minister of the Interior announced that, by July 27, 1,684 judges and prosecutors had been jailed.” (HRW, 5 August 2016)

AI similarly notes in an article published on 21 July 2016:

“Since the attempted coup at least 2,745 judges and prosecutors have been suspended according to Habertürk, a mainstream pro-government Turkish television news channel. According to Numan Kurtulmuş, the deputy Prime Minister, 2,277 judges and prosecutors have been detained, of which 1270 are in pre-trial detention and 730 are in pre-charge detention.” (AI, 21 July 2016)

Reuters news agency mentions in a July 2016 article that “Turkey’s defence ministry is investigating all the country’s military judges and prosecutors and has suspended 262 of them, private broadcaster NTV reported on Wednesday” (Reuters, 20 July 2016b).

The New York Times (NYT) in a July 2016 article describes the situation in the education system:

“The Turkish authorities extended their purge of state institutions on Tuesday, suspending more than 15,000 employees of the education ministry for suspected links to a failed military coup last week. Shortly after the suspensions were announced, the High Education Board ordered the resignation of more than 1,500 deans from universities across the country and revoked the licenses of 21,000 teachers, Turkish officials said. [...]

The purges of educational institutions are intended to blunt the influence of followers of Mr. Gulen, a rival of Mr. Erdogan’s who has been in self-imposed exile in Pennsylvania since 1999.” (NYT, 19 July 2016; similar information can be found in: The Guardian, 20 July 2016)

Reuters in July 2016 reports that, according to an education ministry official, 626 educational institutions were closed, most of them private establishments (Reuters, 20 July 2016c). In another article published on the same day Reuters notes that “Turkey’s High Education Board has suspended four university rectors, private broadcaster NTV reported” (Reuters, 20 July 2016d).

Radio Free Europe/Radio Liberty (RFE/RL), a US government-funded broadcasting organisation that provides news, information, and analysis to countries in Eastern Europe, Central Asia and the Middle East, in July 2016 mentions a ban on foreign travel for all academics (RFE/RL, 20 July 2016). The Qatar-based TV news network Al Jazeera similarly notes in July 2016 that “Turkey’s higher education council has banned academics from leaving the country for academic purposes and urged those overseas to quickly return home, according to state media and a Turkish official” (Al Jazeera, 20 July 2016).

3.2 State of emergency

In July 2016 Turkey imposed a state of emergency (Bertelsmann Stiftung, 2020, p. 3). Turkey in an information note of July 2016 to the Council of Europe gives the following reason for imposing a state of emergency:

"In order to fight against the FETÖ terrorist organisation in a comprehensive and effective manner which poses a grave threat to survival and security of the nation through its clandestine infiltration to state mechanisms, the Council of Ministers of Turkey decided on 20 July 2016 that a nationwide state of emergency be declared as from 21 July 2016 for a period of ninety days, pursuant to Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law No. 2935)." (Permanent Representative of Turkey to the Council of Europe, 24 July 2016)

3.2.1 Use of emergency decrees

The number of emergency decrees passed differs slightly in the sources found, but according to a November 2019 state report by Turkey, 32 Decree-Laws were enacted during the state of emergency (Government of Turkey, 14 November 2019, p. 2).

Ali Yildiz, a lawyer from Turkey who established the Brussels-based human rights advocacy group for lawyers Arrested Lawyers Initiative (HRD/The Arrested Lawyers Initiative, January

2020, p. 17) in an article published on Verfassungsblog, a German journalistic and academic forum, describes the state of emergency and its consequences as follows:

“On 20/07/2016, the Turkish Government declared a state of emergency for three months, under Article 120 of the Turkish Constitution, and Article 3 of the Act on the State of Emergency (No: 2935). The Grand National Assembly of Turkey (TGNA), approved the decision of the Council of Ministers on 21/07/2016. Both decisions were duly published in the Official Gazette. On the very same day, in pursuance of Article 15 ECHR [European Convention on Human Rights] and Article 4 ICCPR [International Covenant on Civil and Political Rights], the Turkish Government notified the Secretary General of the Council of Europe and the Secretary-General of the United Nations about derogations from the ECHR and the ICCPR. [...] Under Turkish law, the most significant consequence of declaring the state of emergency is the empowerment of the Cabinet to adopt Decrees, which have the force of law without the ex-ante authorization of the Parliament (TGNA). Pursuant to article 121§3 of the Turkish Constitution, during the state of emergency, the Council of Ministers, meeting under the chairmanship of the President of the Republic, may issue Decrees with the force of law, on matters that are necessitated by a state of emergency.

During the emergency rule (2016-2018), the Turkish Government enacted thirty-two Emergency Decrees. Seventeen of those targeted certain real and legal persons, and adopted permanent measures relating to them. With these Emergency Decrees, 125.678 individuals were dismissed from public service, more than 4,000 legal persons (foundations, associations, universities, trade unions, private hospitals, private schools, media outlets) were closed down. The assets of all those legal persons were transferred to the Treasury without cost, compensation and/or any obligation or restriction (see, Art. 2 of EDs [Emergency Decrees], Nos. 667-668; Arts. 5 and 10 of ED, No. 670; Art. 3 of EDs, Nos. 677& 683). Besides the measures targeted at tens of thousands of real and legal persons, Emergency Decrees led to over 1,000 permanent amendments to national laws.” (Yildiz, 28 September 2019)

The Inter-Parliamentary Union (IPU), the global organisation of national parliaments, in an October 2019 report on a mission of the IPU Executive Committee and the Committee on the Human Rights of Parliamentarians to Turkey from 10 to 13 June 2019 similarly notes:

“On 20 July 2016, the Turkish Council of Ministers, headed by the President, declared a state of emergency. On 21 and 22 July 2016, the Turkish authorities notified the United Nations and the Council of Europe that Turkey had derogated from certain of their obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Under the state of emergency, a total of 32 decree laws were subsequently issued. The delegation was repeatedly told of the massive consequences of the implementation of the state of emergency and the decrees, which had led to the dismissal of over 135,000 public sector workers and of close to 4,400 judges and public prosecutors and the closure of many important media outlets. A State of Emergency Procedures Investigation Commission, created in May 2017 to examine complaints regarding implementation of these measures, had been largely ineffective, according to those directly affected, who all emphasized the arbitrariness of the

procedure. Although the state of emergency was lifted on 18 July 2018, the Turkish Parliament adopted on 25 July 2018 Law No. 7145, 'Amendments to Some Laws and Decree Laws', that stated that significant practices implemented during the state of emergency would remain in force for at least another three years. This included the extension of police custody to 12 days, the powers of governors to ban specific persons from specific places, to declare curfews and restrict protests, restrictions to fair trial guarantees and the possibility for further dismissals of civil servants." (IPU, 13 October 2019, p. 6)

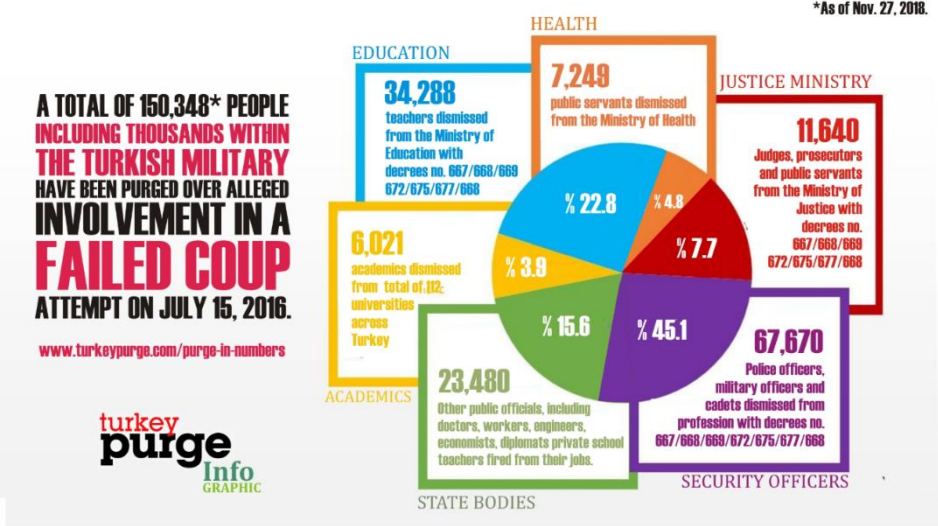
The European Commission's May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 states:

"Immediately following the expiry of the state of emergency, the Turkish Parliament adopted a law that retained many elements of emergency rule for a further three years, curtailing certain fundamental freedoms, notably allowing the dismissal of public servants (including judges) and the extension of detention periods, restricting freedom of movement and public assembly, and extending powers for government-appointed provincial governors." (European Commission, 29 May 2019, p. 10)

A detailed description of what the mentioned Law No. 7145 stipulates can be found on pages 32-33 of the following July 2019 report published by the Platform for Peace and Justice which describes itself as "a platform that monitors and reports the developments in the fields of peace, justice, democracy, the rule of law and human rights, with a special focus on Turkey" (Platform for Peace and Justice, undated):

- Platform for Peace and Justice: One Year on From Turkey's State of Emergency, July 2019 <http://www.platformpj.org/wp-content/uploads/SoE-Report-5.pdf>

Turkey Purge which describes itself as “a small group of young journalists who are trying to be the voice for Turkish people who suffer under an oppressive regime” with a “website that was established with the aim of tracking the extensive witch-hunt in Turkey” (Turkey Purge, undated) published the following infographics as of 27 November 2018 depicting the different professional groups affected by the state of emergency:



Source: [Turkey Purge, 27 November 2018](http://turkeypurgeweb.com)

In an article published in December 2019 The Arrested Lawyers Initiative also gives an overview of people and institutions affected by the state of emergency:

“Under the Emergency State Regime; Turkey has investigated 559,064 people for alleged links to outlawed organizations, as well as detaining 261,700 suspects and remanding 91,287 of those to pretrial detention since 2016. Moreover,

- 27 deputies were taken into custody, 90 mayors were dismissed,
- 16 deputies, two members of the Constitutional Court, 193 members of the Court of Cassation judiciary, 2360 judges and prosecutors, 562 lawyers and 308 journalists, have been arrested.

With the 32 State of Emergency Decrees,

- 146,713 public servants including 4463 judges and prosecutors, 8693 academics, 6687 doctors and paramedics 44,392 teachers were dismissed,
- 3003 private hospitals, schools, student dorms and universities, 187 media outlets, 1,412 associations and 139 foundations were shut down, and all their assets were confiscated.
- And also 1020 companies were seized.” (The Arrested Lawyers Initiative, 10 December 2019)

The European Commission’s May 2019 report similarly provides information on persons affected by emergency decrees and their possibilities to file complaints:

“More than 152 000 civil servants, including academics, teachers, police officers, health workers, judges and prosecutors, have been dismissed using emergency decrees. More than 150 000 people were taken into custody during the state of emergency and more than 78 000 were arrested on terrorism-related charges, 50 000 of whom are still in jail. The decisions of the Inquiry Commission on the State of Emergency Measures, established in May 2017 to individually review all complaints, are open to judicial review before a designated administrative court in Ankara, and then before the Constitutional Court. The majority of the Inquiry Commission’s board members are appointed by the President of the Republic. [...] The Inquiry Commission started considering applications in December 2017. There are questions as to how thoroughly individual evidence is being considered. Since there are no hearings, there is a general lack of procedural guarantees for applicants, and decisions are taken on the basis of the written files related to the original dismissal.” (European Commission, 29 May 2019, p. 9)

The abovementioned Inquiry Commission on the state of emergency measures provides the following information regarding its decision making process in a March 2020 announcement on its website:

“The Inquiry Commission on the State of Emergency measures reviews and concludes the applications concerning the measures adopted under the state of emergency decree-laws, such as the dismissal of public officials, cancellation of scholarship, annulment of the ranks of retired personnel and the closure of some institutions. [...] The Commission started its decision-making process on 22 December 2017 and as of 27 March 2020, the Commission has delivered 105,100 (11,200 accepted, 93,900 rejected) decisions.” (The Inquiry Commission on the State of Emergency Measures, 27 March 2020)

In a factsheet on the state of emergency in Turkey published in March 2020 The Arrested Lawyers Initiative quotes the following justifications given by the state for sanctions against real and legal persons:

- “The Emergency Decrees justified the measures that sanctioned for real and legal persons by:
- Having ‘membership, affiliation, relation or connection (cohesion) to’ the Gulen Movement/Structure which was outlawed by the Turkish Government, or
 - having ‘membership of, affiliation, link or connection with terrorist organizations or structures, formations or groups which have been established by the NSC [National

Security Council] to perform activities against national security of the State’.” (The Arrested Lawyers Initiative, 27 March 2020, p. 1)

The Human Rights Joint Platform (IHOP), a network of NGOs in Turkey (IHOP, undated), in an April 2018 report mentions that the “[m]ajority of the sanctions and legislative amendments were not limited to the State of Emergency period” (IHOP, 17 April 2018, p. 5).

A March 2018 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the impact of the state of emergency on human rights in Turkey notes that emergency decrees “have de facto amended hundreds of existing laws and decrees, substantially modifying the legal and administrative structures of the State” (OHCHR, March 2018, p. 9).

The European Commission’s May 2019 report mentions that the primary objective of the state of emergency in Turkey “had been to dismantle the Gülen movement [...]. More generally, it was designed to support the fight against terrorism, but the extraordinary powers it sanctioned were disproportionately applied”. The report adds:

“Some decrees issued under the state of emergency amended key pieces of legislation, particularly in relation to property rights, local authorities and public administration, and audiovisual policy. During the state of emergency, 36 decrees were issued constraining certain civil and political rights. The decrees expanded the powers of the police and investigating prosecutors and sanctioned large-scale dismissals of public officials and closures of entities and the liquidation of their assets by the state. To date, Parliament has reviewed 32 of the decrees. The Constitutional Court has ruled that it does not have a mandate to review the legality of decrees using legal powers issued during the state of emergency.” (European Commission, 29 May 2019, p. 9)

With regard to legislative changes made during the state of emergency the Commissioner for Human Rights of the Council of Europe (CoE-CommDH) Dunja Mijatović in February 2020 reports the following after a visit to Turkey from 1 to 5 July 2019:

“During the state of emergency, many changes were made to the relevant laws, and in particular dozens of changes to the Turkish Code of Criminal Procedure (TCCP), through emergency decrees adopted by the executive, bypassing the ordinary legislative process. The Commissioner observes that many of these changes severely restricted the rights of suspects and defendants at all stages of criminal proceedings, and eliminated ordinary safeguards to ensure fair and adversarial proceedings. The Commissioner notes that some of these changes were eventually rolled back at the end of the state of emergency, such as the one extending the period of incommunicado detention from 24 hours to 14 days. [...] Many other emergency measures have been subsequently converted into law on a permanent basis and remain applicable today, compounding existing problems.” (CoE-CommDH, 19 February 2020, p. 19)

The Istanbul office of the Heinrich Böll Stiftung, a foundation affiliated to the German political party “Alliance 90/The Greens” in December 2017 first released a report on the impact of executive decrees on Turkish legislation. This report was updated in December 2018 to cover

the whole period of the state of emergency. It analyses the 37 state of emergency executive decrees issued between 20 July 2016 and 19 July 2018, as well as the 12 presidential decrees issued in the last ten days of the state of emergency. In the introduction the report states:

“In the two-year period from July 20, 2016 when the State of Emergency was declared until July 18, 2018 when it ended, a total of 37 State of Emergency executive decrees were issued. These executive decrees introduced major amendments to thousands of articles in the legislation. [...]

Most of these amendments, which are in no way related to the reasons prompting the declaration of the State of Emergency, introduced changes in order to restructure state-society relations in such diverse areas as national defense, internal security, state personnel regime, economy and social security, administrative structure, education and health.” (Heinrich Böll Stiftung Istanbul, December 2018, p. 7)

The report can be accessed via the following link:

- Heinrich Böll Stiftung Istanbul: When state of emergency becomes the norm, December 2018
https://olaganlasanohal.com/files/when_the_state_of_emergency_becomes_the_norm.pdf

Turkey reported the emergency decrees it passed to the Council of Europe in the context of derogation of rights and freedoms of the European Convention on Human Rights. The website of the Council of Europe therefore features summaries of the contents of the emergency decrees together with links to translations of the full legal texts:

- CoE - Council of Europe: Reservations and Declarations for Treaty No.005 - Convention for the Protection of Human Rights and Fundamental Freedoms - Turkey, as of 14 May 2020
https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations?p_auth=86fyHVX0&coeconventions_WAR_coeconventionsportlet_enVigueur=false&coeconventions_WAR_coeconventionsportlet_searchBy=state&coeconventions_WAR_coeconventionsportlet_codePays=TUR&coeconventions_WAR_coeconventionsportlet_codeNature=10

A list of 31 Emergency Decrees including the date of their publication in the Official Gazette can be accessed under the following link:

- Permanent Representative of Turkey to the Council of Europe: Decrees with force of law issued under the state of emergency, 4 May 2018
<https://rm.coe.int/cets-005-tur-decl-annex-list-of-laws-04-05-2018/16807c80de>

For detailed information on the individual emergency decrees between July 2016 and August 2017 please see the following report:

- ARC – Asylum Research Centre: Turkey Country Report – Update November 2017 [3rd edition], 21 November 2017
https://www.ecoi.net/en/file/local/1418404/1226_1511364755_5a1313bf4.pdf

3.2.2 Criticism of state of emergency

The pro-government newspaper Hürriyet Daily News (BBC News, 22 July 2019) in an August 2016 article reports on criticism by opposition parties with regard to one of the emergency decrees which contains regulations concerning the army:

“Turkey’s opposition parties voiced their diverse opinions about the third state of emergency decree law which would put the army under civil control, with the Nationalist Movement Party (MHP) arguing that the changes would subordinate the army under political rule and thus cause it to lose its command capabilities and the main opposition Republican People’s Party (CHP) along with the Peoples’ Democratic Party (HDP) objecting to the undemocratic means through which this civil change was being conducted. The restructuring of the state in the wake of the failed July 15 coup attempt cannot be conducted by just ‘three or four people,’ CHP leader Kemal Kılıçdaroğlu said, suggesting that the Turkish parliament must oversee the issue.” (Hürriyet Daily News, 1 August 2016)

The Confederation of Progressive Trade Unions of Turkey (Türkiye Devrimci İşçi Sendikaları Konfederasyonu, DISK) in August 2017 published an article criticising the state of emergency:

“Turkey experienced its bloodiest coup attempt ever on 15 July 2016, when 250 citizens were massacred and thousands more were injured by putschists. As the biggest victim of the 12 September 1980 coup, the Confederation of Progressive Trade Unions of Turkey (DISK), we immediately condemned this coup attempt and demanded trials and punishment for the coup plotters. Prosecuting the coup plotters and dismantling the parallel structure inside the state is of vital importance for democracy and the rule of law in Turkey.

While DISK has condemned the coup attempt and defended democracy and the rule of law, it has also criticized the state of emergency, which has bypassed parliament in the name of the fight against the coup. From the very beginning, DISK has opposed the state of emergency, arguing that the struggle against the Fethullahist Terror Organization/Parallel State Structure (FETÖ/PDY) and the coup plotters should be conducted in accordance with the rule of law and through the National Parliament. Unfortunately, over the course of the past year, the exact opposite of our demands has occurred. The government opted to take advantage of the state of emergency instead of using the National Assembly, which the putschists also attempted to silence. In sum, the state of emergency has exceeded its legal boundaries.” (DISK, 2 August 2017)

The opposition (The Guardian, 31 October 2016) Cumhuriyet newspaper in an October 2017 article mentions that President Recep Tayyip Erdoğan in a speech at the opening of Parliament “claimed in response to criticism of the state of emergency that the government was exercising ‘very few’ of its powers” (Cumhuriyet, 2 October 2017).

The New Turkey which describes itself as “an independent non-profit digital platform launched by the SETA Foundation⁶ in order to analyse and investigate Turkey’s domestic and international politics in a global context” (The New Turkey, undated) states in a July 2018 article:

“Despite being occasionally criticized, the state of emergency was received rather well by the public. Nevertheless, prior to the June 24 elections, President Erdogan expressed that they would discuss the annulment of the state of emergency after the elections. Following the elections, former Deputy Prime Minister Bekir Bozdag stated that there was a will to remove the state of emergency and that its schedule would be discussed.” (The New Turkey, 15 July 2018)

Several sources provide information on protests between October 2016 and April 2018. BBC News in October 2016 reports on around 500 people in Ankara and Istanbul who protested against the extension of the state of emergency. According to BBC News, “[t]he protests were organised by labour unions and some left-wing political parties after the Turkish parliament agreed to prolong the state of emergency by 90 days from 19 October” (BBC News, 16 October 2016). Reuters news agency in November 2016 notes that “[h]undreds of academics, students and union members staged a protest on Thursday against a purge of thousands of educational staff since Turkey’s attempted military coup in July” (Reuters, 3 November 2016). RFE/RL in an April 2017 article describes protests in Istanbul and other Turkish cities against the results of the constitutional referendum and adds that “protests came as Turkey’s Council of Ministers moved to extend for another three months a state of emergency declared in the wake of a failed July 2016 coup” (RFE/RL, 18 April 2017). The Washington Post in May 2017 reports on the detention of two hunger-striking teachers who protested for months against their job dismissals. The article further notes that concerning the dismissal of more than 100,000 teachers “[p]ublic demonstrations against the dismissals have been rare” (Washington Post, 22 May 2017). In July 2017 BBC News published an article on a “‘justice’ march against the government of Turkish President Recep Tayyip Erdogan” that began in Ankara on 15 June 2017. The march was launched by opposition leader Kemal Kilicdaroglu who criticised the arrests and imprisonments after the coup attempt and “accused the government of taking advantage of the coup attempt on 15 July last year to seize the authority of parliament and pass executive, legislative and judicial powers to one man”. According to the article President Recep Tayyip Erdoğan “accused the marchers of supporting terrorism” (BBC News, 9 July 2017; see also The Independent, 9 July 2017). Al Jazeera in April 2018 reports on sit-in demonstrations of CHP supporters across Turkey against the state of emergency. The government spokesperson “criticised the protests, blaming the Republican People’s Party (CHP) of using the methods of ‘terrorists’ and not doing any work” (Al Jazeera, 16 April 2018).

⁶ According to an article published by DW in November 2019, the Turkish Foundation for Political, Economic and Social Research (SETA) is a “Turkish think tank financed by President Recep Tayyip Erdogan’s inner circle” and “a megaphone supporting government policies” (DW, 14 November 2019).

3.3 Legislative changes

3.3.1 Anti-terror legislation

General information on the Turkish Anti-Terror Legislation

HRW in April 2019 reports that the Turkish Anti-Terror Law (law No. 3713) “has been in place since 1991 and has been revised multiple times” (HRW, 10 April 2019, p. 11).

The Turkish Human Rights Association (Insan Haklari Dernegi, IHD) a “non-profit Turkish organization with 29 branches, 3 representative offices and more than 1,000 members and activists” that “aims to protect the fundamental and inalienable rights of citizens and has been doing so for more than 30 years” (IHD, November 2017, p. 4) in a November 2017 report provides the following information on the Turkish Anti-Terror Law and the definitions contained in Articles 1 and 2:

“The Turkish anti-terrorist law has been the subject of several amendments in 1995, 1999, 2003, 2006 and 2010 since its first enactment in 1991. Its primary aim was to contain separatist actions, many amendments have been done since its first promulgation. The Turkish legal system distinguishes two types of terrorist offenses: terrorist offenses with certain offenses against the territorial integrity of the State and offenses committed with terrorist aims.

The former are considered to be terrorist offenses per se, while the latter can only be treated as such when committed within the framework of a terrorist organization and / or to achieve its objectives. Under the Act, sanctions against terrorist offenses and offenses for terrorist purposes are aggravated and special rules of procedure and enforcement apply. The penalties attributed to the offenses have a maximum and also a minimum quantum, that is to say, in case of proven guilt, the judge can not impose a penalty lower than the minimum penalty defined in the Penal Code. In addition, sentences are cumulative, so a person sentenced for two offenses see his penalties added. [...]

The definition of a terrorist offense is established in Article 1 of the Anti-Terrorist Law: ‘Any criminal action carried out by one or more people belonging to an organization for the purpose of modifying the attributes of the Republic as specified in the Constitution, the political, legal, social, secular or economic system, degrading the indivisible unity of the State with its territory and its nation, compromising the existence of the Turkish State and the Republic, weakening, destroying or seizing the authority of the State, eliminating fundamental rights and freedoms, damaging the internal and external security of the State, public order or general health’.

Afterward, the anti-terrorist law establishes the offense of belonging to a terrorist organization; Article 2 of the Anti-Terrorism act provides that any person who, as a member of an organization pursuing the objectives of Article 1, commits a crime in the pursuit of these objectives or Commits not this crime, if it belongs to the terrorist organization it is thus defined like terrorist offender. Moreover, people who are not

members of a terrorist organization but commit a crime on behalf of the organization are considered terrorist delinquents and de facto members of the terrorist organization.

These articles, which are at least ambiguous, do not provide any details as to the constituent elements of the infringement.” (IHD, November 2017, pp. 16-17)

The IPU in the above-mentioned October 2019 report explains that the Turkish anti-terror legislation consists of the Penal Code and the Anti-Terror Law (law No. 3713). The report points out that the definitions of the Anti-Terrorism Law are broad and vague and notes that according to human rights lawyers and civil society organizations, “the Penal Code (Law No. 5237) had been drafted in such a way that the Anti-Terrorism Law was actually superfluous”, with Penal Code articles 220(6-8) and 314(3) being of particular concern:

“At present, Turkey’s anti-terrorism legislation consists of two separate laws: the Turkish Penal Code (Law No. 5237) and the Anti-Terrorism Law (No. 3713). The delegation was informed about the precise contents of the laws inasmuch as they have an impact on freedom of expression. The delegation was clearly and repeatedly told by human rights lawyers and civil society organizations that article 1 of the Anti-Terror Law defines terrorism in a broad and vague way, without including the component of violence. Article 2 of the same law is also very vaguely worded and provides an indirect definition of membership in an illegal organization. Similarly problematic is article 7(2), which proscribes the dissemination of propaganda for a terrorist organization. The same interlocutors also told the delegation that the Penal Code (Law No. 5237) had been drafted in such a way that the Anti-Terrorism Law was actually superfluous, with Penal Code articles 220(6-8) and 314(3) about (indirect) membership of an illegal organization being of particular concern.” (IPU, 13 October 2019, p. 9)

The International Press Institute (IPI) according to its own description is “a global network of editors, journalists and media executives who share a common dedication to quality, independent journalism” (IPI, undated (a)). In November 2019 it published a report on the prosecution of journalists in Turkey that also refers to the Anti-Terror Law (law No. 3713) and the Penal Code, discussing in particular the abovementioned Article 220:

“The Turkish Penal Code punishes membership in a criminal organization. According to article 6, membership in criminal organisation includes ‘any person who establishes, controls or joins a criminal organisation’.

Article 220(8) provides for one to three years’ imprisonment for anyone who makes ‘propaganda for an organization in a manner which would legitimize or praise the terror organization’. The article increases the penalty by half if the propaganda is expressed through the press or broadcasting. Individuals’ posts and shares on social media have been relied on as evidence of terrorist propaganda, among other offences. The wording of the article is so vague that legitimate commentary or criticism of the government can lead to prison. For example, journalists Hayri Demir and Sibel Hürtaş were detained for their social media posts reporting on a military operation in Syria and convicted of spreading ‘terrorist propaganda’ online.

Article 220(7) criminalizes committing an offence on behalf of a proscribed group and sets out that any individual who commits such an act be automatically classified as a member of the proscribed organization, making them liable to five to 10 years' imprisonment under article 314. This provision has allowed the authorities to vastly expand the concept of membership in terrorist groups, often without credible evidence, targeting persons for the exercise of their right to freedom of expression. Simply working, or having previously worked for, newspapers aligned, or perceived to be aligned with the Gülen movement has been used to label journalists as 'members'. Similarly, working for media outlets considered pro-Kurdish has seen journalists charged with membership of a terrorist organization or proscribed organization under Turkish law such as the PKK. Ahmet Altan and Nazlı Ilıcak were charged under this article in their retrial.

Article 220(6) criminalizing committing crimes in the name of a terrorist organization despite not being a member of it. The Cumhuriyet defendants were charged under this article." (IPI, 18 November 2019, pp. 29-30)

The Arrested Lawyers Initiative in a February 2020 report similarly refers to the Turkish Penal Code, especially Article 314, and the Anti-Terror Law (law No. 3713). In addition, the report contains figures regarding the number of people indicted for membership in an armed terrorist organisation between 2012 and 2018 as well as for crimes against the Constitutional Order in 2017 and 2018:

"Turkey's anti-terrorism legislation consists of two separate laws: the Turkish Penal Code (5237) ('TPC') and the Anti-Terrorism Law (3713). Sub-section 1 (Article 314/1) of Article 314 of the Turkish Penal Code criminalises the establishment and/or commanding of an armed terrorist organisation, and Subsection 2 (Article 314/2) criminalizes the membership of an armed organization. Under the Turkish Penal Code, these two offences carry a penalty of 7.5 to 22.5 years imprisonment. Since 2014, Turkey has been arbitrarily using the antiterrorism legislation to oppress its dissidents, particularly lawyers, journalists and politicians. [...]

Art. 314 of the Penal Code does not contain a definition of either an armed organization or an armed group. The lack of legal definitions and criteria for an armed terrorist organization and the crime of membership in such an armed terrorist organization, make them prone to arbitrary application. The vague formulation of the criminal provisions on the security of the state and terrorism, and their overly broad interpretation by the Turkish judges and prosecutors, make all lawyers and other human rights defenders a prospective victim of judicial harassment.

This blurred area under the Turkish Penal code is actively used by the Turkish government to investigate, prosecute and convict opponents. This has become a common practice since the 15th July Coup attempt, and 540.000 individuals have been detained for terrorism offences stipulated in Article 314 of the Turkish Penal Code.

According to the survey by the Arrested Lawyers Initiative, which was carried out using the Turkish Justice Ministry's statistics,

- Turkey indicted 337,722 people under Art. 314 of the Turkish Penal Code (membership of an armed terrorist organization) between 2012 and 2018,
- Moreover, public prosecutors indicted more than 300,000 individuals under Articles 309-316 of the Turkish Penal Code, which stipulate crimes against the Constitutional Order, in 2017 and 2018,
- Statistics also indicate that, in 2017, Turkish prosecutors opened investigations against 527,154 individuals under Articles 309-316, this number was 456,175 in 2018.” (The Arrested Lawyers Initiative, February 2020, pp. 13-15)

The UK Home Office in an October 2019 report on a Fact-Finding Mission to Turkey conducted between 17 and 21 June 2019 refers to information provided by Andrew Gardner of Amnesty International who in the context of anti-terror laws in addition to Article 314 of the Penal Code “also pointed to Article 301, which addresses insulting the Turkish nation” (UK Home Office, 1 October 2019, pp. 11-12).

The Law on Fight Against Terrorism in Turkish language can be accessed via the following link:

- Law on Fight Against Terrorism, Law no 3713, 12 April 1991, as amended on 15 April 2020
<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=3713&MevzuatTur=1&MevzuatTertip=5>

An English translation of the Anti-Terror Law as amended in 2010 can be accessed via the following link:

- Law on Fight Against Terrorism, Law no 3713, 12 April 1991, as amended 2010, unofficial translation
https://www.ecoi.net/en/file/local/1130809/1226_1335519341_turkey-anti-terr-1991-am2010-en.pdf

The Turkish Penal Code in Turkish language can be accessed via the following link:

- Penal Code of Turkey, Law no 5237, 26 September 2004, as amended on 15 April 2020
<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5237&MevzuatTur=1&MevzuatTertip=5>

An English translation of the Turkish Penal Code as amended in 2015 can be accessed via the following link:

- Penal Code of Turkey, Law no 5237, 26 September 2004, as amended on 27 March 2015
https://www.ecoi.net/en/file/local/1201150/1226_1480070563_turkey-cc-2004-am2016-en.pdf

Changes regarding the Anti-Terror Legislation during the state of emergency period between July 2016 and July 2018

Hürriyet Daily News in July 2018 reports on a bill submitted to parliament by the AKP that “introduces new measures in the fight against terrorism” and that “is envisaged to be in force for the upcoming three years” (Hürriyet Daily News, 24 July 2018). The Platform for Peace and

Justice in July 2019 provides the following details on the law mentioned in the Hürriyet Daily News article (law No. 7145) which came into effect on 31 July 2018:

“Law No.7145

After the constitutional amendments were fully entered into force, a draft law was submitted to the Parliament by the ruling Justice and Development Party (AKP) on 16 July 2018, two days before the termination of the state of emergency. That draft law provided amendments to certain laws and decree laws. The AKP justified these amendments by asserting that such a law was necessary to fight against terrorism and to prevent other coup attempts after the expiry of the state of emergency. The draft law was approved in the Parliament on 20 July 2018 and came into effect on 31 July 2018. However, Law No.7145 has been criticized due to its effects on making state of emergency in the country permanent and restricting fundamental rights and freedoms of its citizens. [...]

In its first article, this law granted provincial governors ‘the power to limit people deemed to impede or disrupt public order or security from entering or leaving certain locations in their provinces for up to 15 days and to prevent all movement or assemblies at particular locations or times on the same grounds’. Moreover, the scope to ban events and demonstrations was broadened.

As discussed in Section One, the repression on the right to assembly has had disastrous consequences for civil society. Law No.7145 additionally authorized the government to dismiss public servants or cancel the passports of individuals if they are believed to be a member of or have a connection with a terrorist organization. As such, the devastating dismissals that occurred under the state of emergency can continue to take place despite the July 2018 cessation. This is valid for three years.

Law No.7145 also allowed authorities to hold suspects of terrorism offenses and crimes against the state in custody for up to 12 days before being charged by inserting a provisional article into the Law against Terrorism (Law No.3713) that will be valid for a three-year period. The justification of this provision was the example of the United Kingdom. However, considering Turkey’s ill-famed record on this matter, prolonged police custody causes considerable concerns and could be deemed contrary to Article 19 of the Turkish Constitution and ECtHR [European Court of Human Rights] judgements. The same article of Law No.7145 provided that police may detain suspects repeatedly for the same offense. This practice was often used during the state of emergency time since it was allowed by one of the emergency decrees. Besides, courts were enabled to review the lawfulness of pre-trial detention from the file every 30 days and presence of the detained individual or his or her lawyer is only required every 90 days. This was also frequently resorted practice of the state of emergency period and now, it was inserted into an ordinary law.” (Platform for Peace and Justice, July 2019, pp. 32-33; see also IHD, 1 August 2018; HRW, 20 July 2018; Hürriyet Daily News, 24 July 2018)

The above-mentioned 2019 report by IPI on the prosecution of journalists in Turkey explains the following with regard to law No.7145:

“As noted above, although the state of emergency was lifted on July 2018, several emergency powers set out in Decrees no. 667 and 668 were effectively made permanent when Law no. 7145 was adopted on July 25, 2018 and introduced several amendments to several laws, including to the Anti-Terror Law no. 3713. Law no. 7145 transposed the emergency powers below into the ordinary legal framework. These laws have had a severe impact on journalists and their families.

Decree No. 667 (July 23, 2016) enabled the confiscation of passports of anyone under investigation of terrorism or posing a threat to national security, and, following the issuance of Decree no. 672 of October 24, 2016, their spouses and partners. It further allowed for communications between detainees and their legal counsel to be monitored at the request of prosecutors, and for legal counsel to be replaced by the authorities. The increased use of travel bans to harass journalists and activists, including their families is a further area of concern. After the lifting of the state of emergency in 2018, the authorities have continued to seize and hold the passports of individuals that oppose, or are perceived to oppose, the government. The wife of exiled Turkish journalist Can Dündar, former editor of Cumhuriyet, Dilek Dündar, was denied her passport in September 2016 and for three years was unable to leave Turkey to reunite with her husband.

Decree No. 668 (July 27, 2016), extended the period under which individuals could be detained without charge from 48 hours to 30 days and restricted detainees’ access to legal counsel, including by extending the period before which they must have access to a lawyer to five days. It granted law enforcement extensive powers to search properties, including law firms, without prior judicial authorisation, and to confiscate broadly defined suspicious materials. Amendments introduced by Decree Law no. 684 (January 23, 2017), reduced the maximum period in custody without bringing the suspect before a judge to seven days (with a possible extension to 14 days) and removed the possibility to restrict access to a lawyer for five days.” (IPI, 18 November 2019, p. 31)

Implementation of the Anti-Terror Legislation

The US Department of State (USDOS) in its March 2020 annual report on human rights in 2019 provides information concerning the application of the Turkish anti-terror legislation:

“Under broad antiterror legislation the government restricted fundamental freedoms and compromised the rule of law. Since the 2016 coup attempt, authorities have dismissed or suspended more than 45,000 police and military personnel and more than 130,000 civil servants, dismissed one-third of the judiciary, arrested or imprisoned more than 80,000 citizens, and closed more than 1,500 nongovernmental organizations (NGOs) on terrorism-related grounds, primarily for alleged ties to the movement of cleric Fethullah Gulen, whom the government accuses of masterminding the coup attempt, and designated by the government as the leader of the ‘Fethullah Terrorist Organization’ (‘FETO’).” (USDOS, 11 March 2020, Executive Summary)

The Commissioner for Human Rights of the Council of Europe (CoE-CommDH) Dunja Mijatović after a visit to Turkey from 1 to 5 July 2019 stated that “laws with an overly broad definition of terrorism and membership of a criminal organisation and the judiciary’s tendency to stretch them even further is not a new problem in Turkey [...],” adding that “this problem has reached unprecedented levels in recent times” (CoE-CommDH, 8 July 2019).

HRW in April 2019 reports on the misuse of terrorism laws in Turkey and on the widening of the “criteria for what constituted links to terrorist organizations and the kinds of activities that counted towards labelling people terrorist”:

“The UN special rapporteur’s report has gone unheeded in Turkey where, over many years, authorities have misused terrorism laws to criminalize and incarcerate individuals who have not committed violent acts, incited others to violence, or provided logistical support to armed groups. Various studies have demonstrated the misuse of terrorism laws. Human Rights Watch itself has documented the use of terrorism charges against protesters, political activists, rights defenders and academics. The Council of Europe Commissioner for Human Rights has criticized Turkey’s use of terrorism charges to restrict freedom of expression. The designation of armed groups as terrorist organizations is formally dependent on decisions of Turkey’s top court of appeal, although in practice it appears merely to rubber stamp the government’s proposed designations.

When the authorities embarked on the project of dismissing a large number of public officials suspected of links to the Gülen movement after the attempted military coup, they widened still further the criteria for what constituted links to terrorist organizations and the kinds of activities that counted towards labelling people terrorists. In this way, the authorities were able to transform a movement that had once been a political ally of the ruling party into what they now described as a ‘sui generis criminal organization’ and named the ‘Fethullahist Terror Organization’ or FETÖ for short. In the first decree issued under the state of emergency dismissing public officials, the government’s wording targeted people ‘assessed to have been members of or acted in union with or been in contact with terrorist organizations or structures, entities or groups that the National Security Council has decided are engaged in activities against national security.’

This extremely vague wording was intended to allow the authorities to ensnare the greatest number of people in their dragnet. Among the activities treated by prosecuting authorities as clear evidence of ‘having acted in union with’ an outlawed group were: having a bank account with the Bank Asya, a bank the government said was a Gülenist bank; sending children to a Gülenist school; participating in religious conversation groups run by the Gülen movement; working for an institution such as a private school or hospital run by Gülen followers; staying in a student hostel run by Gülen followers; downloading particular cell phone encryption communication applications - principally ByLock - alleged to be have been widespread among Gülen followers; evidence of bank transfers of money which could be charitable donations to Gülen movement institutions or private accounts; and having close relatives connected with the movement.

While these criteria were introduced to enable mass dismissals from the civil service, they also became the blueprint for determining who else could be subject to criminal investigation and prosecution. It is evidence like this which makes up the bulk of the accusations in indictments against those accused of FETÖ membership, or aiding and abetting FETÖ, and, in a lesser number of cases, the crime of attempting to overthrow the constitutional order. Trials of military personnel and civilians for involvement in the coup are another matter and are not considered here. In the case of prosecution of civilians many indictments fail to establish a causative link between the criteria for links with the Gülen movement and actual participation in any conspiracy or activities that were outlawed at the time they were committed.” (HRW, 10 April 2019, pp. 12-13)

The above-mentioned October 2019 report by the UK Home Office also provides information on the interpretation and application of the Turkish anti-terror laws:

“1.3 Interpretation and application of anti-terror laws

[...] A human rights lawyer suggested that Article 314 is being interpreted very widely. A lawyer may be accused of having links to terrorism for offering legal support to students, academics, civil society members or MPs [members of parliament]. [...]

Similarly, Andrew Gardner of Amnesty International stated, ‘The definition of terrorism in Turkey has gone beyond what it is. It defines it as being within political aims/scope rather than violent methods. For example, anyone who speaks out against the government on issues of Kurdish rights could be argued in the current context to be supporting the PKK, or anyone criticizing the post-coup cases, to be supporting FETÖ.’ [...] Mr Gardner pointed to the former chair and director of Amnesty International Turkey having both been charged with terrorism-related offences. He suggested that ‘charging someone with terrorism is now a tool to attack people who don’t support the government’ and believed that ‘The laws and legislation have not changed a lot, but the practice has changed.’ He also added, ‘Criticism of the government in relation to the Kurdish issues can be used to charge people with terrorist propaganda. Continuously criticising the government, you could be charged with not only propaganda for a terrorist group but also being a member of a terrorist organisation.’ [...]

An HDP MP noted ‘The level of evidence accepted to be arrested and charged under the propaganda for a terrorist organisation is very low.’” (UK Home Office, 1 October 2019, p. 12)

3.3.2 Constitutional referendum

The Political Handbook of the World mentions that voters approved the constitutional referendum on 16 April 2017 with 51.4 percent of the votes in favour and 48.6 percent against. (Political Handbook of the World 2018-2019, 2019, p. 1618; see also HRW, 17 April 2017, BBC News, 16 April 2017)

With regard to the constitutional changes implemented after the referendum the Political Handbook of the World states:

“A 2017 referendum added 18 constitutional amendments, including the abolition of the office of prime minister and the strengthening of the presidency. The changes included measures that expanded the power of the president to appoint judges and prosecutors and combined the positions of head of state and head of government in the office of the presidency. In addition, parliament was expanded from 550 to 600 seats. The provision that required the president to resign from his party before inauguration was also abolished.” (Political Handbook of the World 2018-2019, 2019, p. 1618)

The Platform for Peace and Justice in a July 2018 report assessing the constitutional amendments in Turkey provides the following conclusion summarising the changes:

“The new constitutional arrangement abolishes the prime minister's office and the cabinet and makes the President as the sole head of the executive. The president directly appoints the vice presidents and ministers and prepare and implement the budget. The President also appoints all high-ranking executives in the state structure. The President has the power to issue presidential decrees which will be excluded from the parliamentary control. The president has further the mandate to declare state of emergency which may restrict basic rights and individual freedoms, unconstitutionality of which cannot be challenged before the constitutional court. Responsibility for restoring the national security and preparation of the armed forces for defence of the country also rest with the President. The president has the power to dismiss ministers and demolishes the Parliament. Despite all these powers, the President enjoys de-facto impunity from the judicial control and also de jure immunity from the parliamentary scrutiny.

The president retains ties with his/her political party which will provide a strong position in running his/her own party. This will result in the President controlling the parliament leading to the deterioration of the system of checks and balances. The power to renew elections will provide the President with a further strong tool to keep pressure on the parliament. Through the enhanced veto power, it would be impossible to enact a law against the will of the President, bearing in mind that the parliament will be dominated by the President's party. The shift of legislative power to the President significantly reduces the legislature's functioning. The parliamentary role in the preparation of the fiscal budget has been limited to a very formalistic control. The president will prepare and implement the budget which would not be effectively controlled by the mere involvement of the parliament.

Almost practically all the members of the Constitutional Court will be selected and appointed by the President, which would make it difficult for the Constitutional Court to act independently of the President. The President also has a broad authority over the formation of the Council of Judges and Prosecutors (HSK) directly and indirectly through the parliamentary majority. The constitution leaves no space for any selfrepresentation from among the judiciary through a direct election. It would be impossible to talk about the independence and impartiality of the judiciary from the executive in the newly formulated constitution.

To conclude, the new constitution grants the president a whole set of executive powers and shifts large legislative powers from the legislature to the executive and gives extensive authority to the executive over the formation of judicial institutions in return for almost no checks and balances. While all the parliamentary control over the executive is eradicated, all the avenues for the executive to control the Parliament are widely opened. The presidency has been transformed from a relatively confined role to a nearly all-powerful position assuming all the governmental powers: the head of government, the head of state and the head of the ruling party. The new constitutional framework transfers the powers traditionally held by the national assembly to the presidency rendering the former a largely advisory body. Last but not least, the President is the most dominant actor in designing the judiciary by means of designation of critical positions in the judiciary, which would further jeopardise the separation of powers and abolish any remains of independence of the judiciary.” (Platform for Peace and Justice, July 2018, pp. 12-14)

A detailed description of the constitutional amendments can be found on the pages 3 to 12 of the same report.

In March 2017 the European Commission for Democracy through Law of the Council of Europe (Venice Commission) published its opinion on the proposed amendments to the Turkish constitution and comes to the conclusion that the amendments “would introduce in Turkey a presidential regime which lacks the necessary checks and balances required to safeguard against becoming an authoritarian one.” (CoE - Venice Commission, 13 March 2017a, p. 29)

With regard to the voting, several sources refer to possible irregularities on referendum day:

BBC News on 17 April 2017 reports that the head of the electoral body declared the constitutional referendum valid despite opposition parties challenging the vote citing irregularities. In addition, the BBC News article indicates that the cities Istanbul, Ankara and Izmir voted against the constitutional amendments and mentions opposition protests in Istanbul (BBC News, 17 April 2017). CRS in April 2017 provides information regarding the legitimacy of the constitutional referendum and mentions possible irregularities during the vote:

“Particularly given the relatively slim margin of victory in the referendum, various observers have expressed skepticism regarding the vote's legitimacy. Various factors under the government-declared state of emergency (initially instituted after a July 2016 failed coup attempt by elements from within the military) may have favored the ‘yes’ campaign, including the displacement of thousands of Kurdish residents in southeastern Turkey (a bastion of opposition to the constitutional changes) and the imprisonment of key leaders of the country's pro-Kurdish opposition party (Peoples' Democratic Party, or HDP). On April 18, Turkey's parliament extended the state of emergency through July 19, 2017.

The main opposition Republican People's Party (CHP) appealed a decision made by Turkey's electoral board during the voting to count unstamped ballots, and there is some anecdotal evidence of other possible irregularities. Some citizens in major cities have also protested the referendum's conduct and outcome. After the electoral board rejected the opposition

parties' appeal on April 19, CHP leadership said it would separately appeal to Turkey's Constitutional Court, and, if necessary, the European Court of Human Rights.” (CRS, 20 April 2017)

The Organization for Security and Cooperation in Europe (OSCE) deployed a Limited Referendum Observation Mission (LROM) during the constitutional referendum in Turkey and in June 2017 published the final report on the referendum. The report which can be accessed under the following link notes inter alia that the campaign for the referendum was unbalanced and that efforts to support the ‘No’ campaign were obstructed:

- OSCE – Organization for Security and Cooperation in Europe: Turkey, Constitutional Referendum, 16 April 2017: Final Report, 22 June 2017
<http://www.osce.org/odihr/elections/turkey/324816?download=true>

Information on the April 2017 Constitutional Referendum can also be found in the November 2017 report published by ARC:

- ARC – Asylum Research Centre: Turkey Country Report – Update November 2017 [3rd edition], 21 November 2017
https://www.ecoi.net/en/file/local/1418404/1226_1511364755_5a1313bf4.pdf

An unofficial translation of the amendments to the Turkish constitution can be accessed under the following link:

- CoE – Council of Europe – Venice Commission: Turkey: Unofficial Translation of the Amendments* to the Constitution, 6 February 2017
[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2017\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2017)005-e)

3.4 Changes in civil service structures

For changes in civil service structures up to 11 September 2017 please see the following report published by ARC in November 2017:

- ARC – Asylum Research Centre: Turkey Country Report – Update November 2017 [3rd edition], 21 November 2017
https://www.ecoi.net/en/file/local/1418404/1226_1511364755_5a1313bf4.pdf

3.4.1 Judiciary and legal system

The Commissioner for Human Rights of the Council of Europe (CoE-CommDH) Dunja Mijatović after a visit to Turkey from 1 to 5 July 2019 stated that “Turkey must take urgent and necessary measures to re-establish trust in its judiciary and repair the damage inflicted on the rule of law during the state of emergency and its aftermath”. She added “that the independence of the Turkish judiciary has been seriously eroded during this period, including through constitutional changes regarding the Council of Judges and Prosecutors [...]” (CoE-CommDH, 8 July 2019).

The abovementioned December 2018 report published by the Istanbul office of the Heinrich Böll Stiftung provides a general description of the structural changes in the Turkish judiciary made during the state of emergency:

“State of Emergency executive decrees have also made structural changes in the judiciary system, affecting the defendant’s right to due process in criminal justice, personal rights and freedoms, and the privacy of personal life. It has become easier to interfere with a series of rights protected by the Constitution as well as the international agreements signed by Turkey: For instance, the periods of detention and custody were extended; the public prosecutors’ power to decide on investigative measures such as search, confiscation and tracking have been expanded, and the judiciary control over these powers has been limited; the right to adjudication with hearing, the right to representation by attorney, and the principle of equality of arms in justice have been restricted. Prohibition of suspensions of execution for measures under the scope of State of Emergency executive decrees, the impunity for public officials who take decisions in the scope of executive decrees, and impossibility of judicial appeal against state of emergency measures such as dismissal from public office have all sharply limited the freedom to defend one’s rights, making it harder to hold public officials accountable for State of Emergency measures, and almost creating an aegis of impunity around these measures. The cassation review and various other methods of appeal have been redefined; the procedures for the investigation and prosecution of governors, district governors, MPs, judges and prosecutors have been changed radically. As such, the amendments thus passed have limited individuals’ basic rights and freedoms in a disproportionate way, and have seriously impacted the functioning of the judiciary system and judiciary guarantees.” (Heinrich Böll Stiftung Istanbul, December 2018, p. 123)

The Platform for Peace and Justice in July 2018 reports on the abolition of military courts, the restructuring of the Constitutional Court and on changes affecting the Council of Judges and Prosecutors (which previously was named High Council of Judges and Prosecutors) introduced by the new constitution 2017:

“A. Abolishing Military Courts

The new Article 142 of the Constitution has abolished the military courts (Military Supreme Administrative Court and Military Court of Cassation). Article 142 further expressly prohibits the establishment of military courts except disciplinary courts save for those which may be set up to try crimes committed by soldiers under a state of war.

B. Restructuring the Constitutional Court

The new Article 146 reduces the number of members of the Constitutional Court from 17 to 15. The decrease in the number of the court membership is due to the abolishment of ‘Military Supreme Administrative Court’ and ‘Military Court of Cassation’, not a significant one from a constitutional law point of view. The more alarming aspect of the change in relation to the constitutional court is the procedure regarding the recruitment of the members of the Constitutional Court. They will be designated as follows (Article 146): Five (5) members will be selected by the President from among the candidates designated by

the Court of Cassation and Council of State. Three (3) members of the Constitutional Court will be selected by the Parliament which would be normally dominated by the political party chaired by the President. Three (3) members will be selected by the President again from among the candidates designated by the Board of Higher Education (YOK) comprising of members who are selected and appointed by the President. The remaining four (4) members will be directly appointed by the President from among certain listed professions by the Constitution. [...]

C. New Designation of the Members of the Council of Judges and Prosecutors

The 'High Council of Judges and Prosecutors', as it was named under the old Article 159 of the Constitution, is now renamed as the 'Council of Judges and Prosecutors'. [...] The new constitutional provisions dramatically change the composition of the 'Council of Judges and Prosecutors'. [...] The number of members in the Council has been reduced to 13 from 22 (Article 159). The designation of these 13 members will be as follows: Four (4) members will be directly selected by the President from among senior judges. Seven (7) members will be appointed by the Parliament. The remaining two (2) members will be the Minister of Justice and the Undersecretary of the Ministry of Justice. The constitutional arrangement leaves no space for any selfrepresentation from among the judiciary through a direct election which was the case under the previous constitutional rules. The reason for this dramatic shift in the designation of the members of the Judicial Council appears to be the ruling party's belief that it has effective control over the Parliament and other institutions which will nominate the candidates (the Court of Cassation, the Council of State and the Board of Higher Education).

The new constitutional arrangement nevertheless deprives of the great majority of fellow judges and prosecutors of first instance courts from contributing to the designation of the members of the Judicial Council. The reason for this avoidance may be the fear that ordinary members of the judiciary are not still considered to be sufficiently under control. Taking into account the President's role in appointing the Minister of Justice and the Undersecretary, it is clear that six members of the Judicial Council will be designated and appointed by the President who will also be a member (and most probably the head of) his/her political party. The selection method for the Parliament of the remaining seven members will enable the selection of these members by means of a simple majority vote in the final round. Considering the equation in the parliament amongst the political parties, it would be highly difficult to talk about the independence and impartiality of the judiciary from the executive. The President has a broad and direct authority over the formation and designation of the members of the Council of Judges and Prosecutors (HSK). Where the President, alongside his/her power over the parliament as the chairman (most probably) of the ruling party, has such influential position over the appointment of the members of the Judicial Council, it appears that the Judicial Council will end up with being another judicial bureaucratic tool under the president's control." (Platform for Peace and Justice, July 2018, pp. 10-12; see also CoE - Venice Commission, 13 March 2017a, pp. 26-28)

Concerning changes affecting the Constitutional Court the Venice Commission in the above-mentioned March 2017 opinion mentions additionally that it will "lose the possibility of

controlling [...] laws empowering the Council of Ministers to issue decrees having force of law. The President under the amendments will not need an empowering law.” With regard to the Council of State, Turkey’s highest administrative court, the report further notes:

“The competence of the Council of State to examine draft legislation proposed by the Council of ministers has, logically, been removed, together with its competence to review draft regulations, which according to the explanations provided to the Commission’s delegation have ceased to be enacted decades ago.” (CoE - Venice Commission, 13 March 2017a, pp. 27-28)

The International Commission of Jurists (ICJ) which describes itself as a NGO “defending human rights and the rule of law worldwide” consisting of “60 eminent judges and lawyers – from all parts of the world and all legal systems” (ICJ, undated) in July 2019 published a submission to the Universal Periodic Review (UPR) of Turkey by the UN Human Rights Council. The report refers to dismissals in the judiciary after the coup attempt 2016 and mentions that the power of the Council of Judges and Prosecutors (CJP) “to dismiss judges and prosecutors based on the same criteria featured under emergency legislation was maintained for a further three years”. The ICJ further expresses its concern that there are no effective remedies against the dismissals, referring to the Commission on the State of Emergency Measures which “was created as a domestic remedy for those affected by such measures”. According to the ICJ, the independence and effectiveness of the Commission are doubtful:

“Following the attempted coup, around 30 percent of active judges and prosecutors (i.e., 4,113 as of 20 March 2018) were summarily dismissed, purportedly, based on unclear grounds of association with terrorism. In order to justify dismissal of a judge, the law only requires a mere ‘connection’ or ‘contact’ with an ‘unlawful’ structure, organization or group that the National Security Council has deemed as engaging in activities against the national security of the State. The vague and overbroad nature of this language creates a very great potential for the arbitrary dismissal of judges in violation of guarantees of judicial independence. While the state of emergency lapsed in July 2018, the power of the Council of Judges and Prosecutor to dismiss judges and prosecutors based on the same criteria featured under emergency legislation was maintained for a further three years with the approval of Law no. 7145 in July 2018 (see, article 26). Since then at least 17 judges and prosecutors have been dismissed via this procedure in a way that was tainted by arbitrariness. [...]

Since the CJP [Council of Judges and Prosecutors] is responsible for all appointments, promotions, suspensions and dismissals of judges, as well as for all disciplinary proceedings, it is capable of having a significant impact on the independence of the judiciary. In addition, except for dismissal decisions, decisions on appointments, promotions and suspensions are not subject to judicial review.” (ICJ, 18 July 2019, pp. 1-2)

“The ICJ is concerned that no effective remedies are in place in Turkey against the mass dismissals that occurred in the public sector under emergency decrees, and that have continued since then under Law no. 7145. A Commission on the State of Emergency Measures was created as a domestic remedy for those affected by such measures. However, the appointment of the majority of the Commission’s members by the Executive,

the lack of hearings and adversarial proceedings, the extremely high rejection rate and the rapid work-pace are all factors casting doubt on its independence and effectiveness. Moreover, while the administrative courts may judicially review the Commission's decisions, as highlighted above, the Council of State has thus far not issued a single ruling clarifying the legitimacy and the scope of the grounds for dismissal, despite having had the opportunity to do so. The ICJ therefore considers that, currently, no effective remedy exists in Turkey against dismissals based on emergency decrees, contrary to Turkey's obligations under international law." (ICJ, 18 July 2019, p. 2)

The European Commission's May 2019 report explains that the majority of the members of the Inquiry Commission on the State of Emergency Measures are appointed by the President. The report further notes that the Justice Academy was closed during the state of emergency and "[i]ts duties were taken over by the Judges and Prosecutors Training Centre in the Ministry of Justice". In addition, the report mentions the closure of judges associations critical of the government and the creation of two departments for mediation and for alternative dispute resolution:

"The decisions of the Inquiry Commission on the State of Emergency Measures, established in May 2017 to individually review all complaints, are open to judicial review before a designated administrative court in Ankara, and then before the Constitutional Court. The majority of the Inquiry Commission's board members are appointed by the President of the Republic. Some 220 staff, including judges, prosecutors, inspectors, experts and civil servants, have been seconded to the Inquiry Commission, whose tenure was extended by a presidential decree for another year on 23 January 2019." (European Commission, 29 May 2019, p. 9)

"The Justice Academy of Turkey (JAT) was re-established by Presidential Decree on 1 May 2019. It replaced the previous Justice Academy that was closed under the state of emergency. Its duties at that time were taken over by the Judges and Prosecutors Training Centre in the Ministry of Justice. According to the decree, the JAT will be responsible for all pre-service training of candidate judges and prosecutors as well as the in-service training. It is affiliated to the Ministry of Justice but has scientific, administrative and financial autonomy. The JAT will have a president and a maximum of four heads of department. It will also have a Consultative Committee, tasked to make proposals. [...]

The closure of associations critical of the Government has had negative effects on pluralism in judges associations, and has led to a growing hesitation to become members of such associations. [...]

2 new departments for mediation and for alternative dispute resolution were created in the Ministry of Justice. Efforts continued to increase and promote alternative dispute resolution methods to help reduce the burden on the courts. In July 2018, a regulation on the implementation of the Mediation Law on Civil Disputes entered into force." (European Commission, 29 May 2019, pp. 23-25)

The Arrested Lawyers Initiative in a July 2018 Factsheet mentions that “34 law societies or associations have been shut down by decrees since the state of emergency” (The Arrested Lawyers Initiative, 6 July 2018).

The Commissioner for Human Rights of the Council of Europe Dunja Mijatović in February 2020 reports after a visit to Turkey from 1 to 5 July 2019 on the closure and liquidation of YARSAV, an association of judges and prosecutors:

“The Commissioner’s attention was also drawn to the fact that in July 2016 the Turkish authorities closed and liquidated YARSAV, an association of judges and prosecutors founded in 2006 with over a thousand members, by means of an emergency decree. This association had been vocal in defending the independence of the judiciary, as the only Turkish member organisation of the International Association of Judges, including by denouncing the organisation of Fethullah Gülen sympathisers within the judiciary when this was being officially denied by the authorities. Its president was subsequently detained and finally sentenced to 10 years in prison, in what was considered a severe and gross attack on the independence of the judiciary and a violation of due process by the UN Special Rapporteur for the independence of judges and lawyers.” (CoE-CommDH, 19 February 2020, p. 10)

The report further refers to the recruitment of new judges and prosecutors, the acceleration of the recruitment procedure and the easing of recruitment criteria:

“The Commissioner also notes that, according to the figures provided by the HSK [Council of Judges and Prosecutors] during her visit, 9 914 judges and prosecutors had been recruited after the declaration of the state of emergency. Already in 2012, the Commissioner’s predecessor identified several problems regarding the recruitment of judges, including the fact that the majority of members of the board conducting the interviews for the candidate judges were representatives of the executive. According to the information provided to the Commissioner, the recruitment procedure was further accelerated during the state of emergency, becoming even more opaque and exclusively controlled by the Ministry of Justice. She notes with concern consistent reports that loyalty to the ruling coalition appears to have become a key criterion for selection in this context. It is also noteworthy that induction ceremonies for new judges and prosecutors and the opening of the judicial year are now held in the Presidential Palace, which reinforces the public’s perception of politicisation of the judiciary and of the control exerted on it by the executive.

The Commissioner also notes that recruitment criteria were substantially relaxed during the state of emergency in order to fill the gap left by dismissed judges and prosecutors. However, although this increased in principle the need for pre-service and in-house training, Turkey also abolished the Justice Academy (a judicial, semi-autonomous body responsible for this training since 2003) in the same period and gave this task directly to the Ministry of Justice. The Commissioner observes that the Justice Academy was re-established in May 2019 as a nominally autonomous body, while noting that not only is it organically attached to the Ministry of Justice, but its new legal basis is a presidential

decree, which means that the President of the Republic can unilaterally revoke it.” (CoE-CommDH, 19 February 2020, pp. 10-11)

A detailed description of amendments to the judiciary introduced during the state of emergency can be found on the pages 64 to 87 of the above-mentioned December 2018 report published by the Istanbul office of the Heinrich Böll Stiftung:

- Heinrich Böll Stiftung Istanbul: When state of emergency becomes the norm, December 2018
https://olaganlasanohal.com/files/when_the_state_of_emergency_becomes_the_norm.pdf

For general information on the judiciary and the rule of law please see [section 1.2.3](#) and [section 6](#) of this compilation. For information on purges of the judiciary between January 2018 and April 2020 please see [section 4.1.3](#) of this compilation.

3.4.2 Educational system

The Parliamentary Assembly of the Council of Europe (CoE-PACE) in an April 2017 report describes the situation in the education system after the coup attempt as follows:

“We looked at the situation in the education sector, which was massively affected by the dismissals. We had meetings with various trade unions – covering a wide political spectrum – and the Minister of Education. We learnt that 30 000 teachers had been dismissed (they were 33 065 one month later), as well as 6 000 academics or university staff members. In addition, 50 000 teachers and staff members had been suspended, many of them for at least three months. The work permits of 20 000 teachers in the special private education service had been cancelled by the Ministry of Education. [...]

It was also noted that several academics who had been dismissed had obviously nothing to do with the failed coup – but they had signed the Peace Declaration in 2015⁷, which was sufficient to qualify them to be considered as guilty. In February 2017, 184 of the 330 dismissed academics had signed the Peace Declaration. In total, 312 academics who signed the Declaration were dismissed by decree laws as of 15 February 2017. Some teachers were also forced to quit their jobs; this was the case for 140 of them in Batman after a trustee was appointed to the municipality. [...]

All the trade union representatives backed in principle the measures undertaken to prosecute and arrest the coup plotters, especially within the security police and the military. However, they all found it difficult to believe that hundreds of thousands of people, including thousands of teachers and doctors, were involved in a coup d'état.” (CoE-PACE, 5 April 2017, pp. 15-16)

⁷ “A number of academics who signed in 2015 a peace declaration (‘We shall not be part of this crime!’) calling for an end to the military campaign in south-east Turkey and accusing the government of breaching international law have been facing prosecution [...]”(CoE-PACE, 5 April 2017, p. 16, footnote 41).

Freedom House, a US-based NGO which conducts research and advocacy on democracy, political freedom and human rights, in its March 2020 annual report on political rights and civil liberties in 2019 notes that “[s]chools tied to Fethullah Gülen [...] have been closed. Thousands of academics have been summarily dismissed for perceived leftist, Gülenist, or PKK sympathies” (Freedom House, 4 March 2020, section D3). The US daily The Wall Street Journal (WSJ) mentions in an August 2016 article “15 Gulen-linked universities sealed like crime scenes” (WSJ, 24 August 2016). The Stockholm Center for Freedom (SCF) which describes itself as “an advocacy organization that promotes the rule of law, democracy, fundamental rights and freedoms with a special focus on Turkey [...] set up by a group of journalists who have been forced to live in self-exile in Sweden” (SCF, undated) in a July 2018 report states that “1,069 private schools, 15 privately run universities, 301 tutoring centers, 848 student dormitories and 19 unions were shut down” (SCF, July 2018, p. 43).

For lists of schools, other educational institutions and dormitories closed per Law-Decree No. 667 of July 2016 please see the pages 46 to 73 of the SCF July 2018 report.

The December 2018 report published by the Istanbul office of the Heinrich Böll Stiftung provides a general description of the changes in the education system made during the state of emergency:

“Provisions concerning education have further strengthened the state’s control and supervision over especially private education institutions and student dorms. The government assigned a special role to Turkey Maarif Foundation⁸ in the restructuring of education, by granting it new powers and authorities. On the other hand, a number of amendments were passed to limit the rights and freedoms of national education and higher education employees. In addition to these, significant powers were granted to Higher Education Council and the President’s Office as regards faculty members’ annual leaves, overseas trips, and disciplinary investigations, further restricting the autonomy of universities. It has been stipulated that university presidents shall be appointed directly by the President in state and foundation-owned universities, and that in foundation-owned universities, the candidates shall be nominated by the board of trustees.” (Heinrich Böll Stiftung Istanbul, December 2018, p. 124)

⁸ Information on the Maarif Foundation established in 2016 to deal with Turkish schools abroad can be found in the following articles by the SCF and the pro-government paper Daily Sabah (NYT, 21 March 2018):

- SCF – Stockholm Center for Freedom: Turkey’s Erdoğanist Maarif Foundation has seized 76 overseas schools affiliated with Gülen movement, 24 April 2018
<https://stockholmcf.org/turkeys-erdoganist-maarif-foundation-has-seized-76-overseas-schools-affiliated-with-gulen-movement/>
- Daily Sabah: Turkey's Maarif Foundation flourishes worldwide with new graduates, 8 July 2019
<https://www.dailysabah.com/politics/2019/07/08/turkeys-maarif-foundation-flourishes-worldwide-with-new-graduates>

Reuters in October 2016 also mentions that “[u]niversities have [...] been stripped of their ability to elect their own rectors [...]. Erdogan will from now on directly appoint the rectors from the candidates nominated by the High Educational Board (YOK)” (Reuters, 30 October 2016).

In April 2018 *Hürriyet Daily News* provides information on a bill that aims at establishing new universities, some of them by splitting existing universities:

“The Turkish government has submitted a bill to parliament that foresees the establishment of 15 new universities across the country, Education Minister İsmet Yılmaz told state-run Anadolu Agency on April 20. Three new state universities will be founded in the southeastern province of Gaziantep, the Central Anatolian province of Sivas and the Black Sea province of Samsun, while two new foundation universities will open in Istanbul and the Aegean province of İzmir. According to the proposed legislation, some of those planned 15 new universities will be created by splitting 10 existing universities.

Gazi University in the capital Ankara, Istanbul University, İnönü University in the eastern province of Malatya, Karadeniz Technical University in the Black Sea province of Trabzon and Selçuk University in the Central Anatolian province of Konya are expected to split. The legislation also foresees splitting Dumlupınar University in the Aegean province of Kütahya, Erciyes University in the Central Anatolian province of Kayseri, Sütçü İmam University in the southeastern province of Kahramanmaraş and Mersin University in the southern province of Mersin.” (*Hürriyet Daily News*, 20 April 2018)

On the website of the İstanbul University-Cerrahpaşa (IUC) the following undated information is published:

“Istanbul University was split into two parts by the authority of Turkish Government in accordance with the law no. 7141, which is published in the Official Gazette No. 30425, dated 05/18/2018. Istanbul University-Cerrahpasa is established based on this decision as a new university.” (IUC, undated)

An October 2019 article by the Istanbul office of the Heinrich Böll Stiftung provides information on a new school curriculum introduced between 2017 and 2019

“The military coup attempt of 15 July 2016 was followed by a period of State of Emergency which lasted from 21 July 2016 until 18 July 2018. During this period the education system went through another major change. On 13 January 2017 the Ministry of National Education announced a new draft curriculum presenting 51 courses at the primary, lower secondary, and secondary school levels. This extensive curriculum change was first implemented at 1st, 5th and 9th grades during 2017-2018 school year as a pilot and it was applied to all grades (grades 1-12) starting from 2018-2019 school year.

The changes to curriculum have included removing important historical events and founders of the republic (e.g. Mustafa Kemal Atatürk and İsmet İnönü) and replacing them with Islamized ones, promoting Muslim scientists, and increasing the religious content in the curriculum. The number of hours for philosophy were lessened, whereas the political science hours remained intact. Hours for biology were also reduced, from three to two,

while hours for Religious Culture and Moral Knowledge courses were increased from one to two. Even more significantly, the only chapter on evolution in the pre-college curriculum 'The Beginning of Life and Evolution' was cut out from high school textbooks and all references to Darwinian or 'neo-Darwinian' theory removed. Proponents of the change argued that 'students don't have the necessary scientific background and information-based context needed to comprehend' the evolution debate. The 2017 curriculum which was passed under the state of emergency conditions, has been criticised by scholars, secular groups, education rights groups and women's groups for its Islamic character, and lack of respect for religious differences and gender equality [...].

Moreover, the new curriculum introduced '15 July victory of democracy' as a new subject at different grades. It seems that the coup attempt provided "the foundational event" of the New Turkey' (Kandiyoti and Emanet, 2017) and marks 'a new phase in the imposition of a new form of Turkishness, an Islamized version of national identity, and the creation of a pious generation, which have constituted one of the key strategic projects of the AKP since the party's third term in power since 2011' (Lüküslü, 2016).

'Values education' is another important item in the new curriculum intended to strengthen national values and Islamic morality. 'Values education' relies on the notions of 'national unity and solidarity' as well as 'national, moral and universal values' (ERG, 2017a) According to its creators, values education will have a cultural impact and will help inscribe these values into daily behaviour of people in the future. In the current educational policy agenda of AKP, values education means more religious and conservative content of the curriculum based on a single vein of interpretation of Sunni Islamic teaching (Durakbaşa and Karapehlivan, 2018).

These radical changes in education system with Islamic overtones have had important implications for women's education in particular and gender equality in general. Moreover, other groups, such as Kurds, Alevis, and non-Muslims, have been discriminated against in this system, through compulsory religious education (Gürcan, 2015), textbooks, extracurricular activities, or other avenues (ERG, 2017a)." (Heinrich Böll Stiftung Istanbul, 1 October 2019; see also The Guardian, 20 September 2017)

Reuters in January 2018 reports on the reviving of Imam Hatip schools "to put religion at the heart of national life after decades of secular dominance":

"Erdogan has said one of his goals is to forge a 'pious generation' in predominantly Muslim Turkey 'that will work for the construction of a new civilisation.' His recent speeches have emphasised Turkey's Ottoman history and domestic achievements over Western ideas and influences. Reviving Imam Hatip, or Imam and Preacher, schools is part of Erdogan's drive to put religion at the heart of national life after decades of secular dominance, and his old school is just one beneficiary of a government programme to pump billions of dollars into religious education. [...]

Since 2012, when Imam Hatip education was extended to middle schools for pupils aged 10 to 14, total pupil numbers have risen fivefold to 1.3 million students in over 4,000 schools. The government intends to complete construction of 128 Imam Hatip upper

schools in 2018 and has plans to build a further 50, the budget and investment plans show. Turkey has also increased religious education teaching at regular state schools, some of which have been converted into Imam Hatip schools. The government declined to say how many. [...]

The number of students attending Imam Hatip schools, where religious education lessons account for around a quarter to a third of the curriculum on average, has increased sharply since 2012. The government is aiming to double its spending at religious upper schools to 6.57 billion lira (\$1.68 billion) this year, nearly a quarter of the total allocated for all state upper schools.” (Reuters, 25 January 2018)

A detailed description of amendments to the education system introduced during the state of emergency can be found on the pages 97 to 99 of the abovementioned December 2018 report published by the Istanbul office of the Heinrich Böll Stiftung:

- Heinrich Böll Stiftung Istanbul: When state of emergency becomes the norm, December 2018
https://olaganlasanohal.com/files/when_the_state_of_emergency_becomes_the_norm.pdf

For information on purges of the educational system between January 2018 and April 2020 please see [section 4.1.4](#) of this compilation.

3.4.3 Military, police and intelligence services

Military

Concerning the changes in the field of defence and security the Istanbul office of the Heinrich Böll Stiftung states in December 2018:

“A large portion of the amendments made via State of Emergency executive decrees concern defense and security. These amendments restructure military - civilian relations, ending or sharply restricting certain powers granted by various laws to the General Staff, Force Commands and other military institutions, and concentrating these powers in the hands of the Ministry of National Defense, Ministry of Interior, Prime Minister’s Office and President’s Office.” (Heinrich Böll Stiftung Istanbul, December 2018, p. 120)

The European Commission’s April 2018 report notes:

“A Presidential decree of July 2018 overhauled the organisational structure and accountability lines of the Turkish armed forces. The General Staff and all force commands have been subordinated to the Ministry of National Defence. All military hierarchy is now accountable to the President, who is legally entitled to give orders directly to the chief of general staff, force commanders and their subordinates. The Supreme Military Council was restructured to strengthen civilian presence, with the designation of the Vice-President and Treasury and Finance and Education Ministers as members. High military courts were abolished, and civilian higher courts have reviewed the appeals against the decisions of military courts.” (European Commission, 17 April 2018, p. 17)

The December 2018 report by the Istanbul office of the Heinrich Böll Stiftung similarly notes:

“One of the most important changes in this field is the subordination of the Land, Naval and Air Force Commands to the Minister of National Defense. On the other hand, the President and Prime Minister have been granted the power to give direct orders to force commanders. Ministry of National Defense’s organization structure has been separated from those of the General Staff and Turkish Armed Forces. With various measures and amendments, the military schools were closed down and military education has been entrusted to the National Defense University placed under the authority and control of the Ministry of National Defense. Supreme Military Council’s membership structure has been changed to include the Ministers of Justice, Foreign Affairs and Interior, and to exclude the army commanders, General Commander of the Gendarmerie, Commander of the Navy and other four-star generals and admirals of the Armed Forces. As such, civilians have come to control the Council. The meeting frequency of the Supreme Military Council has been reduced. The authority and influence of the Chief of General Staff and Deputy Chief of General Staff have been restricted, while those of the Prime Minister and Minister of National Defense have been expanded. Executive Decree 703, which was the last executive decree, abrogated Law no. 1612 on the Structure and Duties of the Supreme Military Council. [...]

In military justice, the Law of Military Judges, Law of Military Court of Appeals, and Law of Military High Administrative Court have been abrogated. These were indeed a natural result of the abrogation of the Military Court of Appeals, Military High Administrative Court, and other military courts with the Referendum on the Revision of the Constitution dated April 16, 2017. The judges serving in these courts have been transferred to the Ministry of National Defense. Changes to the Law on Turkish Armed Forces Internal Service have enhanced the authority of civilian superiors, granting them the power to impose disciplinary sanctions. [...]

It is no longer necessary to have served as force commander in order to become Chief of General Staff. The Chief of General Staff has been redefined as the commander of Turkish Armed Forces in war (that is, not in peace). The boundaries of the General Staff’s structure, foundation, and staff positions have been redrawn, making it incapable of controlling the entire Turkish Armed Forces. First, the Chief of General Staff’s duties, powers and responsibilities were radically restricted, and later some of these were returned, without limiting those of the Ministry of National Defense. However, amendments limited the powers of the Chief of General Staff, from the appointment of the force commanders right down to the approval of overseas leaves of commissioned and noncommissioned officers. The force commanders also saw their powers limited. These powers were shifted to the Ministry of National Defense, or in cases of the Gendarmerie General Command and Coast Guard Command to the Ministry of Interior. Executive Decree 703, the last executive decree, abrogated Law no. 1324 on the Duties and Powers of the Chief of General Staff.” (Heinrich Böll Stiftung Istanbul, December 2018, pp. 120-121)

The Turkey Analyst, a publication of the Central Asia-Caucasus Institute & Silk Road Studies Joint Center also mentions that the “president will now appoint the Chief of the General Staff

directly” (Turkey Analyst, 26 September 2017; see also Heinrich Böll Stiftung Istanbul, December 2018, p. 13).

Hürriyet Daily News states in a July 2018 article that “the ruling Justice and Development Party (AK Parti) issued a decree on July 31, 2016 [...] to put the military academy, military courts, and hospitals under civilian control [...]” (Hürriyet Daily News, 16 July 2018). An August 2016 Associated Press (AP) article further adds that “Sunday’s presidential decree [...] shuts down all military schools, academies and non-commissioned officer training institutes and establishes a new national defense university to train officers” (AP, 1 August 2016). The Turkey Analyst September 2017 article provides the following information on changes in the military education system:

“The military education system is also changing with the closing of military colleges and the establishment of a National Defense University led by a civilian rector. Apparently, the university will form a superstructure for the existing TSK [Turkish Armed Forces] Staff College and for the war academies. Military education will now also be open for graduates from the religious imam-hatip schools and for women wearing the Islamic headscarf, two measures that had previously been utterly unthinkable.” (Turkey Analyst, 26 September 2017)

With regard to the Gendarmerie General Command and Coast Guard Command the December 2018 report by the Istanbul office of the Heinrich Böll Stiftung explains:

“Gendarmerie General Command and Coast Guard Command have been redefined as no longer a military or security force, but a law enforcement force, and have been subordinated to the Ministry of Interior. Their ties to the Turkish Armed Forces and General Staff have been either completely severed, or limited to military mobilization and war. Gendarmerie and Coast Guard Academy has been established under Ministry of Interior in order to meet the military education requirements of the Gendarmerie General Command and Coast Guard Command personnel.” (Heinrich Böll Stiftung Istanbul, December 2018, p. 121; see also OSW, 26 June 2018)

The Turkey Analyst September 2017 article notes:

“The TSK [Turkish Armed Forces] has also been stripped of many units and functions. The paramilitary Gendarmerie and the Coast Guard will now be fully subjected to the Ministry of the Interior, while military hospitals, shipyards and industrial facilities are transferred to civilian management.” (Turkey Analyst, 26 September 2017)

For information on purges of the military between January 2018 and April 2020 please see [section 4.1.1](#) of this compilation.

Police

Turkish Policy Quarterly (TPQ), a journal published on a quarterly basis which describes itself as “an Istanbul-based journal aiming to foster original thinking and constructive policy debates on Turkey and the broader global context” (TPQ, undated), in a March 2017 provides the following information on the National Police:

“Executive Decrees 670, 672, and 677 drastically changed the structure of the Turkish security sector as a whole. Among those purged were 21,384 officials from the National Police (Emniyet Genel Müdürlüğü, EGM) and around 2,000 personnel from the Gendarmerie Command (GC). [...]

National Police Force

Changes, or rather lack thereof, to the EGM after July 15 have been a source of controversy in Turkey. There exists many claims that the thin line between ‘what is bureaucratic’ and ‘what is political’ vanished after the mass purges and that the replacements taking place after the purges were not based on merit but on party loyalty, particularly when picking high-ranking officials in the police force. There are also some claims that the arrests of 41,000 people, which involved extensive work by police officers, weakened the security services of Turkey in their fight with ISIL and the PKK. The mass detentions of Gülenists after the coup deeply detracted from the police forces’ effectiveness and efficiency.

The police force is perhaps the most fluid portion of the security sector, having undergone major political purges multiple times over the past three years. Thus, in theory, the police forces should have already been cleansed of the politically rogue elements necessitating further purges to the EGM directly after July 15. However, despite taking endless precautions against FETÖ within the police force, the EGM became the source for the second terrorist attack allegedly staged by the Gülenist movement in 2016: the assassination of Russian Ambassador to Turkey, Andrey Karlov. On 19 December 2016, a member of the Turkish police force, Mevlüt Mert Altıntaş, assassinated the very person he was charged to protect as a police officer. The killing was a huge source of embarrassment to the police force as one official said: ‘We have problems... We still have not been able to cope with the fact that the killer who assassinated the ambassador was a member of the Turkish police force.’ The New Year’s attack on Reina, an Istanbul nightclub, is another case in point of the police forces’ daily ineffectiveness. However, in contrast to Altıntaş’ killing by police, the live capture of the Reina attacker also showed what the Turkish Police can do if provided resources and initiative and are supported by the political will of the government.” (TPQ, 14 March 2017)

The article by TPQ also contains information on the Gendarmerie Command (“in charge of law enforcement in Turkey’s rural areas”) and on Village Guards (“militia forces to fight the PKK in conflict-prone villages in the Kurdish regions of southeastern Turkey”) (TPQ, 14 March 2017; see also Heinrich Böll Stiftung Istanbul, December 2018, pp. 16-20, p. 49).

The December 2018 report by the Istanbul office of the Heinrich Böll Stiftung notes with regard to the Police Special Operations Department:

“In recruitments to the Police Special Operations Department, candidates now have to go through a physical aptitude exam and interview, instead of the KPSS exam [civil servant selection exam]. The Police Special Operations Department has been redefined as a separate department within the central state organization.” (Heinrich Böll Stiftung Istanbul, December 2018, p. 122)

For information on purges of the police between January 2018 and April 2020 please see [section 4.1.2](#) of this compilation.

Intelligence Services

The Warsaw-based Centre for Eastern Studies (Ośrodek Studiów Wschodnich, OSW), an independent public research institution analysing socio-political and economic processes in Central and Eastern Europe, in December 2016 states:

“Due to the fact that Erdoğan can only depend on the army to a limited extent, the position of the National Intelligence Organisation (Turkish: Milli İstihbarat Teşkilatı – MIT) has been strengthened in recent months. The head of intelligence, Hakan Fidan, has long been considered one of the President’s favourites and his institution enjoys the President’s extraordinary trust. It is being seen as key to building the new state order. Therefore, the actions carried out in recent months have led to a significant strengthening of the intelligence service. For this to be possible, two other departments (supplementing the existing four) have been established in the intelligence structures, with their heads occupying the rank of undersecretaries of state. The first new department is intended to coordinate cooperation between various state institutions, while the other is a department for special operations, mainly those carried out abroad with the involvement of the army.” (OSW, 7 December 2016, pp. 4-5)

In a November 2016 article, Al-Monitor, an online news platform for news coverage on the Middle East, also elaborates on changes affecting the National Intelligence Organization (MIT):

“The MIT used to have four main departments, each led by a deputy undersecretary. In the new setup it will have six. To put this in perspective, when Hakan Fidan became the director of the MIT in May 2010, there was only one position of deputy undersecretary. The Nov. 4 decision is more than just about the addition of new offices; responsibilities are rearranged in addition to the scope of each office.

There are three main changes that could give us clues about what we can expect from the role of the MIT in Turkish bureaucracy. First, two new departments have been created. One is the position of a new deputy undersecretary for coordination among state institutions. [...] The next long-awaited position created is that of deputy undersecretary for special operations. [...] The other four deputy undersecretaries will be responsible for the following units: security intelligence, strategic intelligence, technical intelligence and

internal administrative services. All of these have operational powers, except for the administrative services unit, which is responsible for management services. [...]

The second important change is the technical intelligence unit, which has a new, young, much-admired bureaucrat as its deputy undersecretary, Cemalettin Celik, and a new mission statement.” (Al-Monitor, 6 November 2016)

The European Commission’s April 2018 report notes that “[t]he MIT [National Intelligence Agency] was brought under the authority of the President. The MIT’s powers to gather intelligence about the Turkish armed forces and its personnel, abolished in 2011, were reintroduced” (European Commission, 17 April 2018, p. 4; see also Hürriyet Daily News, 25 August 2017). The Istanbul office of the Heinrich Böll Stiftung similarly explains that the “National Intelligence Service [...] has been subordinated directly to the President with an executive decree after the 2017 referendum” and adds that “[t]he Organization has been restructured so as to weaken its ties to the military” (Heinrich Böll Stiftung Istanbul, December 2018, p. 122).

AA in an August 2017 article provides the following information:

“Turkey’s intelligence service will report to the president from Friday, the Official Gazette said. The National Intelligence Organisation (MIT) had previously reported to the prime minister but, in a decree issued under emergency powers introduced following last year’s defeated coup, it will now answer to the president. The gazette also announced that the president would head the National Intelligence Coordination Board, which oversees the intelligence activities of MIT, the military and police. The changes give President Recep Tayyip Erdogan control over domestic and overseas intelligence gathering. For the first time, MIT will be able to gather intelligence on armed forces and Defense Ministry personnel, something previously carried out by the military. The president will also control any potential investigation by prosecutors into the head of MIT, currently Hakan Fidan. A prosecutor wishing to investigate the MIT director will need to gain permission from the president. If permission is denied, the prosecutor can appeal to the Council of State (Danistay) within 10 days. Any investigation of the MIT chief will be passed to the chief prosecutor of the Supreme Court of Appeals (Yargitay).” (AA, 25 August 2017)

A detailed description of amendments in the area of defence and security introduced during the state of emergency can be found on the pages 10 to 63 of the abovementioned December 2018 report published by the Istanbul office of the Heinrich Böll Stiftung:

- Heinrich Böll Stiftung Istanbul: When state of emergency becomes the norm, December 2018
https://olaganlasanohal.com/files/when_the_state_of_emergency_becomes_the_norm.pdf

4 Major political developments from January 2018 to April 2020

4.1 Continued purges

The USDOS in its March 2020 country report on human rights practices in 2019 notes the following on people dismissed, suspended, detained, arrested or convicted following the 2016 coup attempt. The report also provides numbers of imprisoned people with ties to the Gülen movement or the PKK in November 2019:

“Since the 2016 coup attempt, authorities have dismissed or suspended more than 45,000 police and military personnel and more than 130,000 civil servants, dismissed one-third of the judiciary, arrested or imprisoned more than 80,000 citizens, and closed more than 1,500 nongovernmental organizations (NGOs) on terrorism-related grounds, primarily for alleged ties to the movement of cleric Fethullah Gulen, whom the government accuses of masterminding the coup attempt, and designated by the government as the leader of the ‘Fethullah Terrorist Organization’ (‘FETO’).” (USDOS, 11 March 2020, Executive Summary)

“Human rights groups noted that, following the 2016 coup attempt, authorities continued to detain, arrest, and try hundreds of thousands of individuals for alleged ties to the Gulen movement or the PKK, often with questionable evidentiary standards and without the full due process guaranteed under law (see section 2.a.). On the three-year anniversary of the July 15 coup attempt, the government announced that 540,000 individuals had been detained since the coup attempt on grounds of alleged affiliation or connection with the Gulen movement. The Ministry of Justice reported in September that since July 2016, the government had convicted nearly 30,000 individuals on charges related to the coup attempt or ties to the Gulen movement. It had also opened more than 150,000 secret investigations related to the coup attempt. Approximately 70,000 cases were pending trial. A majority of the individuals were reportedly detained for alleged terror-related crimes, including membership in and propagandizing for the Gulen movement or the PKK. Domestic and international legal and human rights experts questioned the quality of evidence presented by prosecutors in such cases, criticized the judicial process, asserted that the judiciary lacked impartiality, and said defendants were sometimes denied access to the evidence underlying the accusations against them (see section 1.e., Trial Procedures).” (USDOS, 11 March 2020, Section 1d)

“The government reported that as of November, there were 41,000 individuals in prison for terror-related crimes. Of these, 28,000 were Gulen movement related and 9,000-10,000 were PKK related. Some observers considered some of these individuals political prisoners, a charge the government disputed.” (USDOS, 11 March 2020, Section 1e)

Turkish Minute, which describes itself as “a web portal presenting news on Turkey in English amid ever-increasing pressure on the critical and independent media in the country” (Turkish Minute, undated) in a December 2019 article provides the following figures published by the deputy chairman of the Nationalist Movement Party (MHP) of people investigated, detained or arrested due to alleged links to the Gülen movement:

“Turkish prosecutors have investigated a total of 562,581 people while courts have arrested 91,610 individuals on allegations of terrorism due to their alleged links to the

Gülen movement since a failed coup in July 2016, according to an opposition party deputy chairman. The figures were made public by Feti Yıldız, deputy chairman of the Nationalist Movement Party (MHP), an ally of the ruling Justice and Development Party (AKP). [...]

According to the figures given by Yıldız, out of the 562,581 people who have been investigated, 263,553 have been detained and 91,610 have been arrested. There are currently 27,034 people in Turkey's prisons who were arrested as part of investigations into followers of the Gülen movement." (Turkish Minute, 17 December 2019a)

In a February 2020 article Turkish Minute cites figures given by officials from Turkey's Justice Ministry of people in prison, investigated and on trial due to alleged links to the Gülen movement:

"According to the latest figures, 26,862 people are in jail due to links to the Gülen movement, which is accused of orchestrating a 2016 coup attempt despite its strong denial of any involvement. Officials from Turkey's Justice Ministry told BBC Turkish service that as of Feb. 19 nearly 5,000 of them had been sentenced to prison, while the remainder are in pretrial detention. Meanwhile, prosecutors are pursuing 69,701 investigations in which 135,708 suspects are accused of membership in the movement. In addition 42,717 trials are pending that involve 60,167 defendants accused of Gülen links.

Mass detentions in ongoing investigations are continuing on a nearly daily basis with hundreds of people detained last week, according to the report. As part of a global crackdown targeting Gülen followers, Turkey has requested the extradition of 750 people from 101 countries, the ministry said, adding that various countries have already denied requests for 74 of them. The ministry has also applied to Interpol for the issuance of red notices for 555 suspects." (Turkish Minute, 21 February 2020)

In November 2019 AA notes that Turkish security forces arrested over 29,752 persons suspected of having links with the Gülen movement in the first ten months of 2019 and 4,907 persons suspected of having links with the Gülen movement were remanded in custody (AA, 29 November 2019).

The following sub-sections are intended to give an overview of the individual sectors. They are not exhaustive and focus on more recent developments.

4.1.1 Military

The Netherlands Ministry of Foreign Affairs in a July 2019 report on military service provides information on soldiers dismissed, arrested and convicted after the failed coup:

"In the period between the unsuccessful coup in 2016 and March 2017, the Turkish government fired more than 22,000 officers, soldiers and cadets for alleged links with the Gülen movement. [...] In addition, during the same period the Turkish government arrested tens of thousands of other people accused of being supporters of the Gülen movement, or of being involved in terrorism and the coup attempt. This also included a large number of soldiers. Even after March 2017, there were reports in the press and announcements by the Turkish government about arrests and/or convictions of soldiers in connection with the

coup attempt. For example, in January 2019 the Turkish authorities reported that at least 58 generals and 629 senior officers had been sentenced to life imprisonment for involvement in the failed coup and for links with the Gülen movement. In January 2019, the Turkish authorities also arrested 63 people on charges of involvement with the Gülen movement, including 46 helicopter pilots in active service. Earlier that month, more than 100 soldiers and former cadets at military training institutions were arrested throughout Turkey.” (Netherlands Ministry of Foreign Affairs, July 2019, pp. 5-6)

The German Federal Office for Migration and Refugees in its 20 January 2020 Briefing Notes mentions that on 14 January 2020 a search operation targeted at least 207 people and 137 people were already detained by late morning of that day. According to reports, the majority of those facing arrest were soldiers, including six fighter pilots (BAMF, 20 January 2020, p. 6). The British daily *The Times* notes in a February 2020 article that arrest warrants were issued for almost 700 people for allegedly taking part in the coup attempt 2016. The source goes on to say that those targeted “worked in the police, justice ministry and armed forces, and include 101 serving military personnel” (*The Times*, 18 February 2020). AA in February 2020 reports on arrest warrants issued for 37 individuals accused of having links to the Gülen movement, some of whom were “active-duty soldiers in the Turkish Armed Forces” (AA, 25 February 2020). In March 2020 AA mentions that, according to the National Defence Ministry, “[s]ince 2016, 19,075 military employees have been dismissed over links to Fetullah Terrorist Organization (FETO) [...]. The trial for 5,181 others continues” (AA, 13 March 2020). *Daily Sabah* notes in April 2020 that some 19,203 members of the armed forces accused of having links to the Gülen movement have been dismissed and that “legal procedures remained ongoing for 5,035 personnel” (*Daily Sabah*, 6 April 2020). *Turkish Minute* states in an April 2020 article:

“The Turkish Defense Ministry has announced that there are ongoing investigations into 5,034 members and staff of the Turkish Armed Forces (TSK) over their alleged links to the Gülen movement, which is accused by the government of masterminding a failed coup in July 2016, according to local media reports. [...] According to information from the ministry, a total of 19,397 members of the armed forces, including officers and civilian personnel, have been discharged due to Gülen links since the failed coup.” (*Turkish Minute*, 20 April 2020)

4.1.2 *Police*

The *Guardian* writes in February 2019 that “Turkey has issued arrest warrants for a further 1,112 people with suspected connections to the outlawed Gülenist movement” adding that the operation was “one of the biggest to date targeting followers of cleric Fethullah Gülen”. The source further explains:

“The new arrests were issued as part of an investigation into the alleged rigging of exams in 2010 for police officers seeking promotion to the rank of deputy inspector, Anadolu Agency reported. Prosecutors said Gülen’s followers were given questions in advance. Arrests were mostly focused on the capital, Ankara, although 124 people have been detained so far across 76 provinces, the Ankara chief prosecutor’s office said. It was not immediately clear how many of those targeted are currently serving police officers.” (*The Guardian*, 12 February 2019)

In January 2020 AA reports that 40 former police officers were arrested in different cities for alleged links with the Gülen movement. The source goes on to say that “[a] total of 50 suspects, including four police chiefs, were sought as part of a probe into FETO's clandestine network in the police forces” (AA, 24 January 2020). The Times reports in February 2020 on arrest warrants for almost 700 coup suspects, including people working in the police, justice ministry and armed forces. The article explains that most were “accused of having taken part in a scheme in which the exam papers for police service promotions in 2009 were leaked to Gulenist candidates to ensure that they would win top positions” (The Times, 18 February 2020). AA in a March 2020 article mentions arrest warrants issued for 23 former police personnel for alleged links with the Gülen movement (AA, 4 March 2020). Turkish Minute states in a January 2020 article that “[m]ore than 33,000 members of the police force have been removed from their jobs due to their alleged Gülen links since the coup attempt” (Turkish Minute, 24 January 2020a).

4.1.3 Judicial system

Turkish Minute states in July 2019 that “Turkey’s Council of Judges and Prosecutors (HSK) has suspended nine judges and prosecutors [...] out of 25 who are under investigation over their alleged links to the Gülen movement” (Turkish Minute, 12 July 2019). AA mentions in a December 2019 article that “[a]t least 18 judges and prosecutors were suspended over links to Fetullah Terrorist Organization” and goes on to say that, according to the Council of Judges and Prosecutors, “the suspects were suspended until an inquiry about their links to FETO concluded” (AA, 27 December 2019). The USDOS in its March 2020 country report on human rights practices in 2019 provides the following information on judges and prosecutors who faced prosecution and also mentions the targeting of defence attorneys:

“The judiciary faced a number of challenges that limited judicial independence, including the suspension, detention, or firing of judicial staff accused of affiliation with the Gulen movement. According to press reports based on Ministry of Justice statistics, as of September more than 4,500 judges and prosecutors faced prosecution and nearly 3,500 had been tried under and following the state of emergency. On April 16, the European Court of Human Rights (ECHR) ruled that imprisoned Turkish Constitutional Court judge Alparslan Altan’s detention following the 2016 coup attempt was unlawful.

The government also targeted some defense attorneys representing a number of high-profile clients. For example, in March, 18 lawyers from the Contemporary Lawyers Association and the People’s Law Office – both known for representing clients in cases involving torture and human rights violations – were sentenced to prison on charges of membership in a terror organization.” (USDOS, 11 March 2020, section 1e)

“During the year the government prosecuted law enforcement officers, judges, and prosecutors who initiated corruption-related investigations or cases against government officials, alleging the defendants did so at the behest of the Gulen movement.” (USDOS, 11 March 2020, Section 4)

AI mentions in its April 2020 report on the human rights situation that in 2019 at least 16 judges and seven prosecutors were dismissed for alleged links to terrorist organisations (AI, 16 April 2020). Turkish Minute states in January 2020:

“Deputy Chairman of Turkey’s Board of Judges and Prosecutors (HSK) Mehmet Yılmaz has said there are ongoing investigations into 400 judges and prosecutors over their alleged links to the Gülen movement, accused by the Turkish government of masterminding a failed coup attempt in July 2016, the t24 news website reported. [...] More than 6,000 judges and prosecutors have been removed from their jobs since the coup attempt due to their alleged links to the movement.” (Turkish Minute, 24 January 2020b)

Reuters indicates in a May 2020 special report that, according to own calculations based on Ministry of Justice data, “[a]t least 45% of Turkey’s roughly 21,000 judges and prosecutors now have three years of experience or less. The report adds that by November 2019 “3,926 judges and prosecutors had been sacked from their posts, Justice Minister Abdulhamit Gul told parliament. More than 500 are in jail” (Reuters, 4 May 2020)

HRW states in an April 2019 report that “[o]ver a thousand lawyers have been prosecuted for terrorism offenses in the past two and a half years, with several hundred held in prolonged pretrial detention” (HRW, 10 April 2019, p. 22). A November 2019 joint report on the erosion of judicial independence and attacks on lawyers in Turkey submitted by European and international lawyers' associations for the 35th Universal Periodic Review (UPR) of Turkey describes the situation of lawyers in Turkey as follows:

“The situation for lawyers in Turkey has worsened since the failed coup in 2016. There is a widespread and systematic persecution of members of the legal profession in Turkey. Approximately 599 lawyers have been arrested and detained, 1546 lawyers prosecuted, and 311 lawyers convicted and sentenced to a total of 1,967 years in prison. Lawyers have been prosecuted in mass trials of, for example, 322 and 110 lawyers per trial. Approximately 4,260 judges and prosecutors have been dismissed; many have been arrested and detained; and 634 judges and prosecutors have been convicted on terrorism charges. Approximately 500 administrative personnel of the Supreme Court, Council of State, Court of Accounts, and Council of Judges and Prosecutors have also been dismissed.” (The Law Society of England and Wales et al., 21 November 2019, p. 1)

The Arrested Lawyers Initiative in its February 2020 report provides the following figures on detained, prosecuted and convicted lawyers in Turkey:

“Since 2016’s coup attempt, there has been a relentless campaign of arrests which has targeted fellow lawyers across the country. In 77 of Turkey’s 81 provinces, lawyers have been detained, prosecuted and convicted due to alleged terror-linked offenses. As of today, more than 1.500 lawyers have been prosecuted and 605 lawyers arrested. So far, 345 lawyers have been sentenced to 2.158 years in prison on the grounds of membership of an armed terrorism organization or of spreading terrorist propaganda.” (The Arrested Lawyers Initiative, February 2020, p. 7)

4.1.4 Educational system

The USDOS states in its March 2020 country report on human rights practices covering 2019:

“Academics and others criticized the situation in public universities, asserting that the dismissals of more than 7,000 academics during the 2016-18 state of emergency had depleted many departments and institutions of qualified professional staff to the detriment of students and the quality of education. According to press reports, as of August, 273 departments for 78 public universities did not have any academic staff. In July the Constitutional Court ruled that the prosecution of nearly 2,000 academics, known as the Academics for Peace, for ‘terrorist propaganda’ after they signed a 2016 petition condemning state violence against Kurds in the southeast and calling for peace, constituted a violation of their right to freedom of expression. Following the high court’s verdict, as of November lower courts acquitted 486 academics, and 336 cases remained pending. Most academics who were acquitted were not reinstated to their previous positions.” (USDOS, 11 March 2020, section 2a)

AA mentions in an April 2019 article that arrest warrants were issued for 16 teachers who had previously worked in schools associated with the Gülen movement (AA, 30 April 2019a). According to an article published by AA in August 2019, arrest warrants were issued for 21 individuals “as part of a probe into FETO’s underground structure in the country’s universities” (AA, 20 August 2019). In another August 2019 article AA notes that “police in Ankara arrested 36 suspects, who worked at FETO-affiliated schools which were shut down following the defeated coup” (AA, 23 August 2019). In September 2019 AA reports on the arrest of nine persons for their alleged links to the Gülen movement, among them teachers (AA, 13 September 2019). In October 2019 AA states that arrest warrants were issued for 51 suspects due to their alleged links to the Gülen movement, among them an academic and seven dismissed teachers (AA, 8 October 2019). Turkish Minute in an October 2019 article mentions detention warrants for 41 people accused of having links to the Gülen movement, among them teachers (Turkish Minute, 23 October 2019). In February 2020 AA reports on the arrest of eight people, among them two teachers, due to their alleged links to the Gülen movement (AA, 25 February 2020). Turkish Minute states in March 2020 that “[a] Turkish court on Tuesday ordered the arrest of 19 university students on charges of membership in the Gülen movement.” The article goes on to say that “the students were accused of involvement in efforts of the Gülen movement to reorganize in Turkey” and adds that “Turkish police on Feb. 28 detained 59 youths [...].The remaining 40 students were released pending trial” (Turkish Minute, 10 March 2020).

Turkish Minute in an article published in March 2019 notes that, according to data obtained by journalist Nedim Şener, 30,727 public servants were in jail due to their alleged links to the Gülen movement as of 8 March 2019, of those 6,478 were teachers (Turkish Minute, 26 March 2019). Advocates of Silenced Turkey (AST) who describe themselves as “a group of lawyers, judges, academics, journalists, and hundreds of activists” and “prisoners of conscience wanted by the Erdogan’s regime, relatives of political prisoners, and victims who have lost their jobs, property, and family members to the current administration” (AST, undated) state in an April 2020 report:

“Following the coup attempt, 3,003 private schools and 15 universities linked to the Gülen movement were closed by a presidential decree. [...] Over 8,500 academics reportedly lost their jobs either due to direct dismissals or university closures since September 2016 - and many of them were imprisoned. Large-scale dismissals of academics and teachers significantly damaged the education sector thus diminished the right to education.” (AST, 6 April 2020, p. 3)

The Stockholm Center for Freedom (SCF) in April 2020 reports on a bill “that will pave the way for academic dismissals from universities on accusations of disseminating terrorist propaganda”:

“A new bill proposed by Turkey’s Islamist, ultranationalist government that will pave the way for academic dismissals from universities on accusations of disseminating terrorist propaganda, in the process eroding academic independence and freedom, has been approved by the Turkish parliament’s National Education, Culture, Youth and Sports Committee. The bill extends the scope of ‘[disciplinary] grounds that require dismissal from public service,’ the *Birgün* daily reported on Monday. The bill amends the Higher Education Board (YÖK) Law and contains provisions facilitating disciplinary action against academics.” (SCF, 13 April 2020)

The Guardian in an August 2019 article elaborates on books removed from schools and libraries since the coup attempt 2016 for being linked to Fethullah Gülen:

“More than 300,000 books have been removed from Turkish schools and libraries and destroyed since the attempted coup of 2016, according to Turkey’s ministry of education. Turkey’s education minister Ziya Selçuk announced last week that 301,878 books had been destroyed as the government cracks down on anything linked to Fethullah Gülen, the US-based Muslim cleric who is accused by Turkey of instigating 2016’s failed military coup. Gülen has denied involvement.” (The Guardian, 6 August 2019)

4.1.5 Media/Journalists

The Parliamentary Assembly of the Council of Europe (CoE-PACE) in a January 2020 report on media freedom and journalists’ security in Europe writes that “[a]fter the failed coup of 15 July 2016 and the emergency decrees that followed, over 150 media outlets were closed and about 10 000 media employees were dismissed” (CoE-PACE, 3 January 2020, p. 18). The undated Turkey country page of Reporters Sans Frontières (RSF), a Paris-based international NGO devoted to protecting freedom of expression, describes the situation in Turkey as follows:

“The witch-hunt waged by President Recep Tayyip Erdoğan’s government against its media critics came to a head in the wake of an abortive coup in July 2016. After the elimination of dozens of media outlets and the acquisition of Turkey’s biggest media group by a pro-government conglomerate, the authorities are tightening their grip on what little is left of pluralism – a handful of media outlets that are being harassed and marginalized. Turkey is the world’s biggest jailer of professional journalists. Spending more than a year in prison before trial is the new norm, and long jail sentences are common, in some cases as long as life imprisonment with no possibility of a pardon. Detained journalists and closed media outlets are denied any effective legal recourse.” (RSF, undated (a))

The European Commission’s May 2019 report covering 1 March 2018 to 1 March 2019 notes that “[h]eavy pressure on the media continued” and mentions “an estimated 160 journalists in prison in February 2019” (European Commission, 29 May 2019, p. 33). The USDOS in its March 2020 country report on human rights practices covering 2019 notes the following regarding the situation of journalists:

“Estimates of the number of incarcerated journalists ranged from at least 47 according to the Committee to Protect Journalists (CPJ) to 136 according to the International Press Institute (IPI). The majority faced charges related to antistate reporting or alleged ties to the PKK or Gulen movement. An unknown number of journalists were outside the country and did not return due to fear of arrest, according to the Journalists Association. Hundreds more remained out of work after the government closed more than 200 media companies allegedly affiliated with the PKK or Gulen movement, mostly in 2016-17, as part of its response to the 2016 coup attempt.” (USDOS, 11 March 2020, section 2a)

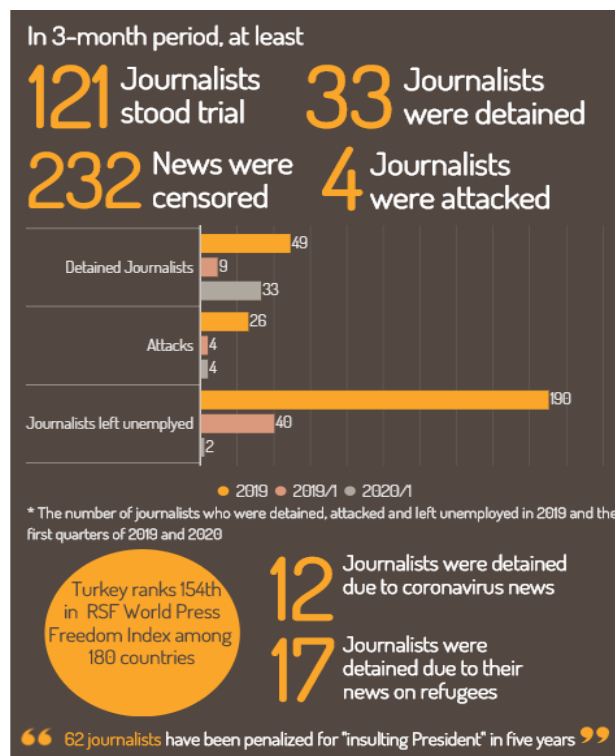
The March 2020 annual report of the Council of Europe’s Platform for the Protection of Journalism and Safety of Journalists points out that “the number of jailed journalists in Turkey according to Platform figures declined from 110 to 91 in 2019”, but adds that “Turkish authorities and courts continue to treat critical journalism as criminal terrorist activity” (Platform for the Protection of Journalism and Safety of Journalists, March 2020, p. 51).

Bianet, an independent news source based in Istanbul (Bianet, undated) which “has been a trailblazer in human rights journalism ever since its creation in 1997, specializing in the most sensitive subjects” (RSF, 6 August 2019) in January 2020 published the following infographic which provides an overview of the situation of journalists and media in 2019:



Source: [Bianet, 22 January 2020](https://bianet.org/eng/infographic/2020/01/22)

In May 2020 Bianet provides the following overview of the first quarter of 2020:



Source: [Bianet, 2 May 2020](#)

In the summary of a report on press freedom published in May 2020 (covering the period 1 April 2019 to 1 April 2020) the Turkish Journalists' Union (Türkiye Gazeteciler Sendikası, TGS) reports that 85 journalists are still in prison as of 2 May 2020. There were 108 cases of detention between 1 April 2019 and 1 April 2020 which affected 103 journalists. 28 journalists went to prison, nine of these journalists were still not released as of 2 May 2020. At least 76 new investigations have been opened against journalists in the period covered. Journalists stood trial in 166 cases, 48 of whom were acquitted. The sentences levelled against journalists amounted collectively to at least 178 years, 6 months and 9 days in prison. The overall sum of fines imposed on journalists amounted to 148.380 Turkish Lira. At least 37 journalists have been physically attacked in the past year. In the last year, 20 administrative sanctions were imposed by the Radio and Television Supreme Council (RTÜK) against media organisations. RTÜK stopped broadcasting 16 times in total. RTÜK also imposed administrative fines on the media amounting to a total of 1,033,864.00 Turkish Lira (TGS, 2 May 2020).

Expression Interrupted which describes itself as a website “dedicated to tracking the legal process against [journalists and academics]” in Turkey (Expression Interrupted, undated) mentions in a weekly summary published on 16 May 2020 that, according to the Platform for Independent Journalism (P 24), “as of 15 May 2020, at least 102 journalists and media workers are in prison in Turkey, either in pre-trial detention or serving a sentence” (Expression Interrupted, 16 May 2020)

Cumhuriyet Case

The #FreeTurkeyJournalists platform which promotes and defends free expression in Turkey and which “is maintained by the International Press Institute (IPI) – a global network of editors, media executives and leading journalists dedicated to protecting media freedom” (IPI, undated (b)) in a March 2020 article provides the following details on the background of the Cumhuriyet trial:

“Of all the serious violations against media freedom in Turkey over the last few years, one case stands out in particular: the Cumhuriyet trial. In late 2016, more than a dozen different journalists and executives at the leading secular newspaper were charged with various terrorism offences. [...] As one of the few remaining critical voices left in Turkey, the Istanbul-based daily had maintained strong independence in an increasingly state-controlled media environment. After the 2016 failed coup attempt, the authorities used the situation to launch a wide-scale assault on dissent, jailing critics, closing newspapers and cracking down on independent media outlets. Cumhuriyet was high on the list of targets.

On October 31, 2016, 13 of the newspaper’s staff were arrested in early-morning police raids on their homes. Seventeen employees out of an initial 20 defendants were charged with various terrorism offences and abuse of authority. While three were acquitted during the first trial period, among those convicted were some of Turkey’s best known journalists and commentators, including Cumhuriyet’s Editor-in-Chief, Murat Sabuncu; columnist and IPI Executive Board member Kadri Gürsel; and cartoonist Musa Kart.

Turkish authorities accused them of supporting a range of groups with vastly different ideologies it has labelled terror organizations, including the Kurdistan Workers’ Party (PKK), the left-wing Revolutionary People’s Liberation Party-Front, and the Islamist movement led by U.S.-based cleric Fethullah Gülen, whom Ankara accuses of masterminding the failed coup.” (IPI, 25 March 2020)

Al-Monitor explains in a November 2019 article:

“The indictment for the Cumhuriyet trial was originally completed on April 3, 2017, against 18 contributors and staff members, some of whom had been placed in pretrial detention following house raids in the fall of 2016. Apart from terror charges, some defendants were charged with contacting individuals who allegedly used the ByLock phone application, alleged to be a communication tool between Gulen supporters. Following Thursday’s verdict, the conviction of 12 Cumhuriyet employees will be sent back to an appeals court.” (Al-Monitor, 21 November 2019)

The USDOS in its March 2020 country report on human rights practices during 2019 notes:

“In April 2018, 14 persons affiliated with the leading independent newspaper, Cumhuriyet, were convicted of aiding terrorist organizations, citing their reporting as part of the evidence against the accused, and sentenced to prison terms of between three and seven years. The court placed the journalists on probation and banned them from traveling abroad until the appeals process concluded. In April six defendants returned to prison after

an appeals court upheld their convictions. Following a Supreme Court of Appeals ruling in September that dismissed most of the cases, only one former staff member remained jailed, but travel bans on the others remained in place. The original court set aside the Supreme Court of Appeals ruling and held a retrial for 13 of the original defendants in November, acquitting one and ruling against the Supreme Court of Appeals' decision for the other 12. The case continued at year's end as the defendants appealed the decision." (USDOS, 11 March 2020, section 2a; see also Reuters, 21 November 2019)

CoE-PACE similarly notes in a January 2020 report:

"Lastly, the Turkish authorities repeatedly target the newspaper Cumhuriyet, whose journalists and other employees are regularly harassed, accused of 'assisting a terrorist organisation', arrested and imprisoned. On 25 April 2019, six former staff members of Cumhuriyet were in prison and two were in exile. On 12 September 2019, overturning the verdict of a lower court, the 16th Penal Chamber of the Supreme Court of Appeals (Court of Cassation) ruled that the execution of the sentences of several Cumhuriyet staff members shall be suspended and requested the journalists be released. However, on 21 November 2019, the Istanbul 27th High Criminal Court upheld the conviction of 12 former Cumhuriyet employees, despite the Court of Cassation ruling issued in September that had acquitted the defendants." (CoE-PACE, 3 January 2020, pp. 18-19)

The Turkish Initiative for Freedom of Expression which according to the International Freedom of Expression eXchange (IFEX) is "a non-profit organisation with no executive committee and no legal structure" (ifex, 30 March 2020) in a February 2020 article states:

"In the lawsuit filed against Cumhuriyet Daily writers and executives, the Chief Public Prosecutor's Office of the Court of Cassation reversed the decree issued by Istanbul 27th Assize Court for the second time. The Chief Public Prosecutor's Office issued for the acquittal of all defendants except Ahmet Şık and decided for Şık to be prosecuted due to 'making propaganda and public denigration of state institutions' instead of 'aiding an illegal organisation.' The file will be re-evaluated at the 16th Criminal Chamber of the Court of Cassation.

The Chief Public Prosecutor's Office of the Court of Cassation had previously reversed the conviction decrees issued by the local court in the Cumhuriyet Daily case, whereas the local court insisted on the initial decree; executing the acquittal decree for Kadri Gürsel only." (Initiative for Freedom of Expression, 4 February 2020)

4.1.6 Political officials

The USDOS mentions in its March 2020 country report on human rights practices covering 2019 the following with regard to the treatment of opposition politicians:

"Prosecutors used a broad definition of terrorism and threats to national security and in some cases, according to defense lawyers and opposition groups, used what appeared to be legally questionable evidence to file criminal charges against and prosecute a broad range of individuals, including journalists, opposition politicians (primarily of the HDP), activists, and others critical of the government." (USDOS, 11 March 2020, section 1e)

For information on members of the HDP, please refer to [section 4.1.7](#) of this compilation.

Freedom House in its March 2020 annual report on political rights and civil liberties in 2019 mentions the conviction of Canan Kaftancıoğlu, the chair of the CHP in Istanbul, to almost ten years in prison for “insulting the president and spreading terrorist propaganda”. According to Freedom House, Kaftancıoğlu called the charges politically motivated and remained free pending appeal” (Freedom House, 4 March 2020, section B2). AI in November 2019 reports on Sezgin Tanrikulu, Member of Parliament of the CHP, being investigated for “publicly denigrating the Turkish Government” because of a tweet and media interviews concerning the Turkish military offensive in Syria (AI, November 2019, p. 10). Turkish Minute in December 2019 reports on “Burak Oğuz, the mayor of İzmir’s Urla district from the Republican People’s Party (CHP)” who “was arrested [...] due to alleged links to the faith-based Gülen movement” (Turkish Minute, 17 December 2019b).

Ahval, a Turkish online news-site critical of the Turkish government (Der Tagesspiegel, 8 November 2017) in October 2019 refers to an article by the daily newspaper Birgün, according to which “[s]ixty officials from the main opposition Republican People’s Party (CHP) are facing charges of insulting the president over the party’s statement on the 2016 failed coup attempt”:

“Following the failed putsch of July 15, 2016, which Ankara maintains was orchestrated by followers of the Islamist cleric Fethullah Gülen, the 60 members of the CHP party council, the party’s highest body, released a statement criticising the ruling party and Turkish President Recep Tayyip Erdoğan over their links to the Gülen movement. The statement accused Erdoğan and Justice and Development Party (AKP) government of helping the Gülen movement to infiltrate Turkish institutions, particularly the military, police and judiciary. Years before ruling party listed his movement as a terrorist group, Gülen and his followers were praised and supported by top AKP officials during a period when Gülenists in the judiciary and police forces are widely believed to have targeted secularist state officials and military officers in a series of discredited trials.” (Ahval, 28 October 2019)

According to a February 2020 article by Reuters, President Erdogan said “that the main opposition party should be investigated for possible links to the U.S.-based cleric accused of orchestrating a 2016 coup attempt”:

“Kemal Kilicdaroglu, leader of the main opposition Republican People’s Party (CHP), said last week Erdogan was the ‘political wing’ of Gulen’s network, accusing him of allowing thousands of Gulenists to enter state ranks. His comments drew harsh backlash from Erdogan, who in turn accused Kilicdaroglu of being involved with Gulen’s network, which Ankara calls FETO. [...] Several attempts by the opposition to establish a committee in parliament to look into Gulen’s political connections have so far been rejected by the AKP. Last week, Erdogan filed a 500,000 lira (\$82,270) lawsuit against Kilicdaroglu for his comments.” (Reuters, 19 February 2020)

4.1.7 *Kurdish-affiliated politicians and organisations*

Freedom House in its March 2020 annual report on political rights and civil liberties in 2019 provides information on HDP members of parliament removed from office and the arrest of and charges brought against HDP leaders, including Selahattin Demirtaş who was sentenced in September 2018:

“In April 2018, two HDP members of parliament were removed from office due to criminal convictions for ‘insulting a public employee’ and membership in a terrorist organization, respectively, bringing to 11 the total number of HDP deputies ousted as a result of criminal convictions or absenteeism caused by imprisonment. The HDP also reported that 394 party members were detained during the campaign. [...]

A 2016 constitutional amendment facilitated the removal of parliamentary immunity, and many of the HDP’s leaders have since been jailed on terrorism charges. In September 2018, Demirtaş, the HDP’s presidential candidate, was sentenced to four years and eight months in prison for a 2013 speech praising the PKK in the context of peace negotiations. In November 2018, the ECHR ordered Demirtaş’s immediate release, finding that his arrest was politically motivated and his nearly two-year-long pretrial detention was unreasonable. As of 2019 he remained in prison on new terrorism charges that could lead to a 142-year prison term. [...]

The Turkish government has also resorted to arresting and charging opposition leaders, accusing of them of offenses varying from terrorism to insulting the president. The HDP has regularly been subjected to this tactic; while Sırrı Süreyya Önder, a party deputy in Ankara, was released in October 2019 on the orders of the Constitutional Court, leader Selahattin Demirtaş and party official Figen Yüksekdağ both remained in prison as the year ended.”(Freedom House, 4 March 2020, sections A2, B1, B2)

The USDOS in its March 2020 country report on human rights practices covering 2019 provides the following information on Kurdish-affiliated politicians:

“At year’s end seven former HDP parliamentarians and 48 HDP comayors had been arrested. According to the HDP, since July 2016 at least 4,920 HDP lawmakers, executives, and party members were in prison for a variety of charges related to terrorism and political speech, including former HDP cochair and former presidential candidate Selahattin Demirtaş, who remained imprisoned since 2016. As of December 1, the government had suspended from office using national security grounds, 28 locally elected opposition politicians in Kurdish-majority areas, subsequently arresting and imprisoning some. The government suspended the elected village headmen of 10 villages from office in the southeast in May. In August the Ministry of Interior suspended the HDP mayors of three major southeastern cities, Diyarbakir, Mardin, and Van, all of whom had been elected in March. The Ministry of Interior suspended and detained the HDP mayors of Kulp and Karayazi in September and the mayors of Hakkari, Yuksekova, Nusaybin, Bismil, Kayapinar, Ercis, Cizre, and Kocakoy in October. The government suspended the majority for ongoing investigations into their alleged support for PKK terrorism, largely dating to before their respective elections.” (USDOS, 11 March 2020, section 1e)

“The government also suspended democratically elected mayors in multiple cities and municipalities in the southeast and in their place assigned state ‘trustees’ when the former were accused of (but not necessarily convicted of) affiliation with terrorist groups. These tactics were most commonly directed against politicians affiliated with the leftist pro-Kurdish HDP and its partner party, the DBP (Democratic Regions Party). The government removed 44 percent of HDP mayors elected in the March municipal elections. Since 2016 the government had removed 62 percent of elected HDP officials. Former HDP co-chairs Demirtas and Figen Yuksekdag remained in prison [...]” (USDOS, 11 March 2020, section 3)

Bianet in December 2019 elaborates on a report released by the HDP on rights violations in 2019:

“Underlining that 15,530 people have been detained in the operations against the HDP and its constituents since 2015, the report has indicated that 6,000 people from the HDP, including 750 party members and executives, have been arrested since then. [...]”

Indicating that at least 1,674 HDP members and executives were detained in 2019 and 200 of them have been arrested, the report has shared the following information in brief:

* Since August 19, 2019, when the ‘Trustee Operations’ started in the wake of March 31 local elections, 17 HDP co-mayors have been arrested and trustees have been appointed to HDP’s 28 municipalities. (Editor’s note: After the report was prepared, three more HDP district co-mayors have been arrested in Turkey’s eastern province of Van.)

* Since July 2015, 16 HDP MPs, including Co-Chairs, 7 Central Executive Committee (MYK) members, 21 Party Assembly (PM) members and over 750 provincial and district party executives have been arrested.

* Seven HDP MPs are currently arrested. Moreover, 11 HDP MPs have been relieved of their MP duties.” (Bianet, 11 December 2019)

The UK Home Office in an October 2019 report on a Fact-Finding Mission to Turkey conducted between 17 and 21 June 2019 quotes a HDP Member of Parliament who was interviewed for the report. According to the MP, as of June 2019 there were “9 HDP ex MPs in jail and 67 in parliament. The 9 ex-HDP MPs were put in jail because their immunity was lifted, and they were stripped of the parliament privileges (which means they can no longer be an MP also)” (UK Home Office, 1 October 2019, p. 92).

HRW in a February 2020 article provides information on the removal and pretrial detention of 23 democratically elected Kurdish mayors in Southeastern Turkey. According to HRW, in total the mayors of 29 municipalities were removed between 17 October and 23 December 2019:

“Twenty-three mayors are in pretrial detention on allegations that they committed terrorist offenses. One of them, Adnan Selçuk Mızraklı, the elected mayor of Diyarbakir Metropolitan Municipality, has a second trial hearing on February 10, 2020 on charges of ‘membership of a terrorist organization.’ Although the prosecutor has issued a legal

opinion requesting Mızraklı's conviction, the evidence in an indictment against him does not support the charge that he was involved with terrorism or committed crimes. [...]

Dismissals and detention of Kurdish mayors from the left-leaning pro-Kurdish Peoples' Democratic Party (HDP) rapidly increased after Turkey's October 9, 2019 military incursion into northeast Syria to remove Syrian Kurdish forces and administration controlling the area. Since then, the courts have ordered that mayors be held in pretrial detention pending completion of investigations and trials for alleged links to the armed Kurdistan Workers' Party (PKK). The removals and arrests show every sign of continuing, Human Rights Watch said. The removal of the mayors and disempowerment of local councils has effectively canceled the results of the March 31 local elections in the most populous cities of the southeast and eastern provinces.

The actions against the mayors began in August with the removal of the prominent HDP mayors in the three biggest cities of southeast and eastern Turkey, prompting protests against the government's actions in Diyarbakır. Thirty-two HDP mayors in the region have been stripped of their office and replaced with Ankara-appointed provincial and district governor 'trustees.' After their appointment, trustees did not convene the local councils – effectively neutering their decision-making role in local government. The HDP won 65 municipalities in the region in the March local election. [...]

This is the second time the authorities have systematically suspended local democracy for Kurdish voters in that region. Under the state of emergency that followed the July 2016 attempted coup, the Erdoğan government introduced amendments to the Municipalities Law, and took direct control of 94 HDP municipalities and removed mayors and councils who had won at the polls in 2014 local elections. Those mayors detained in 2016-17 have also been subjected to politically motivated prosecutions.” (HRW, 7 February 2020)

BAMF in its Briefing Notes of 16 March 2020 notes that Adnan Selcuk Mızraklı, “former mayor of Diyarbakır, was sentenced to nine years and four months in prison for membership of the PKK, according to the state news agency Anadolu. He was removed from office in August 2019 and arrested in October” (BAMF, 16 March 2020, pp. 6-7). In its Briefing Notes of 30 March 2020 BAMF mentions that “on 24.03.20, eight more pro-Kurdish Halkların Demokratik Partisi (HDP) mayors in south-eastern provinces were removed from office and replaced by state-appointed administrators”. BAMF adds, that “[a]ccording to party sources, 32 HDP mayors have already been ousted for allegedly having close links with the Kurdistan Workers' Party (PKK) since the local elections in late March 2019” (BAMF, 30 March 2020, p. 8). AI mentions in an April 2020 article that in the municipal elections of March 2019 the HDP had won 65 municipalities in the Kurdish regions. In 59 of these municipalities the mayors have since been removed from office and the municipalities have forcibly been placed under federal administration (AI, 19 April 2020).

According to an October 2018 country information report on Turkey by the Department of Foreign Affairs and Trade of the Australian Government (DFAT), “[i]n June 2018, human rights defenders in Diyarbakır reported that there were now no private or municipal Kurdish-oriented organisations left in the south-east: authorities had closed theatres, kindergartens, and

language schools” (DFAT, 9 October 2018, p. 21). The European Commission’s May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 states that “there are reports about the dismissal of Kurdish academics and lecturers, partly facing terrorism-related investigations, the closure of Kurdish language NGOs and institutions, pressure on Kurdish media, and bans on Kurdish books” (European Commission, 29 May 2019, p. 40). The New Arab (Al-Araby Al-Jadeed), a London-based news website, in a December 2019 article refers to dozens of Kurdish TV channels, newspapers and associations shut for allegedly supporting the PKK:

“The coup attempt on July 15, 2016 in Turkey prompted Erdogan to declare a state of emergency, enabling him and the AKP government to bypass parliament and rule by decree. Erdogan now had free range to come down on the Kurdish community with an unchecked iron fist. Erdogan swiftly fired thousands of Kurdish teachers from their academic posts and shut down dozens of Kurdish TV channels, newspapers and associations – all under the allegations of ‘supporting a terrorist organisation,’ referring to the PKK.” (The New Arab, 20 December 2019)

In the above-cited February 2020 article on the removal of 23 democratically elected Kurdish mayors HRW provides details on the prosecution of Adnan Selçuk Mızraklı, the elected mayor of Diyarbakir Metropolitan Municipality, and mentions the closed association Sarmaşık and the platform Democratic Society Congress (DTK) “which the authorities now accuse of being a PKK organ”:

“The prosecutors’ indictment and opinion also claim as evidence of membership of the PKK that Mızraklı was formerly chair of Sarmaşık, an association focused on combatting poverty by providing food aid. The government closed the group down in 2016 under the state of emergency, citing links to the PKK, but there has never been a criminal case against it. Mızraklı’s indictment suggests the group was linked to terrorism because the people who received its aid included families of PKK fighters. The prosecutors also allege that Mızraklı was involved with a platform called the Democratic Society Congress (DTK), which the authorities now accuse of being a PKK organ, though it has functioned for years without being closed or sanctioned.” (HRW, 7 February 2020)

The USDOS mentions in its March 2020 country report on human rights practices covering 2019 that “[n]early all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees” (USDOS, 11 March 2020, section 2a). The report further notes that “Kurdish and pro-Kurdish civil society organizations and political parties continued to experience problems exercising freedoms of assembly and association [...]. Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 and 2017 after the coup attempt remained shut” (USDOS, 11 March 2020, section 6).

Information on arrests of members of parliament of the Peoples' Democratic Party (HDP) from June 2016 to January 2018 can be found in the following report:

- MEI – Middle East Institute: Turkey's parliamentary purge and the HDP's dilemma, February 2020
https://www.mei.edu/sites/default/files/2020-02/Turkey%E2%80%99s%20Parliamentary%20Purge%20and%20the%20HDP%E2%80%99s%20Dilemma_Feb.%203%2C2020.pdf

4.1.8 Other state employees

The Dubai-based news channel Al Arabiya in May 2019 mentions arrest warrants were issued for “249 past and present foreign ministry personnel with alleged ties to the group blamed for a failed 2016 coup” (Al Arabiya, 20 May 2019). AA in December 2019 reports on Foreign Ministry staff on active duty investigated for “using ByLock, the encrypted smartphone messaging app of FETO” and notes that “[t]en out of 29 suspects were arrested” (AA, 7 December 2019). AP states in a December 2019 article that detention warrants were issued for 18 Health Ministry personnel, among them ten doctors (AP, 17 December 2019). AA notes in another December 2019 article that “Turkish police arrested 18 staff of now defunct Prime Minister's Office over suspected links to the Fetullah Terrorist Organization (FETO)” (AA, 18 December 2019b). Ahval in December 2019 provides the following information:

“Prosecutors on Wednesday have ordered the detention of 131 people accused of being members of an outlawed religious movement, Hürriyet newspaper reported. Turkish police have detained 54 soldiers, 47 public officials and 30 private-sector employees over links to the Gülen movement, a religious group Turkey accuses of orchestrating a coup attempt in 2016, Hürriyet said.” (Ahval, 25 December 2019)

AA in January 2020 reports on National Education Ministry staff arrested for alleged links to the Gülen movement:

“Turkish security forces on Tuesday arrested 59 suspects over ties to the Fetullah Terrorist Organization (FETO), the group behind the defeated 2016 coup. Prosecutors in the southern provinces of Adana and Antalya, western province of Balikesir and the capital Ankara issued warrants for 68 people, including some serving officials. [...]

Meanwhile, Ankara-based anti-terror operations were launched simultaneously against alleged FETO members who had infiltrated National Education Ministry branches in seven provinces -- Ankara, Istanbul, Izmir, Kirsehir, Kayseri, Aksaray and Kahramanmaras -- resulting in the arrest of seven of 16 suspects. The arrested suspects were active ministry staff and all were using ByLock -- an encrypted smartphone application used by FETO members for communication.” (AA, 21 January 2020)

Daily Sabah in an article published in February 2020 mentions suspects being “sought for allegedly being sleeper FETÖ agents in the Justice Ministry”:

“Prosecutors across the country issued arrest warrants Tuesday for 875 people with suspected links to the Gülenist Terror Group (FETÖ), security sources said, in what appeared to be the largest operation in recent years into the shady network's infiltration

of various institutions. [...] In separate probes, prosecutors in Ankara also issued arrest warrants for 134 additional FETÖ suspects in the Turkish Land Forces and the Justice Ministry. According to the Anadolu Agency sources, 71 of the suspects were sought for allegedly being sleeper FETÖ agents in the Justice Ministry. The sources added that 50 of the suspects had already been detained, including 33 active personnel in the ministry.” (Daily Sabah, 18 February 2020)

4.2 Consolidation of power

The Bertelsmann Stiftung, a German non-profit think tank, in its 2020 Transformation Index covering the period 1 February 2017 to 31 January 2019 states:

“In light of Erdoğan’s performance during the review period, it is possible to conclude that rather than being committed to democracy and democratic institutions, his policies are intended to consolidate his power by altering the rules of a functioning democratic system (through constitutional changes in 2017) and by silencing the opposition (through restrictions on the media, civil society and opposition parties).” (Bertelsmann Stiftung, 2020, p. 12)

CRS mentions in August 2018 that "Erdoğan’s consolidation of power has continued. He outlasted the July 2016 coup attempt, and then scored victories in the April 2017 constitutional referendum and the June 2018 presidential and parliamentary elections" (CRS, 31 August 2018, p. 4).

Regarding the presidential election held in 2018 Reuters reports in February 2018 on an electoral alliance formed by the AKP and the MHP, “a move aimed at ensuring Tayyip Erdogan will secure the required 50 percent” (Reuters, 21 February 2018). Al Jazeera mentions in a June 2018 article that “[t]he cooperation between the AK Party and the MHP has been on the Turkish political scene since late 2016, with both parties supporting the ‘yes’ vote in a key constitutional referendum” (Al Jazeera, 18 June 2018). The Atlantic Council which describes itself as “a nonpartisan organization that galvanizes US leadership and engagement in the world, in partnership with allies and partners, to shape solutions to global challenges” (The Atlantic Council, undated) in a June 2018 article also refers to the 2018 elections and the “People’s alliance” formed by the AKP and the MHP after changes to the Turkish electoral law:

“After sixteen years in power, Turkey’s Justice and Development Party (AKP) is facing a serious challenge from an allied opposition in the run-up to the June 24 national election. [...]

In the run-up to the election, Erdogan and his political ally, the far-right nationalist Nationalist Movement Party (MHP) surprised voters, after they agreed to move the date of the election up from November 2019 to June 2018. In addition, the two parties worked together to change Turkish electoral law to allow parties to run as a coalition, albeit while still allowing each parties’ logo to remain on the ballot. The coalition vote will be determined from the total number of votes cast for each party. The impetus for this change stems from a moment of political weakness when the AKP lost its parliamentary majority in June 2015, and from a prolonged failure to lower the ten percent threshold for parties

to enter parliament. The AKP managed to regain its majority in November, but during those interim months the AKP adopted a more right wing nationalist platform, intended to expand its appeal with far right voters associated with the MHP.

The electoral changes, in retrospect, signal AKP discomfort and political weakness. On the one hand, the AKP managed to win a very narrow majority for changes to the Turkish constitution, and to create a viable pathway for Erdogan to take greater control over all elements of the state. However, in doing so, Erdogan now has to win greater than 50 percent of the vote, or otherwise face a run-off (scheduled for July 8) with the second place finisher. The AKP has never won more than 50 percent of the vote; surpassing this margin in only three referendums. To get over the hump, the AKP and the MHP entered into a formal alliance, dubbed the People's alliance (Cumhur Ittifaki)." (The Atlantic Council, 6 June 2018; see also Al Jazeera, 18 June 2018)

Encyclopaedia Britannica describes how the changes introduced by the constitutional referendum held in April 2017 were implemented after the June 2018 elections:

"In April 2017, voters narrowly approved a referendum that dramatically expanded the powers of the presidency. [...] The changes were set to be implemented after the next elections, originally scheduled to take place in November 2019. Early elections were called, however, and were held on June 24, 2018. Prior to the elections, the AKP entered into an alliance with the Nationalist Movement Party (MHP). The alliance collectively received a majority of the vote in the parliamentary contest, and Erdoğan won an outright majority in the presidential contest. The constitutional changes were then implemented in July 2018 with the inauguration of the new government." (Encyclopaedia Britannica, last updated 12 July 2020, AKP under pressure: failed coup attempt, crackdown on dissidents, and economic crisis)

The Bertelsmann Stiftung explains in the above-mentioned 2020 report that "the transition to the presidential system in June 2018 consolidated the concentration of power in the president's office" (Bertelsmann Stiftung, 2020, p. 9).

On 31 March 2019 local elections took place in Turkey (BBC News, 1 April 2019; The Guardian, 1 April 2019). According to an April 2019 article published by the Brookings Institution, which describes itself as a "nonprofit public policy organization based in Washington, DC." (Brookings Institution, undated), the elections "produced shocking results". The article further explains:

"President Recep Tayyip Erdoğan - who had framed the elections as a referendum on his rule - together with his Nationalist Movement Party (MHP) electoral partner received a whopping 51.6 percent of the vote. Although the Justice and Development Party (AKP)-MHP coalition won a majority of votes overall, it performed poorly in major cities. Out of Turkey's seven largest metropolitan mayorships (Ankara, Adana, Antalya, Bursa, Gaziantep, Istanbul, and Izmir) - five of which had been governed by his AKP and one by MHP - only two now remain in AKP hands, Gaziantep and Bursa. The AKP won only Gaziantep comfortably, while in Bursa - a former Ottoman capital and a longtime urban AKP stronghold - the opposition runner-up trailed the AKP candidate by less than 3 percent

(compared to a margin of over 20 percent in the 2014 election).” (Brookings Institution, 1 April 2019)

The NYT in April 2019 refers to the election results as “the most momentous political earthquake to shake Mr. Erdogan in nearly two decades of basically uncontested control” and “a huge surprise”:

“Step by step over the years, President Recep Tayyip Erdogan of Turkey sought to ensure nobody could challenge him. He marginalized adversaries. He purged the army, the police and the courts. He cowed the press. He strengthened his powers in the Constitution. And he promised Turks a bright economic future. So it was a huge surprise when the outcome of weekend municipal voting showed on Monday that Mr. Erdogan’s party had not only lost control of Ankara, the political center, but maybe Istanbul, the country’s commercial center, his home city and longstanding core of support. Even if the results were not final, they amounted to the most momentous political earthquake to shake Mr. Erdogan in nearly two decades of basically uncontested control at the helm of Turkey, a NATO ally and critical linchpin of stability in the region.” (NYT, 1 April 2019)

Stiftung Wissenschaft und Politik (SWP), a politically independent German foundation which conducts research in the field of international affairs and foreign and security policy, in a July 2019 report provides details on the rerun of the local elections in Istanbul after the AKP had been defeated in the March 2019 elections and the results of these elections had subsequently been disputed by the AKP:

“On 23 June 2019, Turkey’s ruling party lost control of Istanbul to opposition candidate Ekrem İmamoğlu, a member of the Republican People’s Party (CHP). This followed an electoral battle of more than six months, which included the period of campaigning for the local election of 31 March and the rerun election in Istanbul on 23 June. [...] What made this victory for the opposition and defeat for the governing AK Party more meaningful and consequential is the fact that İmamoğlu had to win the same local election twice in order to become the mayor of Istanbul. He had won the local election in Istanbul on 31 March with a margin of around 0.16 per cent of the vote. Yet, the government – with the support of its ally, the far-right MHP – disputed the results and made an appeal to the Supreme Election Board (YSK) on tenuous charges of electoral fraud and irregularities to rerun the election in Istanbul. [...] In any case, the election of 23 June is a historic moment that will have far-reaching consequences for Turkey. The governing AK Party has arguably suffered its most severe defeat since coming to power in 2002.” (SWP, 31 July 2019, pp. 1-2)

An overview of the results of all elections held in Turkey going back to 2002 can be accessed via the following link:

- Daily Sabah: Turkey elections, undated (a)
<https://www.dailysabah.com/election-results>

4.3 Relationship with international actors

Bertelsmann Stiftung in 2020 provides an overview of international and regional organisations Turkey cooperates with:

“Turkey pursues a multilateral and multidimensional foreign diplomacy and actively cooperates with key international and regional organizations. It is a member of the United Nations, the Council of Europe, North Atlantic Treaty Organization (NATO), Organization for Economic Cooperation and Development (OECD), Organization for Security and Cooperation in Europe (OSCE), World Trade Organization (WTO), Organization of the Islamic Conference (OIC), Black Sea Economic Cooperation (BSEC), Economic Cooperation Organization (ECO), the G20 and the Developing-8 Organization for Economic (D-8). Turkey has developed an extensive network of international cooperation. It has high level cooperation councils with 25 countries, as well as 20 free trade agreements. Turkey has deepened its African partnership policy as well as actively collaborated with several regions, including Latin America, the Caribbean and Asia-Pacific. Through this web of relations, Turkey aspires to bolster its security and economic development.” (Bertelsmann Stiftung, 2020, p. 34)

Encyclopaedia Britannica provides the following information on Turkey’s foreign policy:

“Throughout the first several decades of the postwar period, Turkey’s international relationships were influenced by its Westernization policies and by the perceived threat from the Soviet Union and the Warsaw Pact countries. A founding member of the United Nations, Turkey joined the North Atlantic Treaty Organization (NATO) in 1952 and has been a close ally of the United States. Turkey was also a member — along with the United States, the United Kingdom, Iran, and Pakistan — of the now-defunct Central Treaty Organization, which was created as part of the ‘ring of containment’ separating the Soviet Union from the Arab Middle East. Turkey is a member of the Organisation for Economic Co-operation and Development and of the Council of Europe. It has long sought full membership in the European Union (EU) and its predecessor organizations. A customs accord between Turkey and the EU was signed in 1995. Turkey’s relations with the Arab world at times have been cool; Turkey was long the only Middle Eastern state that maintained cordial relations with Israel.” (Encyclopaedia Britannica, last updated 12 July 2020, Foreign policy)

“The AKP’s victory in 2007 heralded a shift in Turkish foreign policy toward stronger regional ties and greater independence from Turkey’s traditional alignments with NATO, the United States, and Israel. Turkey became more outspoken in its support for Palestinians’ rights and its disapproval of Israeli actions such as the 2008–09 attack on the Gaza Strip. It also sought engagement with Iran and Syria, the two countries most resistant to U.S. influence in the Middle East.” (Encyclopaedia Britannica, last updated 12 July 2020, Regional engagement, the Arab Spring, and the Syrian Civil War)

HRW in its January 2020 World report on the human rights situation in 2019 similarly describes the relations with the EU and EU member states as “limited” and the relations with the United States as having “declined further”:

“Key International Actors

Turkey’s political relationship with the European Union and EU member states remains limited though it maintains its stated aim is to accede to the EU. The EU recognized the negative climate in Turkey in various statements, and in its May progress report it condemned Turkey’s military incursion into northeast Syria, while prioritizing its focus on its migration deal with Turkey. In June, the EU Council noted that ‘Turkey has been moving further away from the European Union.’

US-Turkish relations have declined further over Turkey’s acquisition in 2019 of Russian S-400 missiles, an unprecedented development for a NATO member state. Tensions remain over other aspects such Turkey’s October military incursion into northeast Syria; Turkey’s abusive prosecution of three US consular staff who are Turkish nationals, one of whom remained detained; and the presence on US soil of Fethullah Gülen.” (HRW, 14 January 2020a)

According to the Bertelsmann Stiftung, the relations with the European Union and the United States have “rapidly deteriorated”. In addition, the rapprochement with Russia caused concerns in Western countries allied with Turkey:

“The domestic process of autocratization has had far-reaching consequences for Turkey’s international relations. The country’s relations with the EU and the United States have rapidly deteriorated. Turkey’s EU accession negotiations have stalled, and its bilateral relations with several individual EU member states (in particular Austria, Germany and the Netherlands) have worsened, in part relating to the constitutional referendum. Due to diverging interests and approaches to some key issues (e.g., Syria, Iran, perceived terrorist threats from the Fetullah Gülen movement and the primarily Kurdish People’s Protection Units, Yekîneyên Parastina Gel, YPG), relations with the United States remain tense. At the same time, Turkey’s rapprochement with Russia was a source of concern for Turkey’s Western allies. In particular, the Turkish decision to buy S-400 missile defense systems from Russia has raised interoperability problems with NATO.” (Bertelsmann Stiftung, 2020, pp. 3-4)

CRS in an April 2020 report describes the cooperation between Turkey and Russia that could question Turkey’s NATO integration and regional rivalries in the Eastern Mediterranean and the Middle East that could affect its international relations:

“A number of complicated situations in Turkey’s surrounding region — including those involving Syria, Libya, and Eastern Mediterranean energy exploration near Cyprus — could affect its foreign relationships, as Turkey seeks a more independent role on regional and global matters. Traditionally, Turkey has relied closely on the United States and NATO for defense cooperation, European countries for trade and investment, and Russia and Iran for energy imports. While Turkey-Russia cooperation on some issues may not reflect a

general Turkish realignment toward Russia, Russia may be content with helping weaken Turkey's ties with the West to reduce obstacles to Russian actions and ambitions. [...] Turkey's purchase of a Russian S400 surface-to-air defense system and its exploration of possibly acquiring Russian fighter aircraft may raise the question: If Turkey transitions to major Russian weapons platforms with multi-decade lifespans, how can it stay closely integrated with NATO on defense matters?" (CRS, 7 April 2020, p. 1)

"Regional rivalries: Eastern Mediterranean and the Middle East. Turkey's regional ambitions have contributed to difficulties with some of its neighbors that are (like Turkey) U.S. allies or partners. Turkey's dispute with the Republic of Cyprus over Eastern Mediterranean energy exploration arguably has brought the Republic of Cyprus, Greece, Israel, and Egypt closer together. The dispute also has prompted Western criticism of Turkey and some EU sanctions against Turkish individuals aimed at discouraging Turkish drilling near Cyprus. Turkey, for its part, has called on the Republic of Cyprus to agree to share prospective energy revenue with a Turkey-supported de facto government that administers the northern one-third of the island where Turkish Cypriots form a majority. In late 2019, Turkey signed an agreement with Libya's Government of National Accord (GNA) on maritime boundaries that complicates the political-legal picture in the Eastern Mediterranean - possibly discouraging private sector involvement in Eastern Mediterranean energy exploration and pipelines, and raising difficulties for regional security.

In the Middle East, Sunni Arab states like Saudi Arabia and Egypt regard Turkey with suspicion, largely because of the Turkish government's Islamist sympathies and close relationship with Qatar. One sign of Turkey's rivalry with these Arab states is their support for opposing sides in Libya's civil war. Another is the maritime facilities that Turkey has or plans to have in Qatar, Somalia, Sudan, and northern Cyprus.

Israel and Hamas. Turkey maintains relations with Israel, but previously close ties have become more distant and—at times—contentious during Erdogan's time as prime minister and president. Also, Erdogan's Islamist sympathies have contributed to close Turkish relations with the Palestinian Sunni Islamist militant group Hamas (a U.S.- designated terrorist organization). Some reports claim that some Hamas operatives are located in Turkey and involved in planning attacks on Israeli targets. In September 2019, the Treasury Department designated an individual and an entity based in Turkey — under existing U.S. counterterrorism sanctions authorities — for providing material support to Hamas." (CRS, 7 April 2020, p. 7)

The same report goes on to elaborate on the Turkish involvement in Syria:

"In Syria's ongoing conflict, Turkey seeks to manage and reduce threats to itself and to influence political and security outcomes [...]. Turkish-led forces have occupied and administered parts of northern Syria since 2016 [...]. Turkey's chief objective has been to thwart the PKK-linked Syrian Kurdish YPG [People's Protection Units] from establishing an autonomous area along Syria's northern border with Turkey. Turkish-led military operations to that end have included Operation Euphrates Shield (August 2016-March

2017) against an IS-controlled area in northern Syria, and Operation Olive Branch in early 2018 directly against the Kurdish enclave of Afrin.

Turkey has considered the YPG and its political counterpart, the Democratic Union Party (PYD), to be a top threat to Turkish security because of Turkish concerns that YPG/PYD gains have emboldened the PKK in Turkey. The YPG/PYD has a leading role within the Syrian Democratic Forces (SDF) — an umbrella group including Arabs and other non-Kurdish elements that became the main U.S. ground force partner against the Islamic State in 2015. Shortly after the YPG/PYD and SDF began achieving military and political success, Turkey-PKK peace talks broke down, tensions increased, and occasional violence resumed within Turkey.

In October 2019, Turkey's military attacked some SDF-controlled areas in northeastern Syria after President Trump ordered a pullback of U.S. Special Forces following a call with President Erdogan. The declared aims of what Turkey called Operation Peace Spring (OPS) were to target 'terrorists' - both the YPG and the Islamic State - and create a 'safe zone' for the possible return of some of the approximately 3.6 million Syrian refugees in Turkey. The ground component of the Turkish operation - as during previous Turkish operations in Syria - was carried out to a major extent by Syrian militia forces comprised largely of Sunni Arab opponents of the Syrian government.

Turkey's capture of territory from the SDF during OPS separated the two most significant Kurdish-majority enclaves in northern Syria, complicating Syrian Kurdish aspirations for autonomy. Turkey then reached agreements with the United States and Russia that ended the fighting, created a buffer zone between Turkey and the YPG, and allowed Turkey to directly monitor some areas over the border [...]" (CRS, 7 April 2020, pp. 10-11)

SWP in a February 2020 report describes the Turkish objective in Syria as follows:

"In Ankara, the ruling Justice and Development Party (AKP) has buried its hopes of bringing the likeminded Muslim Brotherhood to power in Syria and then using the country as a gateway for Turkish power projection in the Middle East. For Turkey, what remains to be done is to prevent Syrian Kurds from re-establishing the self-governing structures in the north-west and north-east of Syria that Turkish troops destroyed during invasions in 2018 and 2019. Already at the beginning of the Astana process – the series of conferences launched by Russia, Iran, and Turkey in December 2016 to end the Syrian war – Ankara officially refrained from overthrowing Bashar al-Assad. On 21 December 2016, Turkey committed itself in Moscow to support the Syrian government in reaching an agreement with the armed opposition." (SWP, 6 February 2020)

The same source also provides information on Turkey's engagement in Libya:

"On 27 November 2019, Turkish President Recep Tayyip Erdoğan declared that Turkey had concluded a treaty on military assistance and cooperation with the government of Fayeز al-Sarraj in Libya. The agreement permits the deployment of Turkish troops into the civil-war-torn country. The announcement was met with almost unanimous criticism in Western Europe. The indignation grew even greater when it became known that Turkey was

controlling and financing the smuggling of Islamic Syrian fighters into Libya. Reports of a dominant influence of the Muslim Brotherhood on the Libyan government seemed to complete the picture of a strongly Islamist-motivated Turkish policy.

However, Turkey's engagement in Libya is not driven by ideology, but rather by strategic considerations and economic interests. Ankara is thus reacting to its isolation in the eastern Mediterranean, where the dispute over the distribution of gas resources is intensifying. At the same time, Turkey is drawing lessons from the war in Syria. Ankara has lost this war, but through its engagement in Syria, it has been able to establish a conflictual – but viable – working relationship with Russia. The bottom line is that Turkey's commitment to Libya is a shift in the focus of its foreign policy from the Middle East to the Mediterranean, a shift that will present entirely new challenges to Europe, the European Union (EU), and the North Atlantic Treaty Organization (NATO)." (SWP, 6 February 2020; see also ICG, 30 April 2020)

4.4 Internal security situation

The Bertelsmann Stiftung in its 2020 Transformation Index covering the period 1 February 2017 to 31 January 2019 mentions a "deteriorating security situation in the country in recent years" (Bertelsmann Stiftung, 2020, p. 35). The report further explains:

"Although clashes with the PKK have shifted from urban to rural areas, causing fewer civilian casualties, the situation in the south-east continues to pose the greatest security challenge to Turkey. The security risks emanating from the PKK remain high, and the government has intensified its fight against it. Turkey's borders with Iraq and especially Syria remain causes of concern for the Turkish government. State control in these border regions is limited and continues to be contested, primarily by Kurdish PKK militants. In order to secure the control of the porous borders with Syria and Iraq, to fight against the Islamic State (IS) as well as terrorist threats emanating from the Kurdish regions in Syria and Iraq, the Turkish government conducted airstrikes against camps run by the PKK in the Kurdish region of Iraq and has undertaken cross-border operations in Syria, including in Idlib (October 2017) and Operation Olive Branch (January 2018). The Operation Olive Branch was launched in cooperation with the Free Syrian Army in northern Syrian (Afrin), and aimed to root out the Democratic Union Party/People's Protection Units (PYD/YPG), considered by the Turkish government to be a terrorist organization linked to the PKK." (Bertelsmann Stiftung, 2020, p. 6)

According to Freedom House, "[t]he threat of terrorism decreased in 2018 with the weakening of the Islamic State (IS) militant group in neighboring Syria and Iraq; no large-scale terrorist attacks were reported during 2019." (Freedom House, 4 March 2020, section F3)

The Armed Conflict Location & Event Data Project (ACLED) is a project collecting, analysing and mapping information on crisis and conflict in Africa, South & Southeast Asia and the Middle East. It provides datasets on conflict incidents based on a variety of sources. Based on ACLED

datasets of 6 June 2020 ACCORD compiled the following tables showing conflict incidents by category and the number of fatalities⁹:

Year 2018

Category	Number of incidents	Number of incidents with at least one fatality	Number of fatalities
Protests	632	0	0
Battles	560	408	1638
Explosions / Remote violence	148	83	254
Strategic developments	132	2	8
Violence against civilians	84	19	28
Riots	58	0	0
Total	1614	512	1928

This table is based on data from ACLED (datasets used: ACLED, 6 June 2020).

Source: [ACCORD, 10 June 2020a](#)

Year 2019

Category	Number of incidents	Number of incidents with at least one fatality	Number of fatalities
Protests	1890	1	3
Strategic developments	600	0	0
Battles	466	259	755
Violence against civilians	193	12	14
Explosions / Remote violence	159	71	172
Riots	75	1	1
Total	3383	344	945

This table is based on data from ACLED (datasets used: ACLED, 6 June 2020).

Source: [ACCORD, 10 June 2020b](#)

⁹ Most of the data collected by ACLED is gathered based on publicly available, secondary reports. It may therefore underestimate the volume of events. Fatality data is particularly vulnerable to bias and inaccurate reporting, and ACLED states that it uses the most conservative estimate available. ACLED uses the reports’ context to estimate fatalities for events with reported fatalities for which the exact number is unknown (“10” for plural fatalities, “100” if “hundreds” are mentioned, etc.). For further details on ACLED and for the full data, see www.acleddata.com and Raleigh/Linke/Hegre/Karlsen, 2010. Please consider that ACLED’s datasets may be revised or complemented in the future.

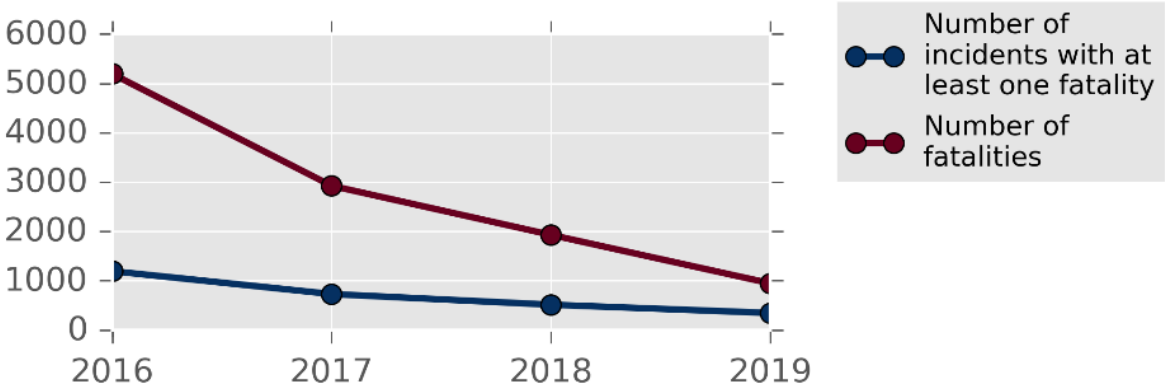
January to April 2020

Category	Number of Incidents	Number of Incidents with at least one fatality	Number of fatalities
Protests	618	0	0
Strategic developments	290	0	0
Explosions / Remote violence	85	8	18
Violence against civilians	62	3	3
Battles	38	21	66
Riots	14	0	0
Total	1107	32	87

This table is based on data from ACLED (datasets used: ACLED, 6 June 2020).

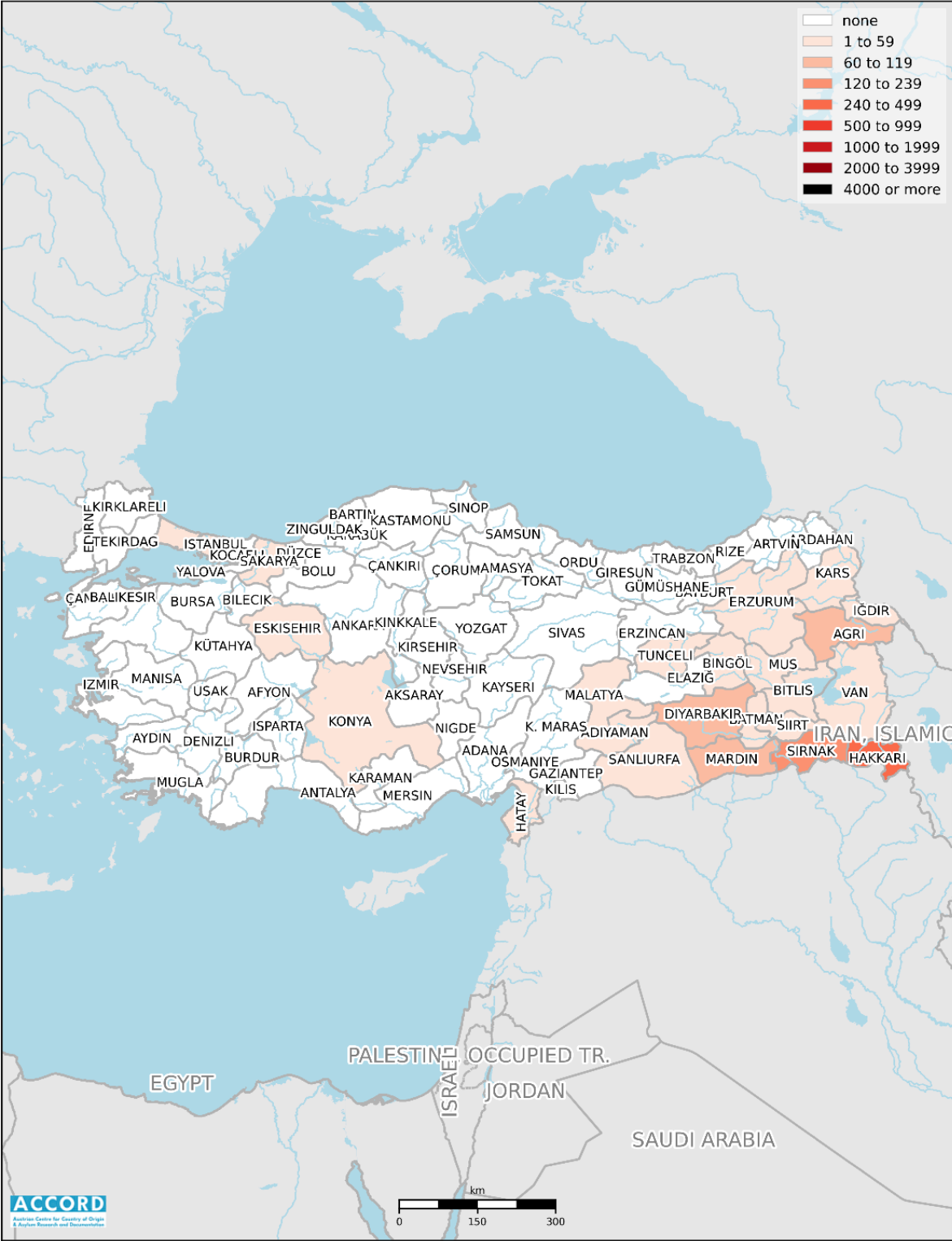
Source: [ACCORD, 10 June 2020c](#)

The following graph shows the development of conflict incidents from 2016 to 2019:



Source: [ACCORD, 10 June 2020b](#)

Number of reported fatalities for the year 2019:



Source: [ACCORD, 10 June 2020b](#)

Maps showing the geographical distribution of the number of reported incidents with at least one fatality and the number of reported fatalities for the year 2018 and the first four months of 2020 can be found in the following documents:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Syria, Year 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED), 10 June 2020a
https://www.ecoi.net/en/file/local/2031448/2018yTurkey_en.pdf
- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Syria, January-April 2020: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED), 10 June 2020c
https://www.ecoi.net/en/file/local/2031451/2020_Jan-Apr_Turkey_en.pdf

The Turkish government in a March 2020 report of the Working Group on the Universal Periodic Review (UPR) of Turkey provides the following information concerning actors involved in security incidents in Turkey:

“Providing an update on national developments since its previous review, the delegation noted that Turkey was an active member of the coalitions that had been established to counter terrorism and organized crime. In particular, it was engaged in simultaneous efforts to combat multiple terrorist organizations operating within its territory and along its borders, namely the Kurdistan Workers’ Party (PKK), the Partiya Yekitiya Demokrat/People’s Protection Units (PYD/YPG), the Revolutionary People’s Liberation Party/Front (DHKP/C) and Islamic State in Iraq and the Levant (Daesh), helping to protect the borders of the European Union and the North Atlantic Treaty Organization.” (HRC, 24 March 2020, p. 2)

4.4.1 Conflict with the PKK

For general information on the PKK please see [section 2.7](#) of this compilation.

The USDOS in its June 2020 Country Report on Terrorism provides the following description of the PKK:

“Founded by Abdullah Ocalan in 1978 as a Marxist-Leninist separatist organization, the Kurdistan Workers’ Party (PKK) was designated as an FTO [Foreign Terrorist Organisation] on October 8, 1997. The group, composed primarily of Turkish Kurds, launched a campaign of violence in 1984. The PKK’s original goal was to establish an independent Kurdish state in southeastern Turkey.” (USDOS, 24 June 2020c)

According to a report based on various sources and published in April 2020 by CEDOCA, the research unit of the Belgian Commissioner General for Refugees and Stateless Persons (CGRS), the groups affiliated with or part of the PKK are the Patriotic Revolutionary Youth Movement (Yurtsever Devrimci Gençlik Hareket, YDG-H), the Civil Protection Units (Yekîneyên Parastina Sivil, YPS) and the People's Defence Forces (Hezen Parastina Gel, HPG), the armed wing of the PKK. CEDOCA further mentions the group Kurdistan Freedom Hawks (Teyrebazen Azadiya Kurdistan, TAK) which in 2016 claimed responsibility for several attacks that caused dozens of victims, including many civilians. According to CEDOCA, the Turkish authorities view TAK as a

group associated with the PKK, whereas several other observers describe the group as an armed splinter group. CEDOCA states that the last attack attributed to the TAK was the bombing of a judicial building in Izmir in January 2017 which killed two people (CGRS-CEDOCA, 14 April 2020, pp. 9-10). International Crisis Group (ICG), an international NGO working to prevent deadly conflict, in an October 2019 report also describes the Kurdistan Freedom Hawks as an affiliate of the PKK (ICG, 22 October 2019).

Bertelsmann Stiftung mentions in its 2020 report that “[l]ittle progress has been made in settling the conflict with the Kurds [...]. In 2009, as then prime minister, Erdoğan embarked upon a new initiative to reach a settlement. Few tangible acts have followed this announcement” (Bertelsmann Stiftung, 2020, p. 33). In July 2015 a ceasefire between Turkish security forces and the PKK broke down (ICG, last updated 3 June 2020; Bertelsmann Stiftung, 2020, p. 33; CFR, last updated 8 May 2020). ICG notes in a regularly updated visual explainer on Turkey’s PKK conflict that in 2015 the conflict between Turkish security forces and the PKK “entered one of its deadliest chapters in nearly four decades” (ICG, last updated 3 June 2020). ICG further explains:

“The fatality rate in Turkey’s PKK conflict peaked in the winter of 2015/2016. At this time, the conflict was concentrated in a number of majority-Kurdish urban districts in Turkey’s south east. In these districts, PKK-backed youth militias had erected barricades and trenches to claim control of territory. Turkish security forces reestablished control in these urban centres in June 2016. [...] Following an unprecedented flare-up in south-eastern urban districts toward the end of 2015 and in the first half of 2016, the conflict gradually moved into rural areas. Prior to the 2015 outbreak, this is where fighting has been most concentrated.” (ICG, last updated 3 June 2020)

The USDOS mentions in its June 2020 Country Report on Terrorism covering 2019 that “[t]he PKK continued to conduct terrorist attacks in Turkey and against Turkish interests outside of Turkey” (USDOS, 24 June 2020a). In its March 2020 country report on human rights practices in 2019 the USDOS reports on a reduced level of clashes between Turkish security forces and the PKK relative to previous years (USDOS, 11 March 2020, section 1g). The Netherlands Ministry of Foreign Affairs in a General Country of Origin Information report published in October 2019 (covering July 2016 to September 2019) states based on various sources including a confidential source that “[i]n the south-east of Turkey [...] 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” (Netherlands Ministry of Foreign Affairs, October 2019, p. 11). On the website of CrisisWatch which is described as a “global conflict tracker” that “provides succinct summaries of political and security developments in the past calendar month” (ICG, undated) ICG provides the following information on developments concerning the PKK conflict in March:

“In PKK conflict, military continued small-scale ground operations in south east Turkey and operations against PKK in northern Iraq. PKK 31 March attacked gas pipeline near Turkey’s border with Iran; Iran said attack halted flow of gas from Iran.” (ICG, March 2020)

For April 2020 ICG notes:

“Kurdistan Workers’ Party (PKK) intensified attacks in south east while Turkish military targeted PKK within Turkey and in northern Iraq. PKK launched attacks on state-contracted workers in Nusaybin city 3 April, Kulp district 8 April, and Silopi city 14 April. Turkish military continued small-scale ground operations against PKK in rural areas of south east and carried out two air raids on PKK in northern Iraq, including airstrikes 15 April destroyed PKK base south of Qandil and armed drone attack same day targeted the Makhmur camp south west of Erbil.” (ICG, April 2020)

With regard to tactics employed by the conflict parties the USDOS in its March 2020 report mentions security operations, curfews and “special security zones” decreed by the authorities in different areas of east and southeast Turkey on the one hand and targeted killings and assaults with conventional weapons, vehicle-borne bombs, IEDs [Improvised explosive devices], kidnappings and extrajudicial killings by the PKK (USDOS, 11 March 2020, section 1g). ICG in an October 2019 report also refers to tactics employed by the Turkish security forces and their impact on the death rate among PKK members:

“Over the past year [2019], the death rate among PKK militants, and particularly in northern Iraq, has risen. Ankara’s stepped-up operations, involving curfews, drone strikes and more state security forces, have killed higher numbers of seasoned PKK figures in 2019 than in any of the previous three years of escalation. Killing more PKK militants, however, is not translating into victory for Ankara as the PKK draws on fighters from outside Turkey and capitalises on pent up anti-state resentment among some Kurds. [...]

Ankara’s tactics in the last three years – imposing curfews in rural areas to clear out PKK members, calling in drone strikes, deploying soldiers in high numbers, killing experienced militants and stifling recruitment – appear to have significantly narrowed the PKK’s space for manoeuvre in the rural south east.

The militant-to-state security force member fatality ratio provides some indication of the Turkish campaign’s impact. Since fighting shifted back into rural areas in July 2016 (after a deadly urban phase between December 2015 and June 2016), the Turkish military has been on the offensive. In the first year, 1.65 PKK militants were killed for each soldier, police officer or village guard; this figure rose to 2.22 in the second year and then to 3.22 in the third. In the last year, from July 2018 to July 2019, 3.36 PKK militants were killed for each state security force member.

While the impact in Turkey itself of Ankara’s military incursion into north east Syria [...] remains unclear, it could fuel the PKK’s insurgency against Turkey. Three reasons likely explain the PKK’s higher fatality rate over the last year. First, the PKK is having a harder time sheltering among and securing supplies from core supporters in south-eastern villages, who are usually intimidated by Turkish forces’ curfews and security cordons. Secondly, drones and other new military technology have helped Ankara clear militants from mountain strongholds. Thirdly, U.S. pressure on the PKK to rein in attacks in Turkey has meant that it remains largely in a defensive posture.” (ICG, 22 October 2019)

The Turkish Human Rights Association (Insan Haklari Dernegi, IHD) in a May 2020 report on human rights violations in 2019 states that “[r]ound-the-clock curfews” have also been maintained in 2019 with all their adverse impacts though in shorter terms and smaller scales. These curfews were imposed intensively during 2015 and 2016 [...]” (IHD, May 2020, p. 14)

The following fatality numbers are based on ICG data:

Fatalities	State Security Forces	Civilians	PKK militants	total
2018	124	17	466	607
2019	86	27	423	536
2020 (4 months)	8	8	21	37
total	218	52	910	1180

(ICG, last updated 3 June 2020)

The USDOS mentions in its November 2019 Country Report on Terrorism covering 2018 that “[t]he Ministry of National Defense claimed that, as of November 15, the government had killed, wounded, or captured more than 1,289 PKK terrorists to date in 2018” and “[a]ccording to interior ministry data, law enforcement forces detained more than 11,421 suspects for allegedly aiding and abetting the PKK for the year up to December 10 [2018]” (USDOS, 1 November 2019). In its March 2020 country report on human rights practices covering 2019 the USDOS cites the Human Rights Association (HRA), according to which 97 security officers, 30 civilians and 362 PKK members were killed in the first 11 months of 2019. The USDOS adds that regarding casualties no government data was available (USDOS, 11 March 2020, section 1g).

According to ICG data¹⁰ which was last updated on 3 June 2020 at least 4,906 people have been killed since 20 July 2015, among them 499 civilians, 1,238 state security force members, 226 individuals of unknown affiliation and 2,943 PKK members. Concerning the killed PKK members ICG explains:

“Members of the PKK and affiliates active in Turkey. Crisis Group assumes that total PKK fatalities are higher than this public tally. Ankara says that more than ten thousand militants have been ‘neutralised’ (either killed, captured or surrendered) since the resumption of hostilities in July 2015. Crisis Group figures should not be seen as a refutation of fatality claims made by the Turkish government.” (ICG, last updated 3 June 2020)

¹⁰ Concerning its data ICG explains: “International Crisis Group has assembled a database of fatalities caused by this conflict since 2011. Our data is based on information available in open sources, including reports from Turkish language media, the Turkish military, local Kurdish rights groups, and the PKK itself.” (ICG, last updated 3 June 2020)

Please note that the following paragraph on detentions and arrests is solely based on information provided by the state-run news agency Anadolu:

In November 2019 AA notes that Turkish security forces arrested over 11,000 YPG/PKK suspects in the first ten months of 2019 and 2,143 PKK suspects were remanded in custody (AA, 29 November 2019). In March 2020 AA states that according to the National Defence Ministry 286 YPG/PKK members surrendered or were killed or captured (“neutralized”) in February 2020. Of those, 155 were “neutralized” in northern Syria (AA, 13 March 2020). An April 2020 article by AA states that 111 PKK fighters, including senior members, were “neutralized” in March 2020, 67 others surrendered as of March 2020 (AA, 3 April 2020). In May 2020 AA reports that “[s]ome 122 terrorists, including senior members of the group, were neutralized” in April 2020 (AA, 3 May 2020).

4.4.2 Security incidents involving the DHKP/C

The US Department of State (USDOS) in its June 2020 Country Report on Terrorism 2019 describes the DHKP/C (Devrimci Halk Kurtuluş Partisi-Cephesi, Revolutionary People’s Liberation Party/Front) and its activities as follows:

“Designated as an FTO [Foreign Terrorist Organisation] on October 8, 1997, the Revolutionary People’s Liberation Party/Front (DHKP/C) was formed in 1978 as Devrimci Sol, or Dev Sol, a splinter faction of Dev Genc (Revolutionary Youth). It was renamed in 1994 after factional infighting. ‘Party’ refers to the group’s political activities and ‘Front’ alludes to the group’s militant operations. The group advocates a Marxist-Leninist ideology and opposes the United States, NATO, and the Turkish establishment. It strives to establish a socialist state and to abolish Turkish prisons.

Activities: Since the late 1980s, the group has primarily targeted current and retired Turkish security and military officials. In 1990, the group began conducting attacks against foreign interests, including U.S. military and diplomatic personnel and facilities. The DHKP/C assassinated two U.S. military contractors, wounded a U.S. Air Force officer, and bombed more than 20 U.S. and NATO military, diplomatic, commercial, and cultural facilities. In 2001, the DHKP/C began conducting its first suicide bombing attacks against Turkish police. Since the end of 2001, DHKP/C has typically used IEDs against official Turkish and U.S. targets.

The DHKP/C was responsible for many high-profile attacks in 2012, including the suicide bombing of a police station in Istanbul. In February 2013, a DHKP/C operative exploded a suicide vest inside the employee entrance to the U.S. Embassy in Ankara. The explosion killed a Turkish guard and seriously wounded a Turkish journalist. In March 2013, three members of the group attacked the Ministry of Justice and the Ankara headquarters of the Turkish Justice and Development political party using grenades and rocket launchers.

In 2015, the DHKP/C claimed responsibility for a suicide bombing that killed one police officer and wounded another. In March 2015, Turkish prosecutor Mehmet Selim Kiraz was taken hostage and died from multiple gunshot wounds inflicted by the DHKP/C after police

attempted to rescue him. In August 2015, two women opened fire on the U.S. Consulate in Istanbul; one woman was identified as a member of the DHKP/C.

On January 20, 2017, a DHKP/C militant launched an anti-tank missile into Istanbul police headquarters. The attack did not result in any deaths or injuries.

In November 2018, a court in Istanbul issued an arrest warrant for members of the DHKP/C who were believed to be in Europe and connected with the 2015 death of Turkish prosecutor Mehmet Selim Kiraz.

In May 2019, two individuals linked to the DHKP/C were arrested by Turkish security forces, after entering the Turkish Parliament and taking a staff member hostage.” (USDOS, 24 June 2020b)

CEDOCA, the research unit of the Belgian Commissioner General for Refugees and Stateless Persons (CGRS), in an April 2020 report on the security situation in Turkey states based on various sources that the DHKP/C is the most active of the extreme left-wing armed organisations in Turkey. Its armed activities have sometimes been directed against Western, mainly American, targets. According to an expert quoted by the Washington Post, in 2013 the organisation had only a few hundred members. In recent years, the DHKP/C has carried out three attacks: two in 2015 and one in 2016. These attacks wounded three policemen and caused the death of two members of the DHKP/C. CEDOCA states that no information could be found in the sources consulted on violent actions by the DHKP/C since 2016. In 2016, 2017 and 2019, several police operations led to the arrest of DHKP/C members in Turkey and Greece. (CGRS-CEDOCA, 14 April 2020, p. 11)

4.4.3 Security incidents involving the Islamic State (IS)

CEDOCA in the above-mentioned April 2020 report states that IS in 2015 and 2016 carried out several attacks in Turkey, causing the death of dozens of civilians. CEDOCA states that no information could be found on attacks committed by IS after 31 December 2016. From 2016 onwards, the Turkish authorities intensified their police operations targeting IS in Turkey, detaining hundreds of suspects, including more than 400 in November 2016 and more than 800 in the first week of February 2017. In February 2018, almost 100 suspected IS members were arrested in Istanbul, 94 were detained in August 2018. Detentions of dozens of suspects were also reported in February and summer 2019. In July 2019 among those detained was the alleged Emir of IS in Turkey. On 30 December 2019, simultaneous police operations in several places across the country led to the arrest of almost 120 people suspected of links to IS. (CGRS-CEDOCA, 14 April 2020, pp. 11-12)

On the ACLED datasheet downloaded on 6 May 2020 covering 1 January 2018 to 30 April 2020 none of the recorded incidents in Turkey is associated with the IS. (ACLED, downloaded on 6 May 2020)

In November 2019 AA notes that Turkish security forces arrested over 2,491 IS suspects in the first ten months of 2019 and 821 IS suspects were remanded in custody. The article further

adds that three terror attacks by IS were prevented during the same period (AA, 29 November 2019). In May 2020 AA reports the following on detentions of IS members:

“Turkish security operations against the Daesh terror group, also known as ISIS, in the first four months of 2020 led to the capture of many of the group members, including senior operatives. So far, a total of 354 Daesh suspects have been arrested and security officials seized many documents, weapons and ammunition of the terror group, thwarting possible terror incidents in large cities including capital Ankara and Istanbul. Some 76 of the terror group members were sent to prison, others were deported, while the judicial process continues for the remaining people linked to Daesh.” (AA, 4 May 2020; see also Daily Sabah, 4 May 2020)

4.4.4 Security incidents involving the PYD/YPG

The USDOS in its July 2017 annual report on terrorism (covering 2016) notes that “Turkey [...] considers the Syria-based Democratic Union Party (PYD) and its military wing, the People’s Protection Units (YPG), to be terrorist organizations closely linked to the PKK.” (USDOS, 19 July 2017)

CRS in April 2020 writes the following with regard to the PYD/YPG:

“Turkish-led forces have occupied and administered parts of northern Syria since 2016 [...]. Turkey’s chief objective has been to thwart the PKK-linked Syrian Kurdish YPG from establishing an autonomous area along Syria’s northern border with Turkey. [...] Turkey has considered the YPG and its political counterpart, the Democratic Union Party (PYD), to be a top threat to Turkish security because of Turkish concerns that YPG/PYD gains have emboldened the PKK in Turkey. The YPG/PYD has a leading role within the Syrian Democratic Forces (SDF) an umbrella group including Arabs and other non-Kurdish elements that became the main U.S. ground force partner against the Islamic State in 2015. Shortly after the YPG/PYD and SDF began achieving military and political success, Turkey-PKK peace talks broke down, tensions increased, and occasional violence resumed within Turkey.” (CRS, 7 April 2020, p. 10)

Bertelsmann Stiftung writes in its 2020 report:

“Since 2015, the south-east of the country has experienced numerous clashes between Turkish security forces and PKK. Furthermore, Turkey has conducted several cross-border operations in Syria to contain the activities of the Kurdish People’s Protection Units (Yekîneyên Parastina Gel, YPG), which is perceived by the Turkish government as a sister terrorist organization of PKK. These activities have aggravated tensions between Turks and Kurds in Turkey.” (Bertelsmann Stiftung, 2020, p. 32)

The ACLED datasheet downloaded on 6 May 2020 covering 1 January 2018 to 30 April 2020 associates 35 of the 1,788 security incidents in Turkey in this period with the YPG/PYD which led to 30 fatalities. In most of the incidents rockets or mortar shells were fired from regions in Syria. (ACLED, downloaded on 6 May 2020)

5 Offensive in Syria (“Operation Peace Spring”, OPS)

According to a November 2019 article by International Crisis Group (ICG) “Operation Peace Spring” was launched on 9 October 2019 and ended with an agreement on 17 October between Turkey and the US in which Turkey agreed to halt the operation. On 23 October 2019 a further ceasefire deal was signed between Russia and Turkey. (ICG, 27 November 2019, p. 4)

The Congressional Research Service (CRS), the public policy research agency of the United States Congress, in an April 2020 report outlines the objectives of Turkish interventions in Northern Syria.

The report gives an overview of Turkish military operations since 2016 and breaks down the main protagonists in the conflict:

“Turkey’s chief objective has been to thwart the PKK-linked Syrian Kurdish YPG [People’s Protection Units] from establishing an autonomous area along Syria’s northern border with Turkey. Turkish-led military operations to that end have included Operation Euphrates Shield (August 2016-March 2017) against an IS-controlled [Islamic State] area in northern Syria, and Operation Olive Branch in early 2018 directly against the Kurdish enclave of Afrin. Turkey has considered the YPG and its political counterpart, the Democratic Union Party (PYD), to be a top threat to Turkish security because of Turkish concerns that YPG/PYD gains have emboldened the PKK in Turkey. The YPG/PYD has a leading role within the Syrian Democratic Forces (SDF) — an umbrella group including Arabs and other non-Kurdish elements that became the main U.S. ground force partner against the Islamic State in 2015. Shortly after the YPG/PYD and SDF began achieving military and political success, Turkey-PKK peace talks broke down, tensions increased, and occasional violence resumed within Turkey. [...]

In October 2019, Turkey’s military attacked some SDF-controlled areas in northeastern Syria after President Trump ordered a pullback of U.S. Special Forces following a call with President Erdogan.” (CRS, 7 April 2020, p. 10)

BBC News similarly reports in October 2019 that Turkey’s military operation is directed against the Kurdish People's Protection Units (YPG) and their allied Syrian Democratic Forces (SDF):

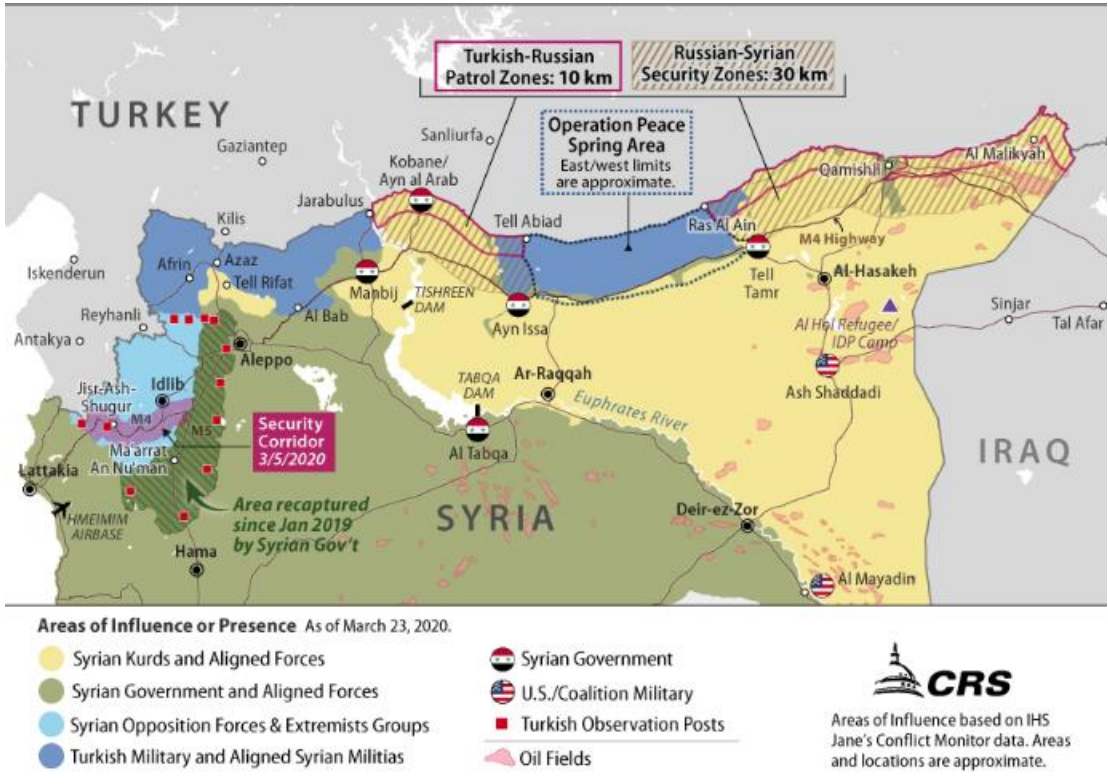
“Turkey's military launched a cross-border operation against Kurdish-led forces in Syria in early October, after US troops who had been allied to the Kurds withdrew. [...]

The biggest Kurdish militia, the People's Protection Units (YPG), formed an alliance with local Arab militias called the Syrian Democratic Forces (SDF) in 2015. With the help of coalition airpower, weaponry and advisers, SDF fighters drove IS [Islamic State] out of a quarter of Syria and captured its last pocket of territory in the country in March 2019. They also set up an ‘autonomous administration’ to govern the region.” (BBC News, 14 October 2019)

The abovementioned CRS report also briefly describes the outcome of the military operation that ended with a ceasefire in mid-October 2019:

“A subsequent U.S.-brokered ceasefire in mid-October allowed for the withdrawal of SDF [Syrian Democratic Forces] forces from the Turkish zone of incursion, roughly corresponding to the area between the towns of Tell Abiad and Ras al Ayn. It also created a Turkish ‘safe zone’ stretching between the two towns, extending to a depth of 32km inside Syria. Separately, Turkey and Russia negotiated security zones east and west of the OPS area, from which SDF forces were also expected to withdraw (to a depth of 30km from the border). These latter areas are being patrolled by a mix of Turkish, Russian, and Syrian forces.” (CRS, 12 February 2020, p. 13)

The following map by CRS depicts in dark blue the approximate area established by “Operation Peace Spring” between the towns Tell Abyad and Ras Al-Ain and the M4 Highway:



Source: [CRS, 7 April 2020, p. 17](#)

5.1 Objectives of operation

In an infographic published in October 2019 AA briefly lays out the objectives of Turkey’s “Operation Peace Spring” in Northern Syria. This operation as the latest of three cross-border operations according to AA aims at eliminating terrorist groups, securing the border region and ensuring the safe return of Syrian refugees as well as Syria’s territorial integrity. The so-called terrorist groups AA names in the context of the operation are “PKK and its extension YPG/PYD”. (AA, 9 October 2019)

The Turkish Heritage Organization (THO), a US-based organisation founded by a group of Turkish-Americans and describing itself as a “young, independent, nonpartisan, nonprofit organization that promotes discussion and dialogue around Turkey’s role in the international

community and issues of importance in the U.S.-Turkey bilateral relationship” (THO, undated) in an article of February 2020 states the main goal of Turkish military engagement in the following way:

“Operation Peace Spring was Turkey’s third official military campaign in Syria since 2016 — preceded by Operation Euphrates Shield in 2016 and Operation Olive Branch in 2018. While each campaign differed slightly in reasoning, the end goal of all three were very similar: secure the Turkish-Syrian border and deter the threat from the People’s Protection Unit (YPG), who Turkey views as an extension of the Kurdistan Worker’s Party (PKK), a designated terrorist organization within Turkey.” (THO, 4 February 2020)

BBC News in an article of October 2019 outlines President Erdoğan’s reasoning for the military intervention, indicating that it is directed against the Kurdish YPG militia but also aims at resettling 2 million Syrian refugees to a “safe zone” established by Turkey within Syria:

“On Twitter, Mr Erdogan said the mission ‘was to prevent the creation of a terror corridor across our southern border, and to bring peace to the area’, vowing to ‘preserve Syria’s territorial integrity and liberate local communities from terrorists.’ Turkey considers the Kurdish YPG militia - the dominant force in the Syrian Democratic Forces (SDF) - an extension of the banned Kurdistan Workers’ Party, which has fought for Kurdish autonomy in Turkey for three decades. [...] The Turkish government plans to send two million of the 3.6 million Syrian refugees living on its soil to the ‘safe zone’. The offensive could displace 300,000 people living the area, the International Rescue Committee said. It was thought the offensive - Turkey’s third military operation in northern Syria in three years - would initially focus on a 100km (62-mile) stretch between Tal Abyad and Ras al-Ain, a sparsely populated, mainly Arab area.” (BBC News, 9 October 2019)

CRS in its April 2020 report summarises the aims of Turkey’s military intervention in a similar way and adds that ground operations were primarily carried out by Syrian opposition militia forces:

“In October 2019, Turkey’s military attacked some SDF-controlled [Syrian Democratic Forces] areas in northeastern Syria after President Trump ordered a pullback of U.S. Special Forces following a call with President Erdogan. The declared aims of what Turkey called Operation Peace Spring (OPS) were to target ‘terrorists’ — both the YPG and the Islamic State — and create a ‘safe zone’ for the possible return of some of the approximately 3.6 million Syrian refugees in Turkey. The ground component of the Turkish operation — as during previous Turkish operations in Syria — was carried out to a major extent by Syrian militia forces comprised largely of Sunni Arab opponents of the Syrian government. Turkey’s capture of territory from the SDF [Syrian Democratic Forces] during OPS separated the two most significant Kurdish-majority enclaves in northern Syria, complicating Syrian Kurdish aspirations for autonomy. Turkey then reached agreements with the United States and Russia that ended the fighting, created a buffer zone between Turkey and the YPG, and allowed Turkey to directly monitor some areas over the border [...]” (CRS, 7 April 2020, pp. 10-11)

Clingendael Institute, a think tank based in the Netherlands, in a November 2019 report explains how in its cross-border operations Turkey relies on Syrian opposition militia grouped under the name Syrian National Army (SNA):

“After 2015, when Turkey shifted to its strategy of containing the PYD-led [Democratic Union Party] Syrian Kurds by creating buffer zones in northern Syria, it used FSA [Free Syrian Army] groups as irregular forces in its hybrid military operations: Operation Euphrates Shield, 2016; Operation Olive Branch, 2018; and Operation Peace Spring, 2019. These groups were renamed as the Syrian National Army (SNA). Turkey supplies the SNA with training, salaries and weapons in exchange for its participation in Turkish military operations in and outside of its buffer zones. On balance, it is fair to say that Turkey has come to control the SNA after a period of centralising and restructuring the force.” (Clingendael Institute, November 2019, p. 6)

An update on the situation in the territory of the “Operation Peace Spring” by the London-based news website The New Arab of January 2020 mentions that beside the stated objectives of the operation there are fears among the Kurdish population that the operation aims at changing the ethnic structure of the region by pushing Syrian Kurds away from the border region and settling Syrian Arabs in their place:

“While Turks have tried to present its actions in north Syria as an anti-terrorist operation, claiming that they are bringing life back to northern Syria by ‘voluntarily’ moving Syrians from Turkey to the ‘safe zone’, many, including Kurds, fear that resettlement aims to change the ethnic structure of northern Syria and that pushing Kurds further south is nothing but a classic example of ethnic cleansing. According to Kristel Cuvelier, a staff member of the Brussels based Kurdish Institute, ‘Turkey’s operations haven’t really ended, they have just moved to lower intensity warfare through proxies.’” (The New Arab, 15 January 2020)

5.2 Course of events

A timeline of all of Turkey’s involvement in Syria from 2011 to 2020 can be found in the April 2020 report by CRS via the following link:

- CRS – Congressional Research Service: Turkey: Background and U.S. Relations In Brief, 7 April 2020
<https://fas.org/sgp/crs/mideast/R44000.pdf>

A BBC article of October 2019 outlines the events in the run-up to “Operation Peace Spring” as well as the first days of the Turkish offensive:

“Turkey had long threatened to launch an operation in SDF-held [Syrian Democratic Forces] territory to create a 32km (20-mile) deep ‘safe zone’ running for 480km (300 miles) along the Syrian side of the border. [...] In an attempt to avert an offensive, the US and Turkish militaries agreed in August to set up a ‘security mechanism’ on the Syrian side of border – an area that would be free of YPG [People’s Protection Units] fighters, but pointedly avoided using the term ‘safe zone’. US and Turkish troops carried out joint patrols in the area and the YPG co-operated, withdrawing fighters and heavy weapons and dismantling fortifications.

But on 6 October, Turkish President Recep Tayyip Erdogan told US President Donald Trump that a cross-border operation would 'soon be moving forward', according to the White House. Mr Trump responded by saying US troops based in the area would not support or be involved in the operation, it said. Three days later, Mr Erdogan announced the start of 'Operation Peace Spring' by the Turkish military and allied Syrian rebel factions. He said they aimed 'to prevent the creation of a terror corridor across our southern border, and to bring peace to the area'. The SDF said it was determined to defend its territory 'at all costs', but Turkish-led forces were able to steadily push their way into a sparsely populated, mostly Arab area between the towns of Tal Abyad and Ras al-Ain in the first five days of the assault. Turkish air and artillery strikes affected a much larger area, including predominantly Kurdish towns and villages to the west and east. Amid growing chaos, US officials said on 13 October that Mr Trump had decided to begin withdraw all its troops from northern Syria. Hours later, the SDF said an agreement had been reached with the Syrian government - which considers the US an enemy - for the Syrian army 'to enter and deploy along the length of the Syrian-Turkish border' and repel the Turkish assault." (BBC News, 14 October 2019)

The February 2020 article by the Turkish Heritage Foundation briefly recounts the events of "Operation Peace Spring" starting on 9 October 2019 and effectively ending on 23 October 2019 after the signing of several ceasefire agreements by the different conflict parties:

"On October 6th, Erdogan called President Trump to warn him of the upcoming invasion; the White House then released a statement that the U.S. would not be involved with nor support the invasion, and that troops would be leaving the area. On October 9th, the Turkish military began airstrikes in SDF-held [Syrian Democratic Forces] territory in Northern Syria. Over the next several days, Turkish ground troops moved into Northern Syria, the SDF and Syrian Army struck a deal in order to deter any further Turkish invasion, and finally a peace deal was brokered between the U.S. and Turkey on Oct 17th. The peace deal designated a safe zone for SDF fighters to retreat to and gave them 120 hours to do so. As the hours began to run out, the Russian government reached a deal with Erdogan to send in Russian troops to do joint patrols, while also reaching a deal with Syrian President Assad. On October 23rd, President Trump declared a permanent ceasefire in the region." (THO, 4 February 2020)

A November 2019 article by International Crisis Group (ICG) goes into further detail of how a ceasefire was reached through separate agreements involving the US and Russia, leading to a stretch of area along the border de facto under Turkish control:

"A high-level U.S. delegation headed by Vice President Mike Pence visited Ankara on 17 October to meet Erdoğan. Following a five-hour meeting, the Turkish leadership and the U.S. announced agreement on a thirteen-point deal whereby Ankara would halt its operation for 120 hours to allow YPG [People's Protection Units] elements to pull out of the area with their heavy weapons in tow. Turkey was to terminate its offensive if the YPG had fully withdrawn by then. In turn, the U.S. agreed to refrain from imposing further sanctions on Turkey and to lift newly imposed sanctions once the offensive ended. On 22 October, only two hours before the U.S.-brokered five-day ceasefire was to expire, the

Erdoğan-Pence deal appeared overtaken by events. That day, the Turkish president met with his Russian counterpart, Vladimir Putin, in the Russian resort town of Sochi, where they reached an understanding of their own. This Russian-Turkish deal likewise imposed a ceasefire, but one that put Russia in place as guarantor and extended along the rest of the north-eastern border, ie, beyond the area of Turkey's initial incursion (the stretch between Tel Abyad and Ras al-Ayn that is now under Turkish control)." (ICG, 27 November 2019, p. 4)

Al-Monitor in an article of November 2019 describes the five different pockets of control along the border between Syria and Turkey. According to the article, the situation in the area of "Operation Peace Spring" is "mostly calm" and individual attacks "are a sign that conventional clashes will gradually shift to guerrilla warfare in this pocket":

"Following Turkey's Operation Peace Spring, northeastern Syria has been effectively divided into five sectors from the Euphrates east to the Iraqi border. All of these sectors are controlled by actors mostly hostile to each other due to their diverging interests. [...]

The second sector is the Tell Abyad/Ras al-Ain/M4 highway pocket, which Turkish forces and its allies seized control of during Operation Peace Spring. The region is mostly calm in terms of direct military conflict except for Tel Tamr, where clashes are ongoing between some FSA [Free Syrian Army] factions [aka the Syrian National Army] and the Kurdish People's Protection Units (YPG) backed by pro-Assad militias. Turkish fighter jets are still using the airspace over the pocket as Turkish airstrikes around the strategic M4 highway are still continuing. In Tell Abyad, one car bomb killed 13 people on Nov. 2 and another killed at least eight civilians Nov. 10. The attacks are a sign that conventional clashes will gradually shift to guerrilla warfare in this pocket." (Al-Monitor, 11 November 2019)

In December 2019 Reuters published a report with several graphics depicting the Turkish engagement in Northern Syria. A map shows the abovementioned pockets of control along the border and locates conflict related incidents from the beginning of the offensive up to the end of November 2019. The map visualises how Turkey has access to nearly the entire Northern Syria border region, either through direct control in areas such as that of "Operation Peace Spring" or through joint patrol areas together with Russian forces. The map can be accessed via the following link:

- Reuters: Violence in the Syrian "safe zone", 20 December 2019
<https://graphics.reuters.com/SYRIA-SECURITY-TURKEY-RUSSIA/0100B4SQ2L1/index.html>

5.3 Criticism of the offensive

The USDOS March 2020 report mentions repercussions faced by individuals who voice criticism regarding Turkey's offensive in Syria:

"In October [2019], during Operation Peace Spring, the government launched investigations against more than 800 individuals largely for social media posts deemed critical of government actions in northeast Syria. The Ministry of Interior reported in the same month it had detained 186 and arrested 24 individuals based on charges related to support for terror because of their social media posts." (USDOS, 11 March 2020, section 2a)

In its April 2020 review of the human rights situation in Turkey during the year 2019, Amnesty International (AI) mentions that “[a]t least 839 social media accounts were investigated for allegedly ‘sharing criminal content’ related to ‘Operation Peace Spring’. Hundreds of people were taken into police custody and at least 24 were remanded in pre-trial detention (AI, 16 April 2020).” The report subsequently names a few individual cases involving journalists, activists and individuals commenting on social media being questioned or detained due to their criticism of “Operation Peace Spring”:

“Hakan Demir, the digital services manager of Birgün daily newspaper, and Fatih Gökhan Diler, the managing editor of the news website Diken, were detained on 10 October in relation to news articles about ‘Operation Peace Spring’, which did not contain language inciting violence or any other content that may be considered criminal. Both were released later the same day and banned from travelling overseas pending criminal investigations. On 27 October, lawyer and columnist Nurcan Kaya was detained at Istanbul airport in connection with an investigation launched against her for ‘inciting enmity or hatred’ for a tweet criticizing ‘Operation Peace Spring’. She was released the same day but subsequently banned from travelling abroad pending the outcome of the investigation. [...]

Human rights lawyer Eren Keskin remained at risk of imprisonment as a result of over 140 separate prosecutions for her past role as symbolic editor-in-chief of the now closed Kurdish daily newspaper Özgür Gündem. In October, her home was raided and she was questioned by the Istanbul Security Directorate Anti-Terrorism Branch for sharing posts on social media criticizing ‘Operation Peace Spring’. [...]

Blanket bans were imposed on assemblies expressing solidarity with those on hunger strike between November 2018 and May 2019 as well as those protesting against the removal of elected mayors from office and against ‘Operation Peace Spring’.” (AI, 16 April 2020)

In November 2019 Amnesty International releases a detailed report on the crackdown by the Turkish government on criticism voiced against “Operation Peace Spring” with arrests of journalists, members of parliament and individuals posting on social media. The report can be accessed via the following link:

- AI – Amnesty International: “We can’t complain” - Turkey’s continuing crackdown on dissent over its military operation “Peace Spring” in Northeast Syria [EUR 44/1335/2019], November 2019
<https://www.ecoi.net/en/file/local/2019171/EUR4413352019ENGLISH.pdf>

The US international broadcaster VOA reports in October 2019 that “Operation Peace Spring” was accompanied by arrests of members of the pro-Kurdish HDP:

“A wave of arrests against Turkey’s main pro-Kurdish party is accompanying the country’s military operation into Syria against the YPG [People’s Protection Units] Kurdish militia, which has been a U.S. ally in the fight against Islamic State terrorists. Analysts warn that the crackdown is broadening to include Turkey’s wider civic society. Seven elected mayors from the opposition HDP [People’s Democratic Party] were removed from office and arrested on terrorism charges earlier in October. The arrests coincided with Operation Peace Spring, which Turkey launched three weeks ago in northeastern Syria against the

YPG. Ankara designates the YPG as a terrorist organization linked to the group PKK, which has been waging a decades-long insurgency inside southeastern Turkey.” (VOA, 28 October 2019)

5.4 Casualties

This section only deals with casualties that were recorded during Turkey’s direct engagement in the region through “Operation Peace Spring” in October 2019. The European Asylum Support Office (EASO), an agency of the European Union providing support to EU member states in asylum issues, inter alia by conducting COI research and documentation, in May 2020 published a report on the security situation in Syria. This report contains subchapters with a detailed breakdown of the security situation in individual provinces. For information on casualties and security-related incidents in the area of “Operation Peace Spring”, among them attacks by Turkey-backed Syrian opposition militia against civilians, please refer to the chapters for the provinces Al-Hasaka (pp. 133-145) and Ar-Raqqa (pp. 146-160) in the EASO report (reporting period: 2019 and the first two months of 2020) accessible via the following link:

- EASO – European Asylum Support Office: Syria Security situation, May 2020
https://www.ecoi.net/en/file/local/2029305/05_2020_EASO_COI_Report_Syria_Security_situation.pdf

In October 2019 BBC News writes that the UK-based Syrian Observatory for Human Rights reported 8 casualties on 9 October, the first day of the Turkish offensive (BBC News, 9 October 2019). By 13 October BBC News reports the killing of “dozens of civilians” due to air strikes, shelling and fighting on the ground (BBC News, 14 October 2019). In his report to the UN Security Council pertaining to conflict developments in Syria during October and November 2019, the UN Secretary-General notes that 147 civilian casualties were recorded by the Office of the UN High Commissioner for Human Rights (OHCHR) during “Operation Peace Spring” (UN Security Council, 16 December 2019, p. 2). Airwars, a not-for-profit transparency organisation monitoring civilian harm from mainly international military actions, in a February 2020 report mentions that during the “Operation Peace Spring” allegedly 264 non-combatants were killed in Turkish airstrikes and YPG counterfire (Airwars, 11 February 2020, p. 3).

The Armed Conflict Location & Event Data Project (ACLED) provides a dataset on conflict incidents in Syria which is continuously updated and based on a variety of sources. On a datasheet downloaded on 19 June 2020 covering October 2019 ACLED has registered 296 security incidents (battles, explosions/remote violence, violence against civilians) involving the Turkish military (actor: Military Forces of Turkey/Operation Peace Spring) in the Syrian provinces Al-Hasaka and Ar-Raqqa (the two Syrian provinces affected by “Operation Peace Spring”), resulting in 554 fatalities. (ACLED, downloaded 19 June 2020)

5.5 Displacement

BBC News in mid-October 2019 notes more than 150,000 persons displaced by the Turkish offensive, especially from the towns Ras Al-Ain and Tell Abyad:

“When the Turkish offensive began, the UN said the potentially affected area included SDF-controlled [Syrian Democratic Forces] territory that was home to 2.2 million people, including 1.3 million in need of humanitarian assistance, and two government-controlled

cities where 450,000 people live - Qamishli and Hassakeh. By 13 October, air strikes, shelling and fighting on the ground had reportedly killed dozens of civilians and forced more than 150,000 others to flee their homes. The UN said most of the displaced were from the towns of Ras al-Ain and Tal Abyad, which were the initial targets of the Turkish assault. Some 5,000 internally displaced people (IDPs) living at the Mabruka camp, west of Ras al-Ain, had to be evacuated towards Hassakeh city after the surrounding area came under artillery fire on 10 October.” (BBC News, 14 October 2019)

The report by the UN Secretary-General to the Security Council of December 2019 mentions over 200,000 displaced since the start of “Operation Peace Spring” in October 2019 but also states that at the end of November of that year 123,000 people had returned, 75,000 people remained displaced and 17,000 people had fled to Iraq:

“On 9 October, Turkey launched Operation Peace Spring in an area between Tall Abyad and Ra’s al-Ayn in the Syrian Arab Republic. Over 200,000 civilians fled their homes amid the hostilities and OHCHR recorded 147 civilian casualties, including women and children, many from improvised explosive devices.” (UN Security Council, 16 December 2019, p. 2)

“In late October, tens of thousands of civilians began to return to their areas of origin, and humanitarian operations resumed once hostilities had decreased following a series of agreements among the parties to the conflict. As at 26 November, 123,000 people had returned, while almost 75,000 remained displaced from Hasakah, Raqqah and Aleppo Governorates. In addition, nearly 17,000 people fled into Iraq.” (UN Security Council, 16 December 2019, p. 3)

In a follow-up report of February 2020 covering December 2019 to January 2020 the UN Secretary-General gives the following information regarding the security situation and displacement figures:

“In the north-east of the Syrian Arab Republic, fighting in the area between Tall Abyad and Ra’s al-Ayn, where Operation Peace Spring was launched on 9 October, decreased during the reporting period, while several military forces continued to operate in proximity to one another. The M4 highway – a critical artery to sustain commercial as well as humanitarian access to the north-east – remained closed to humanitarian transit. Some 70,000 people remained displaced in the north-east since 9 October 2019, including 14,000 in collective shelters for internally displaced persons.” (UN Security Council, 21 February 2020, p. 3)

In an article of May 2020 Al-Monitor reports that Turkey is settling displaced Syrian families in the area of “Operation Peace Spring” despite the fact that they are not originally from there with the aim of imposing demographic change:

“Turkey has transferred hundreds of people to the northeastern Syrian town of Tell Abyad from the Turkish-controlled Operation Euphrates Shield region, stunning many families displaced from the town that have been hoping to return to their villages in the area, which fell under Turkish control during a military operation in November 2019. A new round of population transfers is reportedly underway. Turkish President Recep Tayyip Erdogan makes no secret of his intention to uproot Kurdish self-rule in northern Syria and change

the demographic character of the region, often reiterating Ankara's plan to move up to two million refugees to a safe zone that is planned to be set up in the Operation Peace Spring region in the northeast. Addressing the UN General Assembly last year, Erdogan said Turkey initially planned to transfer up to one million refugees to the area by constructing 140 villages and 10 towns in the region. The second phase of the plan involves extending the resettlements to the town of Deir ez-Zor, which lies on the critical M-4 highway linking the country's east and west." (Al-Monitor, 7 May 2020)

Kurdistan 24, a news outlet based in the Iraqi Kurdistan Region, in April 2020 also notes the above-mentioned resettlement of Syrian displaced persons by Turkey, adding that many Kurdish locals who fled at the start of the offensive have been prevented from returning to their homes:

"Turkish authorities reportedly sent 19 buses loaded with roughly 900 Syrian refugees over the border into Syria to be resettled in the country's northern towns of Tal Abyad and Ras al-Ain (Serekaniye), activists and local news agencies said on Wednesday. 'The new arrivals, who are the families of the Turkish-backed armed groups, will be settled in Tal Abyad and Ras al-Ain in the houses left by their owners who fled the town after the Turkish attacks in October,' Ahmad, a Syrian Arab activist who asked to conceal his name for security reasons, told Kurdistan 24. Ahmad added that people who stayed in the town were angry with the Turkish authorities for bringing people from other Syrian provinces and relocating them in the border areas. 'More busses carrying the families of the militants of the Turkish-backed groups of Ahrar Al-Sharqiya and Al-Shamiya Front will arrive in a few days to be transferred and resettled in the town of Ras al-Ain,' he said. Local media in northern Syria report that the busses contained Syrian families from Ghouta around Damascus, Idlib, Homs and the northern Aleppo countryside. [...] Since the Turkish cross-border invasion on Serekaniye [Ras Al-Ain] began in October, scores of violations against local civilians have been consistently and credibly reported by residents and observers. Moreover, many who have attempted to return to their towns under Turkish control faced brutality, arrest, and torture, especially members of the Kurdish population." (Kurdistan 24, 9 April 2020)

5.6 Situation in the first half of 2020

In his report to the UN Security Council covering developments in February and March 2020 the UN Secretary-General mentions intermittent shelling and ground clashes along the edges of the area of "Operation Peace Spring":

"In the north-east of the Syrian Arab Republic, intermittent artillery shelling and a limited number of ground-based clashes were reported along the eastern and western edges of the territory between Tall Abyad and Ra's al-Ayn. The M4 highway reportedly opened at times, although civilian traffic was often not able to proceed." (UN Security Council, 23 April 2020, p. 3)

In an article of April 2020 Al-Monitor reports continued clashes along the edges of the area of "Operation Peace Spring" through March and April 2020 in what it classifies as a "low-intensity conflict strategy" by Turkey and its affiliated Syrian militia:

“Turkey-backed forces deployed east of the Euphrates to an area that came under the Turkish control in Operation Peace Spring are mounting attacks on the Kurdish-led Syrian Democratic Forces and the Syrian government troops. The coronavirus outbreak has topped the agenda not only in the Kurdish-led Autonomous Administration of North and East Syria, but also in Turkish-controlled Tell Abyad and Ras al-Ain to the east of the Euphrates. The outbreak was expected to slow the fighting in the region. However, the attacks have not been disrupted by the pandemic, nor by internal disputes among Turkish-backed Syrian National Army factions. Syrian fighters discontent with Turkey's failure to pay them is also growing.

In March, as the pandemic sent the world into turmoil, clashes raged in the region, particularly around Tell Abyad, Ain Issa and Tell Tamer. April saw an uptick in violence. Turkish-backed forces based in Ras al-Ain are shelling villages in the predominantly Christian town of Tell Tamer, which lies on the M4 highway some 23 miles (37 kilometers) from Ras al-Ain. Ain Issa and Tell Abyad are also under fire. The frequency of the clashes points to a low-intensity conflict strategy. According to local reports, Turkish-backed rebels targeted several villages and towns near Tell Abyad and Ain Issa with mortar and artillery fire March 1-16. A civilian and a Syrian soldier were wounded by shelling near Tell Abyad and Ain Issa on March 15 and 16. The tension further escalated through the second half of March with the mainly Assyrian town of Tell Tamer coming under fire. On April 1, the villages of Kafr Hamra and Umm al Kayf near Tell Tamer and Rabia near Ras al-Ain were bombed, wounding three civilian women. On April 2, the villages of Umm al Kayf, Abosh, Qabr, Rubaiyat and Tal al-Ward near Tell Tamer came under fire. According to local sources, two Syrian soldiers were killed and two others wounded during the clashes in Abosh and Qabr.” (Al-Monitor, 13 April 2020)

Turkish sources give some more insight into Turkish engagement in the region in the first half of 2020. Daily Sabah reports in March 2020 referring to a statement by the Turkish defence ministry that 390 schools have been opened in the area as part of the recovery efforts (Daily Sabah, 14 March 2020). AA reports in May 2020 citing information by the Turkish defence ministry that over the month of May 66 members of the YPG/PKK have been “neutralized” in the area of “Operation Peace Spring” (AA, 22 May 2020). In June 2020, three soldiers of the Turkey-backed Syrian National Army (SNA) were injured in a bomb attack near the town of Tell Abyad (AA, 10 June 2020)

The European Council on Foreign Relations (ECFR), a pan-European think tank focussing on EU foreign relations, in May 2020 published an analysis of Turkey's border policy in Northern Syria. The analysis points out that Turkey has had little success so far with convincing Syrian refugees in Turkey to resettle in the area of “Operation Peace Spring” and further goes into the difficulties for the Turkish government of administering the border region:

“Today, the most significant part of Turkey's Syria policy is its creation of this ‘safe zone’ in northern Syria overseen by friendly administrations. The residents of the area – most of them Sunni Arabs – are dependent on Turkish political, economic, and logistical support. Ankara's overarching goal in this 30km-deep zone is to ensure that it remains outside the control of the Kurdish-led Syrian Democratic Forces (SDF) and semi-autonomous from the

regime in Damascus. Turkish leaders also hope to persuade Syrian refugees in Turkey to move to the area – though they have had little success with this so far. Ankara regards its military footprint in Syria as key to protecting Turkey’s long-term territorial integrity and to having a say in the fate of Syria. [...]

Yet Turkish decision-makers will have to deal with the implications of administering a Sunni Arab-majority area in northern Syria. For instance, it is unclear whether Turkey should create a durable order there or whether the project is worth its financial cost. It remains to be seen whether Turkey can co-exist with radical Sunni opposition factions close to its border and reach a modus vivendi with Kurds inside and outside the safe zone. What happens in the area will be determined not just by Turkey but also by Russia, the United States, and the Syrian regime. And there is a risk of the ‘Gazafication’ of the safe zone – that is, the emergence of a militarily controlled territory that is perennially poverty-stricken and unstable. All these factors could create a prolonged domestic and international political headache for Ankara.” (ECFR, 28 May 2020)

A June 2020 article by the US-based think tank Carnegie-Middle East Center goes into the likely end result of Turkish operations in Syria and describes the intended establishment of a buffer zone that is of economic benefit to Turkey:

“The end result is likely to be the creation of a border zone between Turkey and Syria after the Turkish military connects the different areas it has come to control in northern Syria. So far, Turkish military operations have created four such border zones, each named for the military operation in which Turkey seized territory. The Euphrates Shield operation in 2016 and 2017 led to Turkish control over northern Aleppo Governorate. In 2018, Turkey took northwestern Aleppo Governorate through its Olive Branch operation. In 2019, it used its Peace Spring operation to occupy areas east of the Euphrates River. Finally, in 2020 the Turkish army launched an operation in Idlib called Spring Shield. [...]

Consequently, the Turkish-controlled zone in northern Syria will be neither a part of Syria nor of Turkey. Rather, it will function as a buffer between the two, while playing an important economic function. On the Turkish side, in provinces such as Gaziantep, Kilis, and Hatay, many Turks have deep economic ties with Syrians on the other side of the border. This buffer zone will therefore bring major economic benefits to both sides — the Turks and the Syrians living in the border are creating an area where it is safe to conduct commercial activities.” (Carnegie Middle East Center, 8 June 2020)

6 Rule of law/Administration of justice

6.1 Access to justice

According to the Constitution of the Republic of Turkey “[e]veryone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures. No court shall refuse to hear a case within its jurisdiction.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 36)

Concerning access to justice the Commissioner for Human Rights of the Council of Europe, Dunja Mijatović in a February 2020 country report on Turkey assesses:

“The Commissioner considers that questions relating to access to justice became more pressing in Turkey in recent years, for several reasons. Firstly, the emergency decrees adopted by the Turkish government during the state of emergency explicitly excluded the measures they contained from the scope of any judicial scrutiny. Turkish courts, including the Constitutional Court, accordingly declared themselves not competent to assess the legality of any of these measures, despite the fact that they constituted severe interferences with the human rights of a very large number of persons, both physical and moral. Secondly, a number of recent developments raise questions concerning the effectiveness of the Turkish Constitutional Court as a remedy to obtain redress for human rights violations.” (CoE-CommDH, 19 February 2020, p. 21)

The Turkey Human Rights Litigation Support Project, (TLSP) is a project established under the Law Faculty of Middlesex University consisting of academics, human rights lawyers, and researchers who support Turkish litigators, human rights defenders and civil society organisations. The TLSP in October 2019 published a report on the institution of the State of Emergency Inquiry Commission (see [section 6.1.3](#) below). In the publication notice of this report of 15 October 2019 the TLSP assesses that since the State of Emergency was declared, access to justice posed a challenge:

“Securing access to justice in Turkey remains a big challenge, especially for those whose rights were violated during the State of Emergency declared in July 2016. During the State of Emergency, the Government adopted a number of ‘atypical’ emergency measures under more than 30 executive decrees seriously limiting and, in some cases, totally waiving numerous fundamental rights and freedoms by relying on exceptional powers under the Constitution. One hundred thousand public sector workers were dismissed and legal entities including newspapers, television companies, associations and foundations were closed down without individualized reasoning or evidence to support these actions. For a long time, the lack of a clear avenue for appeal of these decisions left those affected in obscurity. Following the adoption of the Decree Law No. 685, establishing the State of Emergency Inquiry Commission (‘the Commission’), tens of thousands of people who were dismissed and the entities closed under the emergency decree laws have been forced to apply to the Commission before having recourse to a judicial remedy.” (TLSP, 15 October 2019)

6.1.1 Legal representation

Concerning legal representation and the regulation of the legal profession in Turkey the online legal know how service Practical Law by Thomson Reuters states the following:

“Under the Turkish Constitution every individual has the right to be heard and assert their claims and defend against claims made against them and provide evidence to support their case before courts. In parallel with this, under the Civil Procedure Law, parties can conduct litigation before civil courts themselves. However, if they prefer to be represented, this must be done by a qualified lawyer. Moreover, if the judge concludes that a party is not capable or competent to litigate their case, such party will be granted extra time to retain a lawyer. With respect to the criminal proceedings, representation by an attorney is not mandatory either, except for the cases where the accused is a minor or the alleged crime may be penalized by imprisonment for over five years under the Criminal Procedure Law.” (Thomson Reuters, 1 November 2018)

On the competences and duties of lawyers Thomson Reuters continues:

“There is only one category of lawyer (*avukat*) in the Republic of Turkey. Under the Attorneyship Act No. 1136 (AA), lawyering is a public service and an independent profession. Lawyers can represent their clients before courts and provide legal services. Lawyers can provide legal opinion, litigate and defend the rights of parties before courts, arbitral tribunals, and other bodies with jurisdictional powers, and manage all documentation associated with it. Lawyers take part in the proceedings with the duty to abide by professional ethics principles and the principle of independence. [...] The provision of legal services is reserved for lawyers. Bar associations provide legal services to those that cannot afford legal and court fees through their legal aid centres. The services are provided by qualified lawyers registered with the respective bar association and appointed for the specific matter.” (Thomson Reuters, 1 November 2018)

The International Commission of Jurists (ICJ), an international, non-governmental human rights organisation consisting of 60 eminent jurists, in a 2018 report on the Turkish justice system describes the role of Turkish bar associations:

“In order to practice law, a lawyer must be registered with the bar association of the city where he or she resides. The bar associations, including the Union of Turkish Bar Associations at national level and the regional bar associations, are responsible for the admission of candidates to the profession, the regulation and the conduct of their internship and disciplinary investigations. The Ministry of Justice retains a significant role in the admission of lawyers to the profession and in their disciplinary system. The admission decisions of the Union of Turkish Bar Associations are subject to the approval of the Ministry, which is also needed to launch criminal investigations and impose disciplinary measures against lawyers.” (ICJ, 2018, p. 4)

According to Bianet, on 11 July 2020 “the Bill on Amendments to the Attorney’s Act and Some Laws passed the General Assembly of the Parliament” (Bianet, 13 July 2020). The bill will have an impact particularly with regard to the largest bar associations of Istanbul, Ankara and Izmir (HRW, 7 July 2020), as it allows “any group of 2000 lawyers in provinces with over 5000 lawyers,

to set up their own bar associations” (HRW, 7 July 2020). HRW in a 7 July 2020 article states that:

“While the government has suggested that the creation of more bar associations would mean a ‘more democratic and pluralistic’ system, in practice the real effect is likely to be disempowering of large existing bar associations, which happen to be those that have criticized the government for breaches of human rights and the rule of law. [...]

The proposed new law would also alter the number of delegates provincial bar associations can send to the Union of Turkish Bars. [...] Once again this would have the greatest impact on the biggest bar associations by dramatically reducing their influence within the union whose next election is due to take place in December 2020. Currently, Istanbul, Ankara, and Izmir, because they represent the greatest number of lawyers, are allowed to send more delegates so that there is proportional representation of provincial bar associations at the union. [...] Under the new law, all bars will be allowed to send four delegates to the union, and then one delegate more for every 5000 members. As a result, the smallest bars will gain much greater power than they currently have and together will exercise greater influence over the activities of the union.” (HRW, 7 July 2020)

Human Rights Watch and the International Commission of Jurists published a question and answer document (HRW, 8 July 2020) which explains the functions of current bar associations, the changes the new bill will bring about and discusses possible negative effects of the amendments:

- HRW – Human Rights Watch: The Reform of Bar Associations in Turkey: Questions and Answers, 7 July 2020
<https://www.hrw.org/news/2020/07/07/reform-bar-associations-turkey-questions-and-answers>

In respect of access to an attorney the US Department of State (USDOS) in its March 2020 report on human rights practices 2019 reports the following:

“While the law generally provides detainees the right to immediate access to an attorney at any time, it allows prosecutors to deny such access for up to 24 hours. In criminal cases the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence for conviction is more than five years’ imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases authorities provided an attorney if a defendant could not afford one. [...] The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers’ access to detainees and prisons – especially for those attorneys not appointed by the state – and because many lawyers were reluctant to defend individuals the government accused of ties to the 2016 coup attempt.” (USDOS, 11 March 2020, section 1d)

Human Rights Watch (HRW) in April 2019 published a report on the prosecution of lawyers in Turkey, based on research carried out between July 2018 and February 2019, in the course of which 35 lawyers were interviewed. Concerning legal representation after the attempted coup and the prosecution of lawyers the research's findings read as follows:

“In the months after the July 15, 2016 attempted coup, detainees accused of being members of FETÖ [Fetullahist Terror Organisation] often had difficulty getting lawyers to represent them, with delays even in getting enough compulsory legal aid lawyers to be present during their interrogation by prosecutors and appearance before courts. Antipathy to the Gülen movement in Turkish society as a whole may account for some of the reluctance of lawyers to step up and be involved in FETÖ cases, but lawyers were also concerned they themselves could be prosecuted for taking on these cases. [...]

The report examines a pattern of prosecutors investigating and opening cases against lawyers. It documents cases in which prosecuting authorities have criminalized lawyers for activities undertaken to discharge their professional duties and have associated them without evidence with the alleged crimes of their clients. Some of these prosecutions appear to have come about in reprisal for their efforts to document police abuse and other human rights violations and to protect the rights of their clients. The report also documents cases where police have threatened and intimidated lawyers, obstructing and interfering in their professional duties. The report concludes that the authorities' unwarranted and abusive targeting of lawyers for prosecution has undermined a key guarantor of the right to a fair trial in Turkey. [...]

The majority of lawyers on trial for terrorism are charged with being FETÖ members and a smaller number are on trial for PKK membership or links to outlawed leftist groups. In the case of those prosecuted for PKK membership or links to leftist groups, the prosecution is often based on statements they gave to the media or their participation in press conferences or demonstrations.” (HRW, 10 April 2019, pp. 1-2)

For numbers on detained, prosecuted and convicted lawyers please see [section 4.1.3](#) of this compilation.

On the role of the Union of Turkish Bars in the post-coup period the research of HRW shows the following:

“All the lawyers interviewed for this report told Human Rights Watch that the Union of Turkish Bars, the professional body to which all Turkey's provincial bar associations are affiliated, was reluctant in the post-coup period to offer a robust defense of the principles of the right to a fair trial and the right to legal counsel for all suspects and defendants. Similarly, they argued, bar associations and the Union of Turkish Bars have failed for the most part to employ their institutional strength and authority to uphold the rights of lawyers in a principled and impartial way. They have been unwilling to support lawyers faced with serious obstacles in discharging their professional duties and have often failed to support lawyers subjected to arbitrary investigation and prosecution.” (HRW, 10 April 2019, p. 4)

6.1.2 Criminal justice system

Feridun Yenisey, Director of the Institute for Global Understanding of Rule of Law at Bahçeşehir University in İstanbul, in a May 2015 publication on Criminal Procedure Law¹¹ in Turkey states:

“The courts in Turkey are divided into ordinary courts and administrative courts. The Courts of ordinary jurisdiction are divided into two branches: civil and criminal courts. The civil and criminal courts are different and separate.” (Yenisey, May 2015, p. 2)

Stages of Appeal

The Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal regulates that first instance courts are civil and criminal courts.

Second instance courts are regional courts of appeal (Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal, 26 September 2004, as amended on 24 November 2016, Articles 2, 3).

Third instance court within the criminal justice system as well as the civil justice system is the Court of Cassation, also known as Court of Appeals (see Thomson Reuters, 1 January 2020; Court of Cassation, undated). About the jurisdictional powers of the Court of Cassation, Feridun Yenisey in a 2020 publication on the Law of Penal Procedure writes:

“The Court of Cassation has jurisdiction over all Turkish courts in order to secure a unified application of criminal statutes regulating substantive penal law and penal procedure.” (Yenisey, 2020, p. 277)

On further legal remedies Feridun Yenisey in his May 2015 publication notes:

“Anyone who claims that his or her fundamental rights have been violated can apply to the Constitutional Court if other domestic remedies have been exhausted. [...] Another option is to file a complaint with the Ombudsman. The Ombudsman Institution¹² became operational following a period of intensive work and began receiving applications in April 2013 [...]. Next step is an individual application with the European Court of Human Rights.” (Yenisey, May 2015, p. 83)

“If the accused is a high official [...] or if the case deals with the closing down of a political party” the Constitutional Court serves as a criminal court of the first instance (Yenisey, May 2015, p. 2).

¹¹ Sources call this legislative text also Criminal Procedure Code or Penal Procedure Code.

¹² According to the website of the Ombudsmann Institution it is “attached to the Turkish Grand National Assembly, has legal personality, has a separate budget and is centrally based in Ankara. The purpose of the Institution is to establish an independent and efficient complaint mechanism regarding the delivery of public services and investigate, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviours of the administration with law and fairness under the respect for human rights.” (The Ombudsmann Institution, undated)

Criminal Courts of First Instance and Criminal Judgeships of Peace

Feridun Yenisey in a 2020 publication on the Law of Penal Procedure describes the following criminal courts of first instance together with their area of responsibility:

“There are Judgeships of The Peace (Sulh Ceza Hakimlikleri), Courts of General Jurisdiction (Asliye Ceza Mahkemeleri), Courts of Assizes¹³ (Ağır Ceza Mahkemesi) and Juvenile Courts (Çocuk mahkemeleri) in Turkey. Judgeships in the investigation phase [...] render decisions related to pretrial arrest, search and seizure, or similar investigative decisions related to collecting and preserving of evidence. Such judgeships were established in 2014. The Court of General Jurisdiction is competent to hear cases that do not fall under the jurisdiction of other criminal courts. These courts exist in each administrative district and have one judge. The Court Assizes has jurisdiction on crimes that foresee ‘aggravated life imprisonment,’ ‘life imprisonment,’ or imprisonment of ‘more than ten years.’ [...] There are two associate justices and one president in this court. ‘Specialized Chambers of the Court of Assizes’ shall be assigned by the Council for judges and prosecutors to hear cases related to terror crimes and organized crimes. Juvenile Courts are comprised of ‘Juvenile Courts’ and ‘Juvenile Courts of Assizes.’ The juvenile courts are established in the center of each province with one judge. This court acts as a court of general jurisdiction in juvenile matters [...]” (Yenisey, 2020, pp. 276-277)

As mentioned above in the quote of Dr. Yenisey, criminal judgeships of peace were established in 2014. The Turkish Ministry of Justice in a Memorandum to the Council of Europe’s European Commission for Democracy Through Law, the so-called Venice Commission, explains the responsibilities of the criminal judgeships of peace and states the reasons for introducing them:

“Criminal judgeships of peace were established by ‘the Law on Amendments to Turkish Penal Code and Certain Laws’ No.6545 to take the decisions which need to be taken by a judge during all investigations, conduct the proceedings and review the appeals against them [...]. The establishment of the criminal judgeships of peace aimed specialization and to form a unity in implementation about the investigatory proceedings and also, to standardize the decision making concerning the protective measures across the country. In accordance with the amendment, the criminal judgeships of peace are tasked to decide upon protective measures such as arrest, pre-trial detention, search, seizure, taking under custody, physical examination of the suspect and taking samples from the body. Besides, judgeships will not carry out trial proceedings [...]” (Ministry of Justice of Turkey, 8 February 2017, p. 2)

The Venice Commission of the Council of Europe published an opinion document on the duties, competences and functioning of the criminal peace judgeships in March 2017, following a visit

¹³ The Courts of Assizes are also known as “aggravated felony courts” (see Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal, 26 September 2004, as amended on 24 November 2016, Article 8).

to Ankara in January 2017. Concerning the jurisdiction of the criminal judgeships of peace the opinion states the following:

“Under the Law on Criminal Procedure, the judgeships of peace have the power to issue search and seizure warrants (including permitting ‘wire-taps’ for the interception of communications) and arrest and detention warrants. They also perform judicial review of the decisions of public prosecutors on non-prosecution. [...] [T]he judgeships of peace have been allocated additional powers under Turkish law. One such power is the removal of content from the Internet and the closing down of Internet websites. [...] Another such power attributed to the peace judgeships are the decisions on traffic misdemeanours (speeding penalties, etc.). The delegation of the Venice Commission learned that in Ankara, out of the 7700 decisions taken by the Ankara peace judges in average per year, about 700 concern detention (only in these cases are there hearings, all other decisions are taken in a written procedure), some 2000 relate to other ‘protective measures’ and Internet related decisions, some 1500 are appeals against decisions of other peace judges and 3500 decisions, nearly half of the total, concern traffic offences. Again, this is a competence on the merits, not a precautionary or protective measure. [...] To sum up, the jurisdiction of the peace judgeships is therefore twofold; covering ‘protective measures’ and decisions on the merits.” (CoE – Venice Commission, 13 March 2017b, pp. 5-6)

On the tasks and powers of the criminal peace judgeships the Human Rights Foundation, a U.S.-based, nonpartisan non-profit organisation that promotes and protects human rights globally, in an April 2019 publication on the collapse of the rule of law and human rights in Turkey, reports the following:

“[...] [T]he government established the Criminal Peace Judgeships (CPJ), which became operational on June 28, 2014. Designed to standardize the decision-making process, CPJs specialize in procedural matters, to ensure the fast and uniform implementation of protective measures. However, a closer examination of these special courts, reveals a significant overstep of power, thereby prompting serious limitations on others’ rights. The CPJ essentially serves an investigative function, with appointees handling serious procedural matters up until the prosecution reaches the trial stage. CPJ appointees may order wiretaps, arrests, seizures, property searches, and pre-trial detentions. [...] [C]losed-circuit appeal mechanism allows decisions of the CPJ to be appealed only by another CPJ. This renders the appeal procedure ineffective, as it offers no way for a superior court to intervene in cases where citizens’ rights to liberty or security may have been violated.” (HRF, April 2019, pp. 9 -11)

In her above-mentioned February 2020 country report the Commissioner for Human Rights of the Council of Europe expresses her concerns regarding criminal judgeships of the peace:

“Although the criminal judgeships of the peace were intended to improve the protection of human rights in criminal proceedings by centralising expertise and knowledge of ECHR [European Convention on Human Rights] standards, the Commissioner observes that the practical effect has been the opposite, as the decisions of these judges have been at the origin of some of the most obvious violations of human rights, in particular the rights to liberty and security and to freedom of expression. [...] The Commissioner is of the opinion

that, for all matters falling under their purview, the general pattern of defective reasoning and the closed circuit system characterising criminal judgements of the peace raises serious questions of compatibility with ECHR standards regarding the rights to a fair trial and an effective remedy, which are two main guarantees of protection of human rights in domestic systems and cornerstones of the rule of law.” (CoE-CommDH, 19 February 2020, pp. 20-21)

Regional Courts of Appeal and Court of Cassation

Articles 25 and 29 of the Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal regulates that the Ministry of Justice establishes regional courts of appeal, which consist of civil and criminal chambers, in the districts (Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal, 26 September 2004, as amended on 24 November 2016, Articles 25, 29). With the enactment of this law in 2004 it was legally decided to establish these regional courts of appeal, however, “[a]s the restructuring of the courts [...] [required] a number of new highly qualified judges and personnel, as well as new buildings, the application of this [...] remedy within the Penal Procedure Code [...] [had] been postponed until the courts [...] [were] activated” (Yenisey, May 2015, p. 10). On 20 July 2016 the first regional courts of appeal were established, in 2019 their number was increased to 15 (Government of Turkey, 14 November 2019, p. 4). Previous to 20 July 2016 “[t]he Turkish Law did not recognize the remedy of appeal [...] in relation to the facts of the case (Yenisey, May 2015, p. 9) and appeals were made in a two-tier system to the Court of Appeal in Ankara (Çangir, 18 October 2016). As Thomson Reuters explains, “[f]or decisions rendered before 20 July 2016, the former two-tier system will continue to be applied until these decisions are finalised” (Thomson Reuters, 1 February 2020).

The duties of the regional courts of appeal are “[e]xamining and finalizing the applications to be submitted against the inconcluded judgments and decisions taken by the first instance courts [...] [and] [p]erforming the other duties assigned by law” (Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal, 26 September 2004, as amended on 24 November 2016, Article 33).

Article 272 of the Turkish Criminal Procedure Code stipulates:

“A motion of appeal on facts and law may be filed against the judgments rendered by the courts of first instance. However, judgments related to an imprisonment for fifteen years and more than that, shall be inspected by the Regional Court of Appeal on Facts and Law by its own motion.” (Turkish Criminal Procedure Code, 4 December 2004, Article 272, as translated 2009)¹⁴

According to article 286 and 288 of the Turkish Criminal Procedure Code judgments in criminal matters by the regional court of appeal may be appealed on law, on the grounds that the

¹⁴ The 2009 English translation by Feridun Yenisey of the quoted part of Article 272 of the Turkish Criminal Procedure Code was cross-checked against the Turkish Version of the Turkish Criminal Procedure Code as amended on 15 April 2020 and is unchanged.

judgement has violated the law (Turkish Criminal Procedure Code, 4 December 2004, Articles 286, 288, as translated 2009) to the Court of Cassation. Feridun Yenisey in his 2015 publication outlines the ground for an appeal on law as follows:

“An appeal on law may be filed only on the ground that the judgment has violated the law. The failure to apply a legal rule, or its erroneous application, is a violation of the law. [...] If the findings of the Court of Cassation about the judgment of the Regional Court of Appeal on Facts and Law are in accordance with the law, the petition of appeal shall be rejected. Otherwise, the Court of Cassation may reverse the contested judgment on the basis of violations of law affecting the judgment that are pointed out in the appellate petition and the appellate brief. Reasons for reversal shall be shown separately in the written judgment.” (Yenisey, May 2015, pp. 79-82)

Not all decisions of a regional court of appeal can be appealed to the Court of Cassation. Article 286 of the Turkish Criminal Procedure Code lists exemptions, for example reversal judgements or “decisions of custodial penalties of up to five years” (Yenisey, May 2015, p. 78).

The USDOS country report on human rights practices 2019 notes on the possibilities to appeal against regional courts:

“[...] [S]ince 2016 sentences of less than five years’ imprisonment by regional appellate courts were final and could not be appealed. In October [2019], however, as part of the judicial reform package, new measures were enacted that allow defendants in certain types of insult cases or speech-related cases to appeal to higher court.” (USDOS, 11 March 2020, section 1d)

Public Prosecution

The Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal regulates the establishment and duties of the office of the chief public prosecutor:

“In each provincial center and district where there is a court, an office of chief public prosecutor named after that province or district shall be established. In the office of chief public prosecutor, there shall be one chief public prosecutor and adequate number of public prosecutors. [...] The duties of the office of chief public prosecutor are as follows: 1. Conducting investigations or enabling the conduct of investigations to decide whether it is appropriate to file a public case, 2. Monitoring the trial proceedings on behalf of the public, attending them and when necessary, applying for legal remedies in accordance with the law provisions, 3. Taking the necessary actions to execute the finalized court decisions and monitoring them, 4. Exercising other duties assigned in accordance with the laws.” (Law on Establishment, Duties and Jurisdiction of First Instance Courts and Regional Courts of Appeal, 26 September 2004, as amended on 24 November 2016, Articles 16, 17)

There is also an office of a chief public prosecutor in the regional courts of appeal and a public prosecutor in the Court of Cassation:

“Each regional court of appeals shall have an office of chief public prosecutor. The office of chief public prosecutor in the regional court of appeal shall consist of a chief public prosecutor and adequate number of public prosecutors.” (Law on Establishment, Duties

and Jurisdiction of First Instance Courts and Regional Courts of Appeal, 26 September 2004, as amended on 24 November 2016, Article 30)

“There is also a separate Chief Public Prosecutor in the Court of Cassation at the appellate level.” (Yenisey, 2020, p. 278)

The Turkish Criminal Procedure Code defines the duties of the public prosecutor in Article 160:

“As soon as the public prosecutor is informed of a fact that creates an impression that a crime has been committed, either through a report of crime or any other way, he shall immediately investigate the factual truth, in order to make a decision on whether to file public charges or not. (2) In order to investigate the factual truth and to secure a fair trial, the public prosecutor is obliged, through the judicial security forces, who are under his command, to collect and secure evidence in favor and in disfavor of the suspect, and to protect the rights of the suspect.” (Turkish Criminal Procedure Code, 4 December 2004, Article 160, as translated 2009)¹⁵

6.1.3 *Due process*

As cited above, the Constitution of the Republic of Turkey guarantees the right to “a fair trial before the courts through legitimate means and procedures” to everyone (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 36).

Freedom House in its Freedom in the World 2020 Turkey report states the following concerning due process in civil and criminal matters:

“Due process guarantees were largely eroded during the state of emergency between 2016 and 2018, and these rights have not been restored in practice since the emergency was lifted. Due process and evidentiary standards are particularly weak in cases involving terrorism charges, with defendants held in lengthy pretrial detention periods lasting up to seven years. In many cases, lawyers defending those accused of terrorism have faced arrest themselves. According to the Justice Ministry, more than 150,000 people were under investigation for terrorism offenses as of mid-2019, and roughly 70,000 were on trial; most were accused of links to the Gülen movement.” (Freedom House, 4 March 2020, section F2)

The Human Rights Foundation in its April 2019 report on the collapse of the rule of law and human rights in Turkey notes “that the Turkish judicial system is not capable of providing justice to the victims of the post-coup purges and other rights abuses” (HRF, April 2019, p. 2-3) and

¹⁵ The 2009 English translation by Feridun Yenisey of the quoted Article 160 of the Turkish Criminal Procedure Code was cross-checked against the Turkish Version of the Turkish Criminal Procedure Code as amended on 15 April 2020 and is unchanged.

detects the beginning of the deterioration of the Rule of Law in Turkey in 2013, when corruption allegations against allies of Erdoğan arose:

“This deterioration [of the Rule of Law] began in December 2013 after state officials released two corruption investigations that incriminated relatives and allies of President Recep Tayyip Erdoğan (then serving as prime minister), prompting Erdoğan to orchestrate changes to the judicial system. The deterioration accelerated after the 2016 attempted coup, with the pretense of a state of emergency.” (HRF, April 2019, p. 3)

On shortcomings in Turkey's dealing with procedural rules, the USDOS in its March 2020 report on human rights practices 2019 writes:

“Observers noted the prosecutors and courts often failed to establish evidence to sustain indictments and convictions in cases related to supporting terrorism, highlighting concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous cases authorities used secret evidence or witnesses to which defense attorneys and the accused had no access or ability to cross-examine and challenge in court. The government refused to acknowledge secret witnesses on many occasions. For example, a court sentenced university student Baran Baris Korkmaz to 59 years in prison for membership in an illegal organization based on testimony from a secret witness. Police in Diyarbakir denied any knowledge of the secret witness, identified by a pseudonym in court documents, despite a court request for information regarding the secret witness. [...] Lower courts at times ignored or significantly delayed implementation of decisions reached by the Constitutional Court. Decisions reached by the ECHR were rarely implemented domestically.” (USDOS, 11 March 2020, section 1e)

Concerning the principle of equality of arms, the Commissioner for Human Rights of the Council of Europe in the above-mentioned February 2020 report states:

“As regards pre-trial investigations, one of the main issues raised by the Commissioner [...] concerns the restriction of access to the case file by the defence lawyer, a problem which has become more acute and generalised in recent years. The Commissioner reiterates that the principle of equality of arms is routinely undermined in Turkey by such restrictions which seriously curtail the ability to challenge detentions, especially where there is no objective reason justifying such an access restriction.” (CoE-CommDH, 19 February 2020, p. 18)

HRW in its April 2019 report also mentions obstructions concerning the duties of lawyers that lead to an inequality of arms:

“Several measures introduced under the state of emergency by decree and subsequently made law and incorporated permanently into Turkey's Criminal Procedure Code (CPC) and Law on the Execution of Sentences and Security Measures undermine the right of a suspect to legal counsel and a defense. For example, prosecutors have the power, routinely invoked, to authorize police, with post facto court approval, to restrict lawyers from meeting with clients during the first 24 hours of their police custody. Lawyers' privileged communication with their clients in pretrial prison detention has been effectively abolished as authorities are permitted to record and monitor all communications between lawyer

and client, and the number of lawyers permitted to represent a client in court in a terrorism case is limited to three.

Lawyers can find themselves barred from acting for a client facing a terrorism investigation for up to two years, if they themselves are under investigation for terrorism; and courts can restrict named lawyers from accessing investigation files of individuals in police custody on suspicion of terrorism offenses. Police also regularly use such court decisions to prevent named lawyers from meeting with detainees. Measures that undermine equality of arms and the adversarial elements of trial proceedings inherent to building a defense, also include allowing courts to conduct hearings and issue verdicts without lawyers present if they rule the lawyers have not provided reasons for their absence; to reject lawyers' requests to hear witnesses if they deem the aim is to prolong the trial; and to hear some protected witnesses remotely, with their voices altered or faces screened, so they cannot be cross-questioned in person in court. [...] Lawyers interviewed by Human Rights Watch reported that, in terrorism trials, courts have become increasingly unresponsive to their petitions to have evidence critically examined or tested and to hear witnesses for the defense. Lawyers said they were little more than 'extras' in court hearings. Equality of arms between the prosecution and the defendant cannot be preserved if the defendant's lawyer is with no valid justification barred from mounting an effective defense and if the adversarial elements of proceedings become little more than a formality." (HRW, 10 April 2019, pp. 2-3)

The European Commission in a May 2019 country report on Turkey describes an incident to demonstrate how legal professionals are targeted:

"Twelve of 17 lawyers from a Lawyers Association and a Law Bureau, who were released from prison in September 2018, were re-arrested after the prosecutor's objection in the same court, in the absence of new evidence or developments. The evidence indicates that these allegations are a strategy to stop the legitimate exercise of their professional duties, including human rights-related work." (European Commission, 29 May 2019, p. 39)

On the use of detention in criminal proceedings, the Commissioner for Human Rights of the Council of Europe highlights several problematic practices that remain effective despite several legislative amendments:

"[...] [T]he Commissioner wishes to highlight several problematic practices which continue to raise concerns despite several legislative amendments regarding the criminal procedure. These include (i) the lack of restraint by prosecutors in initiating proceedings, including in unmeritorious cases; (ii) arrests of suspects occurring at a very early stage of the investigations, leading to long detentions before even their indictment; (iii) a long-established practice among Turkish prosecutors of going from arrest of suspected persons towards evidence, rather than collecting evidence to establish well-founded suspicions in the first place; (iv) defective reasoning of detention decisions, and particularly the automaticity of those extending detention; (v) failure to resort to alternatives to detention; (vi) long periods spent in detention amounting to 'internment by remand'." (CoE-CommDH, 19 February 2020, pp. 16-17)

At the end of the state of emergency, according to the February 2020 report of the Commissioner for Human Rights of the Council of Europe, some changes that had been made to the Turkish Code of Criminal Procedure through emergency decrees adopted by the executive, many of which “severely restricted the rights of suspects and defendants at all stages of criminal proceedings, and eliminated ordinary safeguards to ensure fair and adversarial proceedings”, were rolled back (CoE-CommDH, 19 February 2020, p. 19), but others were converted into law:

“Many other emergency measures have been subsequently converted into law on a permanent basis and remain applicable today, compounding existing problems. The Commissioner would particularly like to draw attention to: - the possibility for prosecutors to challenge decisions by courts to release detainees (TCCP [Turkish Code of Criminal Procedure] Article 104) which [...] is used by prosecutors frequently and inappropriately; - extension of the maximum detention period for terrorism cases from five to seven years (TCCP Article 102); - various limitations to the right to cross-examine secret investigators and witnesses; - possibility for courts to refuse hearing a defence witness, when it considers that the request has been made to ‘extend the proceedings’ (TCCP Article 178); - restriction on the right of the defendant to be present in the courtroom, if the court decides to hear them through videoconference (TCCP Article 196). One of the most problematic aspects of these changes is a series of limitations imposed on the right to a defence counsel, as well as very severe restrictions to the client-lawyer privilege. The most important change in this respect is that meetings between lawyers and clients, both detainees and convicts, can now be strictly limited in duration, monitored by a prison official (including for documents exchanged between lawyer and client) and recorded in full. [...] There are other remnants of emergency measures which impose strict limits on the right to retain a lawyer, such as: - widened powers for courts to bar certain lawyers from acting as defence counsel for a particular client (for up to two years) (TCCP Article 151); - limiting lawyers, who are under criminal investigation, from accessing their clients; - limitation of the maximum number of lawyers during court proceedings to three in organised crime cases (TCCP Article 149); - possibility for courts to hear defendants and pronounce sentences, even in the absence of a lawyer (TCCP Articles 188 and 216). The Commissioner considers that, in addition to needlessly obstructing lawyers’ work, these measures worsened an already worrying situation regarding the right to a fair trial.” (CoE-CommDH, 19 February 2020, pp. 19-20)

Concluding general observations on Turkish criminal law and its application, the Commissioner for Human Rights of the Council of Europe, Dunja Mijatović in the above-mentioned February 2020 report summarises:

“[...] [W]hile many of the long-standing concerns regarding the application of criminal law provisions continue to apply, the situation significantly deteriorated in recent years. As a result, the Commissioner observes that unlawful interferences with rights and freedoms enshrined in the ECHR [European Convention on Human Rights] expanded both in scale and scope. Disregard within the judiciary of the most basic principles of law necessary to have a system of rule of law, such as presumption of innocence, nonretroactivity of offences, not being judged for the same facts twice, as well as legal certainty and

foreseeability of criminal acts, has reached such a level that it has become virtually impossible to assess objectively and in good faith whether a legitimate act of dissent or criticism of political authority will be re-interpreted as criminal activity by Turkish prosecutors and courts.” (CoE-CommDH, 19 February 2020, p. 16)

Due process and the State of Emergency Inquiry Commission

On 22 May 2017 “the Inquiry Commission on the State of Emergency Measures was established, [...] in order to assess and conclude the applications concerning measures which were carried out directly by the decree laws within the scope of the state of emergency” Anadolu Agency reports in an April 2019 press release (AA, 30 April 2019b).

The above-introduced HRF report of April 2019 criticises that for people affected by post-coup purges “no viable remedy exists under the current Turkish judicial system, due to a mixture of executive interference and unreasonable court delays” (HRF, April 2019, p. 2). The report continues:

“The two primary avenues for domestic remedies would, in theory, be either the Constitutional Court or the State of Emergency (SoE) Inquiry Commission, yet neither offers true access to justice. The Constitutional Court has held that it cannot assess the constitutionality of decrees made during a state of emergency, has frequently failed to address gross violations of individual rights and freedoms, and has ordered the removal of its members for alleged Gülenist links. Similarly, the SoE Inquiry Commission, created to review applications of measures undertaken through emergency decree laws, lacks independence, does not follow due process, and is unable to offer effective restitution or compensation. It is clear that Turkey does not have a judicial authority that provides access to effective remedies.” (HRF, April 2019, p. 2)

“On October 12, 2016, the Constitutional Court ruled that it had no competence to consider the constitutionality of emergency decree laws.” (HRF, April 2019, p. 29)

“[The] SoE Inquiry Commission’s Procedures Fail to Follow Due Process. Applicants to the SoE are not entitled to give oral testimony or call on witnesses, nor to examine allegations or evidence against them either before or even after their appeal. The lodged appeals are decided by the SoE through an assessment of the case files, with no possibility for an actual hearing or the right to respond to allegations. Persons dismissed by emergency decree laws have to appeal to the SoE without first knowing the specific allegations against them, since the said decrees dismiss the applicants on the basis of general ties to proscribed groups, rather than any individual reasoning. The applicants thus have to carry out what is essentially a guessing exercise as to the grounds on which they were initially dismissed. [...] Any request for information about the reasons for dismissal within the context of the right to information, are rejected on the grounds that the measures taken during the state of emergency fall outside the scope of the Right to Information Law. [...] Requiring applicants to file objections without sharing the grounds for their dismissals, de facto forces applicants to defend themselves against ambiguous and general accusations. The fact that applicants cannot file an effective appeal not only violates their right to a fair trial, but also

means that the SoE cannot have access to all relevant information necessary to reach a fair decision.” (HRF, April 2019, pp. 41-42)

“If a decision of the SoE is challenged, administrative courts are unable to reverse the decision on grounds that it is unlawful. The SoE will have issued its decision based on the file before it, but because the limits of its mandate are clearly established, administrative courts are unable to question the trial’s fairness on the grounds that it did not hear witnesses, or even the applicant. Hence, decisions by the SoE will be lawful *stricto sensu*, and the administrative judiciary will be unable to annul the decision.” (HRF, April 2019, p. 44)

The above mentioned Turkey Human Rights Litigation Support Project (TLSP) reviewed decisions of the SoE Inquiry Commission as well as pending applications and carried out interviews with lawyers, in order to analyse the State of Emergency Inquiry Commission’s “capacity to provide an effective remedy for those who claim that their rights have been breached by executive decrees during the state of emergency” (TLSP, 15 October 2019, p. 4). The results of that work are published in an October 2019 report. It comes to the following conclusions:

“The Commission which was established as an ad hoc remedy does not have structural and practical safeguards ensuring its independence and impartiality and fails in capacity to provide a fair and effective process in the review of emergency measures. Applicants are forced to prove that they have no links with any proscribed groups or organisations without any prior knowledge about accusations or evidence against them. The situation is exacerbated by the lack of transparency and denial of meaningful participation in proceedings before the Commission. In the assessment of a person’s alleged link with a proscribed group, the Commission uses a very low evidential threshold, criminalizing everyday life practices without requiring proof of any disciplinary or criminal wrongdoing. Among others, the Commission mainly relies on intelligence information, confidential witness statements or unverifiable information obtained from so-called ‘social circles’ without any possibility given to the applicants to challenge them. Finally, having rejected the vast majority of the applications in the proceedings short of fundamental due process guarantees, and with many more applications still pending before it, the Commission has demonstrably failed to meet with the standards of the right to an effective remedy under international law.” (TLSP, 15 October 2019)

The US Department of State in its March 2020 report on human rights practices 2019 remarks on the State of Emergency Inquiry Commission:

“The Commission of Inquiry on Practices under the State of Emergency, established in January 2017, [...] reported that, as of August [2019], it had received 126,200 applications, adjudicated 84,000 cases, approved 6,700, and rejected 77,600. Critics complained the appeals process was opaque, slow, and did not respect citizens’ rights to due process, including by prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.” (USDOS, 11 March 2020, section 1e)

In May 2019 the Turkish government announced a Judicial Reform Strategy. The USDOS in its country report on human rights practices 2019 and the Commissioner for Human Rights of the Council of Europe in her above-quoted February 2020 report note on this:

“The government acknowledged problems in the judicial sector and in October [2019] launched a Judicial Reform Strategy designed to strengthen the independence of the judiciary while fostering more transparency, efficiency, and uniformity in legal procedures. [...] In October, as part of the judicial reform package, new measures were introduced shortening pretrial detention during the investigation phase of a case (before an indictment) to six months for cases that do not fall under the purview of the heavy criminal court [...] and one year for cases that fall under the heavy criminal court. For terror-related cases, the maximum period of pretrial detention during the investigation phase is 18 months, with the possibility of a six-month extension.” (USDOS, 11 March 2020, section 1d)

“The Strategy contains chapters on nine different aims pursued, with several sub-headings and lines of action. These include the ‘protection and improvement of rights and freedoms’, ‘improvement of the independence, impartiality and transparency of the judiciary’, ‘ensuring efficient use of the right to defence’ and ‘enhancing the efficiency of the criminal justice system’. The Commissioner welcomes the fact that this document appears to acknowledge some of the problems outlined above, such as the need to extend the space for freedom of expression, including on the internet; to review the legal framework for detentions to reduce their use and limit their length; to reform the criminal justice system, by reviewing the balance between offences and punishments and expanding the discretion of prosecutors not to pursue; to improve the execution of Constitutional Court judgments; to have better-reasoned court decisions, especially on detentions; to reinforce guarantees for judges against arbitrary disciplinary proceedings; and to improve co-operation with civil society. However, the Commissioner also notes that the strategy does not address some of the fundamental problems affecting the Turkish judiciary [...], including the constitutional framework guaranteeing its independence which is manifestly contrary to the relevant Council of Europe standards. Nor does it seek to tackle some of the key shortcomings regarding fair trial, equality of arms, legal certainty and judicial self-governance [...].” (CoE-CommDH, 19 February 2020, p. 27)

6.2 Corruption

Transparency International (TI), an international NGO present in more than 100 countries working to fight corruption, in its corruption perceptions index report 2019 “ranks 180 countries by their perceived levels of public sector corruption, according to experts and business people.” (TI, 2020, p. 7). Turkey ranks 91 out of 180 countries in Transparency International’s Corruption Perceptions Index 2019, scoring 39 of 100 possible points, 100 indicating a “very clean” and 0 indicating a “highly corrupt” country. According to TI, Turkey’s 2019 result means “a significant decrease of 10 points since 2012.” (TI, January 2020, p. 11)

Freedom House in its Freedom in the World 2020 report gives a brief overview of the situation in view of corruption in Turkey:

“Corruption — including money laundering, bribery, and collusion in the allocation of government contracts — remains a major problem, even at the highest levels of government. Enforcement of anticorruption laws is inconsistent, and Turkey’s anticorruption agencies are generally ineffective, contributing to a culture of impunity. The purge carried out since the failed 2016 coup attempt has greatly increased opportunities for corruption, given the mass expropriation of targeted businesses and nongovernmental organizations (NGOs). Billions of dollars in seized assets are managed by government-appointed trustees, further augmenting the intimate ties between the government and friendly businesses.” (Freedom House, 4 March 2020, section C2)

The Bertelsmann Stiftung in its BTI 2020 Country Report Turkey finds that corruption in Turkey is a widespread structural phenomenon and the fight against corruption seems not to have been a focus of government efforts in recent years:

“Corruption remains a widespread structural problem in Turkey. Although during its early years in power the AKP prioritized anti-corruption efforts and adopted a series of measures to eradicate the problem, there has been little tangible progress to date. The corruption allegations involving several members of Erdoğan’s family and cabinet in 2013, and subsequent harsh measures to persecute investigators, dealt a serious blow to Turkey’s anti-corruption efforts. Subsequent measures to curb the independence of the judiciary raised suspicion over the government’s true commitment to a genuine anti-corruption agenda. One fundamental problem is the lack of an independent anti-corruption body. There is also no inter-institutional coordination for preventing or combating corruption. According to the European Commission, Turkey has failed to implement the majority of measures envisaged in the transparency and anti-corruption action plan announced in 2016. Turkey has also failed to implement the United Nations’ anti-corruption convention. Although there was some progress in the implementation of the recommendations made by the Council of Europe’s group of states against corruption (GRECO), Turkey has failed to implement the majority of GRECO’s recommendations on preventing corruption among parliamentarians, judges and prosecutors. The centralization of the administration into the hands of the president has created a system in which there is less transparency in the overall management of state affairs, and an absence of a healthy system of checks and balances over the executive. This latter situation was compounded by the abolishment of parliament’s right to interpellation and its auditing power over the president.” (Bertelsmann Stiftung, 2020, pp. 30-31)

The Group of States against Corruption (GRECO) is the Council of Europe’s tool for monitoring the member states’ compliance with agreed upon anti-corruption standards. In June 2019, in the course of its fourth evaluation round, GRECO published an Interim Compliance Report, based on a report by the Turkish GRECO delegation on the progress in implementing the

pending recommendations. In the conclusions section of the Interim Compliance report, GRECO states the following on the progress in the implementation of the recommendations:

“[...] GRECO concludes that Turkey has implemented satisfactorily or dealt with in a satisfactory manner two of the twenty-two recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations, five have been partly implemented and fifteen have not been implemented. [...] With respect to members of parliament, no tangible progress has been made to implement GRECO’s recommendations [...]. The draft Law on Ethical Conduct for Members of the GNAT [Grand National Assembly of Turkey] was not examined by the previous legislature and has yet to be tabled in the current legislature. Moreover, GRECO noted that this proposed law was a framework text that lacked sufficient detail on a number of relevant issues (e.g. gifts, ad hoc disclosure of conflict of interest, verification and publicity of asset declarations, etc.). Furthermore, [...] a number of shortcomings highlighted in the Evaluation Report remain to be addressed, including the need to enhance the transparency of the legislative process, by laying down rules on public consultations in the legislative process and the lack of measures to ensure MPs’ [members of parliament] integrity [...] Insofar as judges and prosecutors are concerned, there has been no tangible progress since the adoption of the Compliance Report. While a draft code of judicial ethics for judges and prosecutors is reportedly underway, the underlying reasons for GRECO’s recommendations remain the fundamental structural changes which have weakened judicial independence and also led the judiciary to appear even less independent from the executive and political powers now than at the time of the adoption of the Evaluation Report. [...] Furthermore, the executive has kept and even increased a strong influence on a number of key matters regarding the running of the judiciary: the process of selecting and recruiting candidate judges and prosecutors; reassignments of judicial officeholders against their will; disciplinary procedures; and training of judges. [...] GRECO concludes that the current level of compliance with the recommendations remains ‘globally unsatisfactory’ [...]” (CoE-GRECO, 28 June 2019, pp. 14-15)

The USDOS in its March 2020 Report on human rights practices in 2019 mentions non-transposition of laws against corruption, missing or flawed anti-corruption mechanisms and prosecution of those who investigate in corruption cases against government officials:

“While the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. Parliament charges the Court of Accounts, the country’s supreme audit institution, with accountability related to revenues and expenditures of government departments. In 2018 it did not publish its annual report, however, and as of December had not begun its 2019 audit. Outside this audit system, there was no established pattern of or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns regarding the impartiality of the judiciary in the handling of corruption cases.

During the year the government prosecuted law enforcement officers, judges, and prosecutors who initiated corruption-related investigations or cases against government officials, alleging the defendants did so at the behest of the Gulen movement. Journalists

accused of publicizing the corruption allegations also faced criminal charges. In March a court sentenced 15 individuals involved in a 2013 corruption investigation of senior government leaders to life imprisonment. There were no reports that senior government officials faced official investigations for alleged corruption.

In October the Constitutional Court overturned a broadcast and publication ban on 2013 reports about corruption involving former ministers (four resigned at the time). As of December, however, the Radio and Television Supreme Council had yet to remove the ban on the reports, despite the court's ruling." (USDOS, 11 March 2020, section 4)

The USDOS March 2020 report continues on rules of financial disclosure:

"The law requires certain high-level government officials to provide a full financial disclosure, including a list of physical property, every five years. Officials generally complied with this requirement. The Presidency State Inspection Board is responsible for investigating major corruption cases. Nearly every state agency had its own inspector corps responsible for investigating internal corruption. Parliament, with the support of a simple majority, may establish investigative commissions to examine corruption allegations concerning the president, vice president(s), and ministers. The mechanism was not used during the year [2019]. A parliamentary super majority (400 deputies) may vote to send corruption-related cases to the Constitutional Court for further action." (USDOS, 11 March 2020, section 4)

6.3 Influence of the state on the rule of law/Impartiality

The International Commission of Jurists (ICJ) in a 2016 report following a fact-finding mission conducted in 2015, reports:

"The ICJ was told by numerous interlocutors that inappropriate political influence on the judiciary is by no means a new phenomenon in Turkey. It is clear that in recent decades, the judiciary has been a battleground for different political interests — nationalist, Gülenist, AKP — which have vied for influence and control, and have held significant sway over the judiciary and its institutions at different times. This deeply rooted tradition of politicization has laid the ground for recent moves towards a more direct capture of the judiciary, by the executive itself, not only by political interests associated with or allied to the government. Since 2014, through a combination of legislative measures, institutional reforms initiated by the executive, and arbitrary application of criminal and disciplinary sanctions, the executive has asserted an unprecedented degree of control of the judiciary, and has taken steps towards purging it of those judges perceived to have affiliations to interests other than those of the governing party." (ICJ, 2016, p. 10)

The Human Rights Foundation in its above-mentioned April 2019 report, with reference to several sources, provides an overview of how, according to the HRF, the influence of the Turkish state on the rule of law was expanded following 2013 corruption allegations:

"On December 17 and 25, 2013, two corruption scandals emerged in Turkey, implicating President Erdoğan's close circle of family and politicians. The investigations involved alleged bribery, and those connected, included the President's son, several cabinet ministers and their offspring, the head of the nation's largest public bank, and numerous

prominent businessmen. The most significant scandal involved a money-laundering scheme, wherein gold was exported to Iran through Turkey's government-controlled bank, Halkbank, in exchange for gas and oil, despite U.S. sanctions in place against Iran. Following these revelations, Erdoğan's administration depicted the investigations as an 'attempted judicial coup' orchestrated by a 'parallel structure' loyal to Turkish cleric Fethullah Gülen. [...] The Turkish government immediately intervened in the corruption investigations, adopting a series of measures designed to control judicial processes and mechanisms and suppress further inquiries. First, prosecutors leading the investigations, were quickly removed from their positions, and 350 police officers, including many senior officers, were reassigned within days. [...] Furthermore, the Parliamentary Assembly of the Council of Europe (PACE) noted: 'The disclosure of corruption cases on 17 and 25 December 2013, allegedly involving four ministers and the son of the then-prime minister Mr. Recep Tayyip Erdoğan, marked the beginning of changes in domestic political processes, in particular the adoption of restrictive legislation (amendments to the Criminal Code and the Code of Criminal Procedure in 2014 and the Internal Security Act of March 2015) and the executive's increased control over the judiciary (amendments to the law on the High Council for Judges and Prosecutors in 2014), the creation of special courts ('criminal peace judgeships') in June 2014, and the adoption of Law No. 5651 on the internet in March 2015, increasing the Turkish Telecommunications Directorate's (TIB) capacity to block websites.' On December 21, 2013, an amendment was made to the Regulation on the Judicial Police requiring judicial law enforcement officers to notify governors — and thus the Ministry of Interior — of any criminal investigation. Further governmental interference occurred in January 2014, with a forced reshuffling of the High Council of Judges and Prosecutors (also referred to as the 'Judicial Council' or 'HSYK'). Two members of the First Chamber of the Judicial Council — which is responsible for the appointment, transfer, and reassignment of judges and prosecutors — were removed and replaced with government supporters on January 15, 2014. Next, these interferences were followed by a far-reaching amendment of Law No. 6087, which sought to limit the powers of the Judicial Council's general assembly. This included a provisional article authorizing the Minister of Justice to 'reorganize' almost all Judicial Council staff members. The government used this provision to replace administrative staff at the Judicial Council, allowing it greater control over the Council's formation and functioning. [...] After 'reorganizing' staff to conform with Erdoğan's will, the newly formed Judicial Council initiated a series of reassignments." (HRF, April 2019, pp. 5-7, 9)

The Arrested Lawyers Initiative, a Brussels-based human rights advocacy group for lawyers, in an April 2020 Factsheet states the following on the reassignments of judges and prosecutors as result of their decisions:

"Turkey's Council of Judges and Prosecutors has not only dismissed thousands of judges and prosecutors but has also continuously intervened in the course of justice by the use of resolutions of appointment, which it has issued on almost a daily basis. Since 2014, hundreds of judges and prosecutors have been reassigned because of the decisions they given, which were somehow displeasing to the government." (The Arrested Lawyers Initiative, April 2020, p. 3)

The High Council of Judges and Prosecutors (HSYK), mentioned in the above quote of the Human Rights Foundation, was replaced by the Council of Judges and Prosecutors (HSK) in 2017. This body is “the main organ tasked with ensuring the integrity of the Turkish judiciary by taking decisions concerning the careers of judges and prosecutors, including appointments, promotions, transfers, and disciplinary proceedings.” (CoE-CommDH, 19 February 2020, p. 8) (see also [section 1.2.3](#) and [section 3.4.1](#)). The Commissioner for Human Rights of the Council of Europe in her February 2020 report observes:

“[...] that the new composition of the HSK allows for all the members of the HSK to be appointed either by the President of the Republic or the Parliament, without a procedure guaranteeing the involvement of all political parties and interests. This means that no member of the HSK is elected by their peers, in clear contradiction with European standards which foresee that at least half of the members of judicial councils that are in charge of overseeing the professional conduct of judges and prosecutors [...] should be elected by judges among their peers from all levels of the judiciary and with respect for pluralism inside the judiciary. [...] During her visit, the Commissioner’s interlocutors referred to many examples of judges being arbitrarily moved after delivering controversial judgments upholding the human rights of accused persons, of judges with known biases being appointed to ongoing politically sensitive cases, or of such cases being allocated to courts more likely to deliver a certain kind of judgment, which lend further credibility to allegations of partiality of the judiciary, and HSK in particular, to political interests.” (CoE-CommDH, 19 February 2020, p. 8, p. 11)

In addition to the Council of Judges and Prosecutors, also the Turkish Constitutional Court is under direct influence of the executive. The Arrested Lawyers Initiative in its above-mentioned April 2020 Factsheet states:

“The ruling party, the Justice and Development Party (AKP), changed the TCC’s [Turkish Constitutional Court] structure twice, in 2010 and 2017. Currently, the TCC consists of 15 judges. Three of these judges are elected by the Parliament (TGNA). A further 12 judges are selected by the President of the Republic. While only three judges are elected by the Parliament, rather than the President, Parliament is likely to be under the control of the same political party as that to which the President belongs. Consequently, a single political party could dominate the country’s highest court. So indeed, twelve of the incumbent judges were selected either by former president Gul or by the incumbent president, Erdogan, both are founders of the ruling party AKP.” (The Arrested Lawyers Initiative, April 2020, p. 2)

The Commissioner for Human Rights of the Council of Europe, in her report refers to direct state influence on the judiciary:

“The Commissioner also notes numerous signs that the Turkish judiciary is influenced by the political conjuncture. [...] [H]er attention was drawn to a number of criminal cases which stand out in that they specifically target opposition politicians, such as members of parliament and elected mayors of HDP, or the President of the Istanbul branch of CHP, and which exhibit clear signs of political motives in their timing, co-ordination in prosecutorial actions, affectation to specific judges, as well as defiance of legal precedents. [...] [T]he

erosion of the independence of the judiciary in recent years fostered a climate of fear within the Turkish judiciary, boosting conformism and exacerbating the already existing tendency to punish persons who are perceived to be against the government. This is often based on the prevailing discourse at the highest political level, for example portraying human rights defenders as enemies of the state or terrorist sympathisers, targeting them both personally and as a group. [...] In summary, the Commissioner observes that the practice since the entry into force of the 2017 constitutional amendments and the effects of the various measures disregarding the independence of the judiciary confirmed the validity of the concerns expressed by various Council of Europe bodies, in that the judiciary appears to be giving increasingly uniform and partisan judgments strongly implying a political motivation.“ (CoE-CommDH, 19 February 2020, p. 12, p. 14)

The Arrested Lawyers Initiative in the already above-quoted April 2020 Factsheet gives several examples of reassignments of judges and prosecutors as a result of their decisions (The Arrested Lawyers Initiative, April 2020, p. 3). Furthermore it lists incidents when release decisions were cancelled by direct political intervention (The Arrested Lawyers Initiative, April 2020, pp. 3-4) as well as examples of the ineffectiveness of decisions of the European Court of Human Rights (The Arrested Lawyers Initiative, April 2020, p. 5) and other political interferences in the judicial process (The Arrested Lawyers Initiative, April 2020, pp. 6-7). One of those examples concerns the detention of Selahattin Demirtaş, the HDP’s candidate for the 2018 presidential elections (see also [section 2.4](#), [section 4.1.7](#) and [section 7.1.1](#)):

“President Erdoğan and the Ministry of Justice often intervene in judicial processes and have the decisions and judgments of the Courts reversed in hours or days. [...] The Selahattin Demirtas Case: On 21st September, 2019, The Turkish President, Recep Tayyip Erdoğan, said his government would not allow the release of Selahattin Demirtaş, the jailed former Co-Chair of the People’s Democratic Party (HDP). ‘This nation does not forget, and will not forget, those who invited people to the streets and then killed 53 of our children in Diyarbakır. We have been following, will follow, this issue, until the end. We cannot release those people. If we release them, our martyrs will hold us accountable,’ said Erdoğan. On the very same day, Selahattin Demirtas was detained under a new investigation to prevent his release from the ongoing detention.” (The Arrested Lawyers Initiative, April 2020, p. 6)

The European Commission in its Turkey 2019 Report expresses its concern about the independence of the Turkish judiciary:

“Political pressure on judges and prosecutors and transfers of a large number of judges and prosecutors against their will continued. This continued to have a significant negative effect on the independence and overall quality and efficiency of the judiciary. Despite their acquittal, a large number of judges or prosecutors who had been subject to criminal charges were not returned to the profession. [...] Concerns on the independence of the Turkish judiciary following, among other issues, the dismissal and forced removal of 30% of judges and prosecutors following the 2016 attempted coup remain. The recruitment of new judges and prosecutors under the current system added to the concerns, as no measures were taken to address the lack of objective, merit-based, uniform and pre-

established criteria for their recruitment and promotion.” (European Commission, 29 May 2019, p. 21)

In April 2020 president Erdoğan hinted that the government is planning to release a bill that would change the election system of the administrations of bar associations across Turkey. Arab News, an English-language daily newspaper published in Saudi Arabia, in a May 2020 article reports:

“Fifty bar associations throughout Turkey have joined forces to express their concerns over proposed changes to rules governing elections to their boards which they claim are undemocratic. Turkey’s bar associations are among the few remaining dissident voices in Turkey holding out against governmental pressure on the country’s judiciary. Turkish President Recep Tayyip Erdogan recently hinted at a long-debated change to the election processes for the bar associations and is currently working on a draft bill that would significantly decrease their many authorities.” (Arab News, 12 May 2020)

7 Human rights situation

7.1 Freedom of expression, association and assembly

The Constitution of the Republic of Turkey provides for “the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively”, including the “liberty of receiving or imparting information or ideas without interference by official authorities” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 26). The Turkish constitution also guarantees the right to freedom of association (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 33) and “the right to hold unarmed and peaceful meetings and demonstration marches without prior permission” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 34).

Bertelsmann Stiftung in its 2020 Transformation Index covering the period 1 February 2017 to 31 January 2019 provides the following general information on freedom of assembly, association and expression:

“Although the Turkish legal framework concerning freedom of assembly includes general guarantees of respect for human and fundamental rights, these rights have been undermined by a number of emergency decrees issued since July 2016. The European Commission has criticized these developments, and observers note a serious backsliding in the area of freedoms of assembly and association in Turkey, moving them further away from EU standards. Notwithstanding the lifting of the state of emergency in July 2018, freedom of assembly and association continue to be severely restricted since the failed coup, in law and in practice. [...] The right to freedom of expression has been significantly eroded since the Gezi events in 2013 and at an accelerated pace since the 2016 coup attempt. The few remaining independent newspapers and dissident voices face political pressure, criminal charges and are routinely targeted by the executive and the dominant partisan media.” (Bertelsmann Stiftung, 2020, pp. 9-10)

Citing its own data, the Turkish Human Rights Association (Insan Haklari Dernegi, IHD) states in a 2019 report on human rights violations in Turkey published in May 2020 that “the number of persons investigated and subsequently taken under police custody because they exercised their rights to freedom of expression, association and peaceful assembly (including social media posts) was 8,803 in 2019. 831 of these persons were then detained.” (IHD, May 2020, p. 18)

Freedom of expression

In its March 2020 country report covering 2019 the USDOS explains the following concerning freedom of expression:

“The constitution and law provide for freedom of expression within certain limits, and the government restricted freedom of expression, including for the press, throughout the year. [...] The law provides for punishment of up to three years in prison for a conviction of ‘hate speech’ or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. [...] The

government convicted and sentenced hundreds of individuals for exercising their freedom of expression. According to a poll by Reuters conducted in 2018 as part of its Digital News Report: Turkey Supplementary Report, 65 percent of respondents in Turkey stated, ‘...concern that openly expressing their views online could get them into trouble with the authorities.’ [...] Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government restricted expression by individuals sympathetic to some religious, political, or cultural viewpoints. At times those who wrote or spoke on sensitive topics or in ways critical of the government risked investigation, fines, criminal charges, job loss, and imprisonment. [...]

According to the Ministry of Justice, in 2018 the government launched 36,660 investigations against at least 6,320 individuals related to insulting the president, including 104 children between the ages of 12 and 15. Comprehensive government figures for 2019 were unavailable at year’s end.” (USDOS, 11 March 2020, section 2a)

In its March 2020 report Freedom House notes:

“Many Turkish citizens continue to voice their opinions openly with friends and relations, but more exercise caution about what they post online or say in public. While not every utterance that is critical of the government will be punished, the arbitrariness of prosecutions, which often result in pretrial detention and carry the risk of lengthy prison terms, is increasingly creating an atmosphere of self-censorship.” (Freedom House, 4 March 2020)

ARTICLE 19 is an international human rights NGO promoting freedom of expression and freedom of information worldwide, and the Turkey Human Rights Litigation Support Project (TLSP) is a project established under the Law Faculty of Middlesex University consisting of academics, human rights lawyers, and researchers who support Turkish litigators, human rights defenders and civil society organisations. In a March 2020 article ARTICLE 19 and TLSP write “that the Turkish authorities’ violations of the right to free expression and assembly have continued. The large numbers of prosecutions show the widespread use of the anti-terror laws to harass those critical of the Government, including journalists, human rights defenders and others. This is deterring others from voicing their thoughts freely.” (Article 19/TLSP, 2 March 2020)

Please see [section 7.2](#) for information on freedom of the media.

Internet Freedom

According to the April 2020 annual report of AI, “[t]he courts blocked online content and criminal investigations were launched against hundreds of social media users.” The report goes on to say that “[i]n August [2019], a new regulation came into effect that requires internet broadcasting platforms to apply for licenses to the Radio and Television Supreme Council (RTÜK). The content of the platforms will be monitored by the RTÜK, expanding its censorship powers over online content.” (AI, 16 April 2020)

The USDOS March 2020 report provides a more detailed description of the situation concerning internet freedom:

“The government continued to restrict access to the internet and expanded its blocking of selected online content. The government at times blocked access to cloud-based services and permanently blocked access to many virtual private networks. There was evidence the government monitored private online communications using nontransparent legal authority.

The law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any number of crimes, including insulting the founder of the Turkish Republic, Mustafa Kemal Atatürk, or insulting the president. The government may also block sites to protect national security and public order. At times authorities blocked Wikipedia and other news and information sites that had content criticizing government policies. The law also allows persons who believe a website violated their personal rights to ask the regulatory body to order internet service providers (ISPs) to remove the offensive content. Government leaders, including the president, reportedly employed staff to monitor the internet and initiate charges against individuals perceived as insulting them.

The government-operated Information Technologies Institution (BTK) is empowered to demand that ISPs remove content or block websites with four hours’ notice, as are government ministers. The regulatory body must refer the matter to a judge within 24 hours, who must rule on the matter within 48 hours. If it is not technically possible to remove individual content within the specified time, the entire website may be blocked. ISP administrators may face a penalty of six months to two years in prison or fines ranging from 50,000 to 500,000 lira (\$8,500 to \$85,000) for conviction of failing to comply with a judicial order. The president appoints the BTK president, vice president, and members of the agency.” (USDOS, 11 March 2020, section 2a)

A July 2019 joint submission to the Universal Periodic Review of Turkey by ARTICLE 19 and several other organisations elaborates on content blocking and the investigation of online expression:

“As of December 2018, more than 10 VPN [Virtual Private Network] services, 220,000 sites and more than 150,000 URLs were subject to blocking orders. Wikipedia has been blocked since April 2017, after it refused to remove content alleging the Turkish government supported militant groups in Syria. YouTube was temporarily banned in 2015 for the same reason. In July 2019, the ECtHR [European Court of Human Rights] awarded priority status to the petition filed by Wikimedia to lift the blocking order.

Content blocking and broadcasting restrictions have been most widespread in relation to coverage of the conflict in the Southeast. At times these restrictions have amounted to a complete blackout on coverage of the conflict, severely restricting the public’s right to information. Turkey issues the highest number of legal content removal requests from Twitter globally and a comparatively high number of takedown requests to Facebook.

Online expression on social media has also been more aggressively investigated, and prosecuted, since 2016. In just the second half of 2016, 3,847 people were subject to criminal investigation for social media posts deemed to be inciting, praising or spreading propaganda for terrorist organisations or insulting to state officials. 1,729 of them were imprisoned. In total, from the latter half of 2016 to end of May 2019, approximately 93,351 social media accounts were investigated and 43,387 individuals subject to criminal investigations for their social media posts. This trend has prompted self-censorship.” (Article 19 et al., July 2019, pp. 10-11)

A January 2020 article by BBC News mentions that “Turkey is restoring access to Wikipedia after a ban that lasted almost three years” (BBC News, 16 January 2020).

According to Freedom House, “[i]n October 2019, authorities detained hundreds of people for social media posts criticizing the latest Turkish military offensive into Syria” (Freedom House, 4 March 2020, section D4). The USDOS March 2020 report mentions that “[e]xpression critical of the government was frequently met with criminal charges alleging affiliation with terrorist groups or terrorism”. The report adds:

“In October [2019], during Operation Peace Spring, the government launched investigations against more than 800 individuals largely for social media posts deemed critical of government actions in northeast Syria. The Ministry of Interior reported in the same month it had detained 186 and arrested 24 individuals based on charges related to support for terror because of their social media posts.” (USDOS, 11 March 2020, section 2a)

Bianet in July 2020 mentions that Recep Tayyip Erdoğan suggested at a meeting that “[s]ocial media should be either banned or controlled and regulated”. The article adds that “Erdoğan's remarks came after insult messages were sent to Finance Minister and his son-in-law Berat Albayrak” (Bianet, 1 July 2020). Ahval in a July 2020 article refers to a proposed law on social media and explains:

“Turkish President Recep Tayyip Erdoğan wants legislation on social media curbs to be passed before parliament’s recess, according to columnist Abdulkadir Selvi. [...]

The bill stipulates that social media giants like Facebook, YouTube, Twitter, Instagram, TikTok and others must appoint a legal representative in Turkey to whom courts can turn to make requests to remove content or provide the identity of the users. As per the bill, these platforms must also keep their Turkish user data in Turkey. ‘The information about people who share online content deemed illegal will be provided by the social media platforms in case the court demands it,’ Selvi said in a previous article in early July.

Meanwhile, the draft law will incur sizeable fines if social media companies fail to comply with Turkish government requests. The bill seeks to impose fines of up to €50 million (\$56.4 million) on social media companies that fail to swiftly remove hate speech and other illegal content from their platforms. Under the proposed law, any illegal content would have to be deleted by the social media companies within 24 hours.” (Ahval, 15 July 2020)

Freedom of assembly

According to Bertelsmann Stiftung “[o]rganizing demonstrations has become almost impossible, with security forces regularly using disproportionate force to dispel ‘illegal’ gatherings” (Bertelsmann Stiftung, 2020, p. 9). Freedom House reports in March 2020 that “[a]lthough freedom of assembly is theoretically guaranteed in Turkish law, authorities have routinely disallowed gatherings by government critics on security grounds in recent years, while progovernment rallies are allowed to proceed” (Freedom House, 4 March 2020, section E1).

The USDOS states in March 2020 with regard to freedom of assembly:

“Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The law stipulates penalties for protesters convicted of carrying items that might be construed as weapons, prohibits the use of symbols linked to illegal organizations (including chanting slogans), and criminalizes covering one’s face during a protest. The law permits police to use tinted water in water cannons, potentially to tag protesters for later identification and prosecution. The law also allows police to take persons into ‘protective custody’ without a prosecutor’s authorization if there is reasonable suspicion that they are a threat to themselves or to public order. The antiterror law gives governorates enhanced authority to ban protests and public gatherings, a ban some governorates enacted broadly during the year.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, frequently using excessive force and resulting in injuries, detentions, and arrests. At times the government used its authority to detain persons before protests were held on the premise they might cause civil disruption. The government generally supported security forces’ actions. The HRA [Human Rights Association] and HRFT [Human Rights Foundation of Turkey] jointly reported that in the first 11 months of the year, police intervened in 962 demonstrations. As many as 2,800 persons claimed they faced beating and inhuman treatment during these police interventions. Neither government nor human rights groups released statistics regarding the number of demonstrations that proceeded without government intervention.” (USDOS, 11 March 2020, section 2b)

According to IHD “2019 has proven to be year during which freedom of peaceful assembly and protest was abolished as a rule while rallies and demonstrations could arbitrarily be held only as exceptions and authorities have attempted to render this arbitrariness ordinary”. The report further explains:

“In other words, 2019 has been a year during which violations and restrictions prevailed with regards to freedom of assembly and protest just like the previous one as well. During the official SoE [State of Emergency] period governors’ offices in many cities had been handing down one-off and specific day/protest bans or all-encompassing ones covering all protests consecutively for various rallies, demonstrations and events having been authorized by the antidemocratic regulations in the SoE laws. Although the SoE was lifted on 19 July 2018, this and similar practices are maintained. These bans cover a wide spectrum of events ranging from a protest on the adverse impacts of geothermal power

plants to high school and university festivals, from culture and arts, nature festivals to LGBTI+ events. According to data collected by IHD's Documentation Center on the right to freedom of peaceful assembly and protest in 2019: a total of 43 events were banned including 24 press conferences, 13 marches, 3 demonstrations, 2 festivals, and one political party congress. Governors' offices and limited number of district governors' offices have imposed at least 96 bans on all protests and events for periods ranging from two days to a month. Blanket bans on protests have reached 1,111 days in Van, 255 days in Hakkari as of 30 November 2019. The law enforcement have intervened into assemblies and protests 1,344 times in 2019. At least 69 persons were injured while 3,741 persons were taken under custody during such attacks. While 35 persons were detained, 15 persons were sentenced to house detention and 120 persons were handed down judicial control decisions." (IHD, May 2020, pp. 27-28)

Freedom of association

The USDOS March 2020 report also provides a detailed account on the state of freedom of association during 2019:

"While the law provides for freedom of association, the government continued to restrict this right. The government used provisions of the antiterror law to prevent from reopening associations and foundations it had previously closed due to alleged threats to national security. In July the Inquiry Commission on the State of Emergency Measures announced the government had closed 1,750 nongovernmental associations and foundations under state of emergency measures. Of those, the government allowed the reopening of 208 groups. Observers widely reported the appeals process for institutions seeking redress remained opaque and ineffective [...].

By law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this requirement placed an undue burden on their operations. Human rights and civil society organizations, groups promoting LGBTI rights, and women's groups in particular complained the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of large fines." (USDOS, 11 March 2020, section 2b)

The Commissioner for Human Rights of the Council of Europe (CoE-CommDH) Dunja Mijatović in February 2020 reports the following after a visit to Turkey from 1 to 5 July 2019:

"[...] [A] particular legacy of the state of emergency was the outright closure, with the liquidation of their assets, of a large number of NGOs, by using emergency decrees, that is through a simple decision of the executive without any judicial decision or control. Despite the urgent call of the Commissioner's predecessor at the very beginning of the state of emergency to put an immediate end to this practice, the Turkish authorities closed down in this way 1 410 associations, 109 foundations and 19 trade unions, according to the information available to the Commissioner. She further notes that no explanation or

reasoning was provided for these closures, other than that they were ‘assessed’ by the executive as belonging to, acting in junction with (‘iltisak’) or having had contacts with (‘irtibat’) a terrorist organisation. She observes that these included associations active in many different human rights areas, including the well-known children’s rights NGO Gündem Çocuk.” (CoE-CommDH, 19 February 2020, p. 34)

According to Bertelsmann Stiftung “[m]ore than 115,000 associations and several hundred unions and chambers are still active in Turkey”. However, the same source also reports that several activists came under increasing pressure as a result of the state of emergency and the anti-terror measures and adds that “[i]n particular, those NGOs that receive foreign funding risk being accused of spying and collaborating with foreign enemies” (Bertelsmann Stiftung, 2020, p. 13). The source goes on to explain that “[l]egislation affecting civil society became increasingly restrictive in recent years” and that important civil society institutions have also been targeted by the large-scale purges of the government, adding that “[m]any NGOs have been shut down completely, charged with endangering national security.” The report concludes that “pro-government NGOs have become more visible and have started to assume a greater role in society”, but “those that remain critical of the government - especially human rights organizations and pro-democracy NGOs - face systematic intimidation, closure and arrest of their members” (Bertelsmann Stiftung, 2020, p. 33).

According to Freedom House, “[t]he government has cracked down on NGOs since the 2016 coup attempt, summarily shutting down at least 1,500 foundations and associations and seizing their assets.” The source goes on to say that “[t]he targeted groups worked on issues including torture, domestic violence, and aid to refugees and internally displaced persons. NGO leaders also face routine harassment, arrests, and prosecutions for carrying out their activities.” (Freedom House, 4 March 2020, section E2)

A country profile on legal issues affecting NGOs can be accessed under the following link:

- ICNL – International Center for Not-for-Profit Law: Civic Freedom Monitor: Turkey, last updated 15 April 2020
<https://www.icnl.org/resources/civic-freedom-monitor/turkey>

7.1.1 Treatment of political opposition

For information on charges against and convictions of political officials in connection with the attempted coup 2016, please see [section 4.1.6](#) of this compilation. For information on convictions and removals of Kurdish-affiliated politicians, please see [section 4.1.7](#).

Bertelsmann Stiftung notes in 2020 that “[o]pposition candidates were disadvantaged in several ways”. The source adds that several members of the People’s Democratic Party (HDP) remained in pre-trial detention, among them the co-chairs Selahattin Demirtaş and Figen Yüksekdağ, and could not campaign freely. A parliamentarian from the opposition CHP “was arrested and initially sentenced to 25 years imprisonment” (Bertelsmann Stiftung, 2020, pp. 8-9).

Freedom House in its March 2020 report on political rights and civil liberties in 2019 states the following with regard to the political opposition, similarly referring to Selahattin Demirtaş and Figen Yüksekdağ:

“Since coming to power in 2002, the ruling AKP [Justice and Development Party] has asserted partisan control over the YSK [Supreme Electoral Council], the judiciary, the police, and the media. The party has aggressively used these institutional tools to weaken or co-opt political rivals in recent years, severely limiting the capacity of the opposition to build support among voters and gain power through elections. The Turkish government has also resorted to arresting and charging opposition leaders, accusing of them of offenses varying from terrorism to insulting the president. The HDP [People’s Democratic Party] has regularly been subjected to this tactic; while Sırrı Süreyya Önder, a party deputy in Ankara, was released in October 2019 on the orders of the Constitutional Court, leader Selahattin Demirtaş and party official Figen Yüksekdağ both remained in prison as the year ended. Canan Kaftancıoğlu, the chair of the CHP [Republican People’s Party] in Istanbul, was given a prison sentence of almost 10 years in September, after she was charged with insulting the president and spreading terrorist propaganda. Kaftancıoğlu, who managed her party’s campaign in Istanbul during the 2019 municipal elections, called the charges politically motivated and remained free pending appeal.” (Freedom House, 4 March 2020, section B2)

The USDOS in its March 2020 human rights report provides the following overview of the treatment of opposition parties:

“Although the constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot, the government restricted equal competition and placed restrictions on the fundamental freedoms of assembly and expression. The government restricted the activities of some opposition political parties and leaders, including through police detention. Several parliamentarians remained at risk of possible prosecution after parliament lifted their immunity in 2016. During the year restrictive government regulations impacted the ability of many among the opposition to conduct political activities, such as organizing protests or political campaign events and sharing critical messages on social media. The government also suspended democratically elected mayors in multiple cities and municipalities in the southeast and in their place assigned state ‘trustees’ when the former were accused of (but not necessarily convicted of) affiliation with terrorist groups. These tactics were most commonly directed against politicians affiliated with the leftist pro-Kurdish HDP [People’s Democratic Party] and its partner party, the DBP [Democratic Regions Party]. The government removed 44 percent of HDP mayors elected in the March municipal elections. Since 2016 the government had removed 62 percent of elected HDP officials. Former HDP cochairs Demirtaş and Figen Yüksekdağ remained in prison [...]. Opposition party officials reported difficulty raising campaign donations from individuals and businesses, which said they feared reprisals from the government. Some company employees seen by their management as supporting opposition parties, especially the HDP, claimed they faced adverse treatment, including termination of employment.” (USDOS, 11 March 2020, section 3)

The USDOS further mentions that the authorities used antiterror laws against members of opposition parties, among others. The report adds that “[h]uman rights groups alleged many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling Justice and Development Party (AKP), particularly the HDP or its partner party, the Democratic Regions Party (DBP)” (USDOS, 11 March 2020, section 1e). The source goes on to explain that, according to observers, “government officials used defamation laws to stop political opponents”, among others, and “[a]ccording to press reports, convictions for insulting the president increased 13-fold between 2016 and the end of the year”. The report further adds:

“As of December at least 4,912 HDP lawmakers, executives, and party members had been arrested since July 2016 for a variety of charges related to terrorism and political speech. While leaders and deputies from opposition political parties regularly faced multiple insult charges, free speech advocates pointed out that the government did not apply the law equally and that AKP members and government officials were rarely prosecuted.” (USDOS, 11 March 2020, section 2a)

In April 2020 AI reports that a law allowing the release of up to 90,000 prisoners to prevent the spread of Covid-19 in overcrowded prisons does not include pre-trial detainees and people convicted under anti-terrorism laws, among them opposition politicians and activists. (AI, 17 April 2020, pp. 1-2)

Older information regarding the situation of opposition politicians can be found in the following report published by the Parliamentary Assembly of the Council of Europe (CoE-PACE) in January 2019:

- CoE-PACE – Council of Europe – Parliamentary Assembly: The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State? [Doc. 14812], 22 January 2019
https://www.ecoi.net/en/file/local/1457080/1226_1548765971_the-worsening-situation-of-opposition-politicians-in-turkey-what-can-be-done-to-protect-their-fundamental-rights-in-a-council-of-europe-member-state.pdf

7.1.2 Treatment of human rights defenders

AI states in its April 2020 report on human rights 2019 that “[d]ozens of human rights defenders faced criminal investigations and prosecutions and were held in police custody or imprisoned for their human rights work” (AI, 16 April 2020). According to IHD “2019 has also proven to be a year during which many lawyers and human rights defenders, including the executives, members and employees of human rights organizations, were arrested, detained and attacked” (IHD, May 2020, p. 21).

The Commissioner for Human Rights of the Council of Europe (CoE-CommDH) Dunja Mijatović in February 2020 reports the following after a visit to Turkey from 1 to 5 July 2019:

“The Commissioner is deeply concerned that Turkish officials, including at the highest level, regularly target human rights defenders and rights-based NGOs, frequently labelling them as terrorists and public enemies. There have been many such attacks targeting civil society

activists and their legitimate activities, in particular by suggesting that reporting on human rights violations allegedly perpetrated by the authorities furthers the aims of terrorist organisations and is by extension an attack on the Turkish state. Increasingly, government representatives and pro-government media seem to be targeting certain human rights defenders in a concerted and virulent manner, in what could be described as smear campaigns and considered defamatory, occasionally amounting to hate speech. [...]

The Commissioner considers that the most acute problem facing human rights defenders in Turkey is a widespread pattern of judicial actions and criminal proceedings targeting them for their lawful and legitimate activities. Turkish prosecutors do not hesitate to bring spurious charges against human rights defenders for conducting such legitimate activities and are the driving force behind this pattern.” (CoE-CommDH, 19 February 2020, pp. 36-37)

HRW in its World Report 2020 refers to some concrete examples of human rights defenders prosecuted or targeted by the authorities in 2019:

“The targeting of human rights defenders increased with the June opening of a trial against businessman and civic leader Osman Kavala. Kavala has been held in pretrial detention since November 2017. Along with 15 others engaged in peaceful activism and the arts, he is charged with organizing and financing the 2013 Gezi Park mass protests in Istanbul. Presenting no evidence of criminal activity, the indictment against the 16 also smears US-based philanthropist George Soros and states that he masterminded the Gezi protests. Rights defender Yiğit Aksakoğlu, detained since November 2018, was released at the June hearing. The trial was continuing at time of writing.

The trial of nine prominent rights defenders from Turkey and two foreign nationals continued. All were detained and charged in 2017 with terrorism offenses. Among them are Amnesty International Turkey honorary chair Taner Kılıç, who spent over a year in detention, and former director İdil Eser.

Prosecutions and convictions of lawyers, including some focused on human rights, stood out as exemplifying the abusive use of terrorism charges. In March an Istanbul court convicted Ankara lawyer Selcuk Kozagaçlı, chair of the shuttered Contemporary Lawyers Association, on charges of membership of an armed organization to a prison sentence of over 11 years, along with 11 other lawyers. Their cases were under appeal at time of writing. There has been no effective investigation to date into the fatal shooting on November 28, 2015 of human rights lawyer Tahir Elçi.” (HRW, 14 January 2020a)

In the above-mentioned case of the nine rights defenders from Turkey and two foreign nationals HRW reports in July 2020 :

“The conviction of four human rights defenders on July 3, 2020, without evidence of any criminal wrongdoing, is politically motivated and an effort to stifle the legitimate work of Turkey’s human rights movement, Human Rights Watch said today.

Istanbul Assize Court no. 35 convicted Taner Kılıç, Amnesty International Turkey's honorary chair, on charges of membership of a terrorist organization, sentencing him to six years and three months in prison. The court convicted three others on charges of aiding and abetting a terrorist organization and imposed prison sentences of 25 months. The three are: İdil Eser, Amnesty Turkey's former director; Özlem Dalkıran, a rights activist and member of NGO Citizens' Assembly; and Günel Kurşun, member of the Human Rights Agenda Association. The court acquitted seven others though the prosecutor has stated he will appeal against the acquittal of two among them, Nejat Taştan and Veli Acu. The four convicted are currently at liberty while they appeal the verdict." (HRW, 6 July 2020; see also NYT, 3 July 2020)

In a July 2019 joint submission to the Universal Periodic Review of Turkey Front Line Defenders, a Dublin-based NGO with the aim to protect human rights defenders at risk, together with several other organisations provide detailed information on the situation of human rights defenders in Turkey. The section of the report on risks and attacks faced by human rights defenders starts with the following general introduction:

"The space for civil society has dramatically shrunk and repression against HRDs [human rights defenders] has significantly increased since Turkey's last review. HRDs, journalists, cultural workers, academics and anyone promoting and defending the rights of women and LGBTI+ people, the Kurdish community, religious and cultural minorities and workers undergo various forms of reprisal, discrimination, and attacks, including threats, intimidation, stigmatization, judicial harassment, prolonged arbitrary detention and travel bans. All of these restrictions imposed on the activities of HRDs and the general climate of fear has led to self-censorship of HRDs, discouraged others from becoming involved in human rights organisations and bolstered the perception that the authorities are suspicious of and hostile towards them." (Front Line Defenders et al, July 2019, p. 4)

In the subchapters on pages 4 to 11 the report covers stigmatisation and vilification of human rights defenders, threats, intimidation and physical attacks against human rights defenders, laws and practices restricting advocacy and freedom of association as well as laws and practices restricting freedom of peaceful assembly. The report can be accessed via the following link:

- Front Line Defenders et al.: The situation of human rights defenders in Turkey, July 2019 https://www.frontlinedefenders.org/sites/default/files/final_35_upr_turkey_submission.pdf

With regard to the treatment of human rights defenders the European Commission's May 2019 report which covers the period from 1 March 2018 to 1 March 2019 states:

"Human rights defenders continue to be subject to intimidation, judicial prosecution, violent attacks, threats, surveillance, prolonged arbitrary detention and ill-treatment. The frequency and number of detentions and arrests of civil society representatives, journalists, lawyers, academics and others has increasingly led to a shrinking space for civil society. During the reporting period, there was a climate of intimidation across society as the Government continued to use the state of emergency to narrow the space for dissenting or alternative views." (European Commission, 29 May 2019, p. 30)

The report also mentions that “[s]everal court rulings favourable to prominent defendants, including human rights defenders, were swiftly reversed by another or even by the same court, in some instances following comments from the executive” (European Commission, 29 May 2019, p. 4). According to the report, only “a limited number” of civil society organisations is working in the field of human rights, “[h]owever, civil society continued to face increasing pressure, in particular following the high number of detentions and arrests of activists and human rights defenders. The source refers to the indictment of the prominent human rights defender Osman Kavala “who was held for more than a year without charge, together with 15 other human rights activists”, a case which is “emblematic of the shrinking public space and uncertainty in which civil society organisations are trying to operate”. The report further states:

“Smear campaigns in some media outlets against some of these activists, including for accepting funds from international donors, are a recurrent feature and a matter of serious concern. Furthermore, leaks continued of confidential dossiers on human rights defenders in prison, while their legal procedures were still ongoing, by media groups with close ties to the authorities. Defamatory public rhetoric cast serious doubt on Turkey’s respect for due process and the presumption of innocence. International NGOs also faced difficulties in their work in Turkey, including those providing humanitarian aid to refugees. No effective domestic remedy has yet been made available for the confiscation of assets from civil society organisations closed by emergency decrees.” (European Commission, 29 May 2019, p. 16)

Older information regarding the government crackdown on human rights defenders during the state of emergency can be found in the following report published by AI in April 2018:

- AI – Amnesty International: Weathering the storm: Defending human rights in Turkey's climate of fear [EUR 44/8200/2018], 26 April 2018
https://www.ecoi.net/en/file/local/1430738/1226_1524726749_eur4482002018english.PDF

7.1.3 Treatment of women’s rights defenders

The Time Magazine website in April 2018 provides information on the closure of the Van Women’s Association and of the Women’s News Agency (JINHA), as well as the Şûjin news agency which was established in the place of the latter and also closed:

“Last year, the Van Women’s Association in Turkey was about to sign a contract with the European Union for a project on preventing violence against women - one that would have catered for up to 8,000 women in 92 villages over a three-year period. Instead, the organization was closed down. ‘There is now a huge gap in the provision of advice and support to survivors of rape and sexual abuse. It really breaks my heart,’ says Zozan Özgökçe, the founder of the NGO, which helped raise children’s awareness of sexual abuse and provided training in leadership and financial literacy for women. The Van Women’s Association is one of many NGOs that have been targeted in the crackdown that followed the failed coup of July 2016. Under the country’s state of emergency, more than 1,300 Turkish NGOs have been permanently closed down over unspecified links to “terrorist” groups. [...] In October 2016 the Women’s News Agency (JINHA), run exclusively by women and established to try to get women’s voices heard, was closed by state of emergency

decree. Its editor Zehra Doğan was sentenced to more than two-and-a-half years in jail for ‘making propaganda for a terrorist organization.’ Şûjin, a new women-only news agency set up in its place, was also closed down by emergency decree in August 2017. Undeterred, the women established Jin News, which continues to provide news from a Kurdish women’s perspective. They are determined not to be silenced. But as the climate of fear and intimidation persists, courageous voices such as these are becoming increasingly rare.” (Time Magazine, 26 April 2018)

In the above-mentioned July 2019 joint submission to the Universal Periodic Review of Turkey by Front Line Defenders and several other organisations the following information is provided on the situation of women human rights defenders:

“Women HRDs [human rights defenders] face similar stigmatization when defending their rights. On 8 March 2019 the annual Women’s March was broken up by police who used tear gas and pepper spray to disperse the demonstrators. The President subsequently accused the protestors of chanting while a nearby mosque was reciting the adhan (call to prayer). Following this statement the Interior Minister added: ‘You have seen their banners (carried by participants during the women’s march), they are all disgusting! (...) Our friends are doing the necessary investigations about this.’ In the following days, many progovernment media outlets covered the President’s remarks in their headlines, calling the Feminist March and the opposition parties ‘the enemies of the flag and adhan’. The organizers of the Feminist March issued a statement saying that the chanting and whistling was part of the protest against police violence and was not aimed at the call to prayer. On 10 March 2019, a group of Islamists gathered in Taksim, threatening the feminists and shouting slogans such as ‘Break the hands that target adhan’.” (Front Line Defenders et al, July 2019, pp. 5-6)

A December 2019 press release by the Observatory for the Protection of Human Rights Defenders, a partnership of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), and Front Line Defenders describes the use of force by the police against women protesters on several occasions and in different locations in November and December 2019. In addition, the press release provides information on other types of harassment faced by women’s rights defenders:

“In November 2019, the Antakya Purple Solidarity Women’s Association (Antakya Mor Dayanışma Kadın Derneği), a women’s rights organisation founded in Antakya in 2014 which advocates against gender-based violence, organises awareness-raising events, and follows gender-based violence cases, was subjected to a TRY [Turkish Lira] 51,168 fine (approximately EUR 7,730) for allegedly ‘organising trainings without permission’. Subsequently, their premises were sealed without any notice on this particular measure. Previously, in August 2019, officials from the District Directorate of National Education accompanied by the police had visited the organisation’s premises and taken pictures of the voluntary activities taking place in their premises, without a warrant. The women and their children, taking part in the activities, were asked questions on whether they made any payments to the organisation. Women’s rights defenders are concerned that the police’s presence in their building and their harassment was mainly aimed at stigmatising

them in the eyes of the community, which they work in close contact with, and obstructing their work. The Association filed a lawsuit to challenge the administrative fine, and the case is pending.

These episodes add to previous instances where the police reportedly used force against women's rights defenders, e.g. during the peaceful demonstrations in Istanbul on March 8, 2019, International Women's Day, and November 25, 2018, International Day for the Elimination of Violence against Women. More broadly, since the state of emergency was declared following the failed coup in July 2016, attacks on women human rights defenders and women's rights organisations have gained momentum. Several women's rights associations have been closed down by emergency decrees, particularly the ones led by Kurdish women in the South East of Turkey, and their assets confiscated. In addition, the trustees appointed by the central government to the South Eastern municipalities held by the Peoples' Democratic Party (Halkların Demokratik Partisi – HDP), shut down many women consultancy centres in those municipalities. Today, many women human rights defenders, journalists, academics and elected representatives in Turkey still remain in detention pending trial and/or face judicial harassment. In November 2019 alone, at least three women journalists were arrested, including Mss. Ruken Demir and Sadiye Eser from Mezopotamya News Agency, as well as Melike Aydın from Jinnews." (FIDH/OMCT/Front Line Defenders, 20 December 2019)

The Commissioner for Human Rights of the Council of Europe (CoE-CommDH) Dunja Mijatović in February 2020 reports the following after a visit to Turkey from 1 to 5 July 2019:

"It is a common claim from rights-based NGOs, for example active in the field of women's and children's rights, that they are being increasingly side-lined in favour of organisations favourable to the government. In this connection, the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) expressed 'its alarm over the increasingly restrictive conditions experienced by civil society organisations, in particular independent women's organisations, under what has been termed by those working on the ground and by international institutions as a 'shrinking space for human rights organisations'. In meeting with NGOs, GREVIO witnessed first-hand the difficulties faced by these organisations and the courage and determination of their members, a number of whom face the risk of arrest and/or imprisonment for their overt criticism of government policies. Sadly, the independent women's organisations who played a historic role in advocating the Istanbul Convention feel they are being denied the authorities' recognition and support, to the exclusive advantage of more recently established women's groups." (CoE-CommDH, 19 February 2020, p. 33)

The Observatory for the Protection of Human Rights Defenders, a partnership of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in March 2020 reports on the use of force by the police in Istanbul against women protesters who marched for International Women's Day 2020 and on arrests that ensued (FIDH/OMCT, 13 March 2020). In May 2020, the Observatory published an appeal to end the arbitrary detention and judicial harassment of 19 women's rights defenders, including members of the Free Women's Movement (Tevgera Jinen Azad – TJA) and the Rosa Women's

Association (RWA). According to the appeal, “in the early morning of May 22, 2020, Turkish special operation forces raided the houses of 19 people in Diyarbakır and took them into police custody. [...] The 13 women rights defenders and six men were accused of ‘membership to a terrorist organisation’”. The Observatory goes on to explain:

“Women’s rights defenders were questioned about their activities such as making press statements, organising demonstrations including the March 8 rally, holding banners asking the whereabouts of a women lost for over 100 days, participating in the sittings of Peace Mother’s on hunger strike, and participating in demonstrations against the dismissal of HDP mayors. It was reported that an anonymous witness alleged that the women’s rights defenders were ‘aiming to reach out to more people by focusing on matters that concern women such as femicides and sexual harassment, and thus to recruit more people for a terrorist organisation giving an impression of conducting legal activities.’ Additionally, all men who were taken into police custody within the scope of this investigation were alleged to be the “secret members of Rosa Women’s Association” with the exception of Mr. Veysi Kuzu.

After their interrogation at the Anti-Terror Branch, Nevriye Çur, Ayla Akat, Zelal Bilgin, Nazire Tursun were released by the Prosecutor of Diyarbakır. The other 15 were requested to be detained by the Prosecutor without being interrogated by the latter and were referred to the Diyarbakır 1st Peace Judgeship. While the judge released Hüseyin Herman on judicial control, 13 were detained. [...]

The Observatory firmly condemns the criminalisation of Rosa Women’s Association and the arbitrary detention and judicial harassment of the above mentioned women’s rights defenders as they seem to be only aimed at punishing them for their legitimate human rights activities.” (FIDH/OMCT, 27 May 2020)

7.1.4 Academics for peace

A March 2018 report on freedom of expression in Turkey written for the writers’ association English PEN by Prof. Dr. Yaman Akdeniz, a faculty member at Istanbul Bilgi University School of Law, and Kerem Altıparmak, a legal consultant to the International Commission of Jurists and practicing lawyer, provides detailed background information on the Academics for Peace Initiative:

“The Academics for Peace Initiative (<https://barisicinakademisyenler.net>) was launched in November 2012 by a group of academics who ‘came together to issue a declaration during the hunger strikes by Kurdish prisoners’. [...] On 11 January 2016, Academics for Peace shared the declaration ‘We Will Not Be a Party to This Crime’ with the public. The declaration was initially signed by 1,128 academics. By 20 January 2016, the number of signatures had almost doubled and totalled 2,212. [...]

Immediately after the declaration was published, numerous government officials and President Recep Tayyip Erdoğan in particular, targeted the signatories as ‘supporters of terrorism.’ [...] After these statements, which had the characteristics of an order, universities rapidly began launching disciplinary proceedings against the signatory academics. While some faculty members were suspended from their positions after

proceedings were launched, others were dismissed by the public and private universities which employed them. Academic teaching staff on assignment in other countries were called back on grounds that inquiries had been started against them. [...]

Numerous universities launched administrative inquiries against the signatories of the Declaration of Academics for Peace upon the orders of the President. However, in the absence of legal grounds, no one was dismissed from their position prior to the attempted coup of 15 July 2016. The first Emergency Decrees issued after the State of Emergency was declared noted that the dismissals targeted individuals who had been ‘determined to be a member of, have affiliation or connections with the Fethullah Gülen Terrorist Organisation (FETÖ/PDY)’. However, after the Emergency Decree No. 672, the formula was changed to include individuals who ‘were members of, had an affiliation, link or connection with terrorist organisations or structures, formations or groups which have been determined by the National Security Council to perform activities against the national security of the State’. This new formulation allowed for the dismissal of individuals who had nothing to do with the coup or the FETÖ/PDY organisation which was accused of organising the coup. Individuals dismissed under these Decrees are not given any information regarding which organisation they were determined to be associated with or how they were found to have such associations. In the case of Academics for Peace, being a signatory of the Declaration has been found to be sufficient reason for dismissal. [...] During the State of Emergency, 386 signatory academics were dismissed from their duties. [...] In addition to the administrative proceedings initiated at universities, Chief Public Prosecutors in many provinces launched criminal investigations.” (Akdeniz/Altıparmak, 28 March 2018, pp. 42-45)

IHD in its May 2020 report provides information on current developments in the case as well as on prosecutions and sentences handed down:

“822 academics have been prosecuted because they signed the declaration ‘We Will Not Be a Party to This Crime!’ made public on 11 January 2016. 139 of these lawsuits were finalized with prison sentences handed down to all for ‘making propaganda for an illegal organization’ or ‘aiding an illegal organization’ from 5 December 2017, the date when the trials started, to 17 July 2019. In 35 of the finalized cases academics were not granted the suspension of the pronouncement of the judgment. Prof. Dr. Füsün Üstel of Academics for Peace was sentenced to 1 year 3 months in prison on 4 April 2018 by İstanbul 32nd Heavy Penal Court and this sentence was upheld by the 3rd Penal Circuit of İstanbul Regional Court of Justice on 25 February 2019. Professor Üstel was jailed on 8 May 2019 only to be released on 22 July 2019. The Constitutional Court’s General Secretariat, on the other hand, delivered an important judgment on 26 July 2019 in its Zübeyde Füsün Üstel and others judgment (App. no. 2018/17635) on the applications by a group of Academics for Peace and ruled for violation of the right to freedom of expression in the academics’ convictions for propaganda, sending a copy of its judgment to local courts to eliminate violations and initiate retrials, paying the applicants 9,000 TRY [Turkish Lira] in compensation. Following this judgment, 599 academics have been acquitted with 75 acquitted following retrial while the number of ongoing trials was 94 as of May 2020.” (IHD, May 2020, p. 18)

A detailed description of the case including a timeline from March 2016 to November 2019 can be found via the following link:

- Front Line Defenders: Judicial Harassment Against The Members Of Academics For Peace, undated
<https://www.frontlinedefenders.org/en/case/judicial-harassment-academics-peace>

Further information on the Academics for Peace initiative can also be found in the following report by the Human Rights Foundation of Turkey (HRFT) published in March 2019 and in a March 2020 article by Expression interrupted:

- HRFT – Human Rights Foundation of Turkey: Academics for Peace: A Brief History, March 2019
<http://www.tihvakademi.org/wp-content/uploads/2019/03/AcademicsforPeace-ABriefHistory.pdf>
- Expression interrupted: A brief history of Academics for Peace: Scapegoating, dismissals, trials, 11 March 2020
<https://www.expressioninterrupted.com/a-brief-history-of-academics-for-peace-scapegoating-dismissals-trials/>

7.2 Freedom of speech (the media and journalism)

For information on closed media outlets as well as journalists dismissed and imprisoned in connection with the attempted coup 2016, please see [section 4.1.5](#) of this compilation.

In the World Press Freedom Index of Reporters Without Borders (Reporters Sans Frontières, RSF) Turkey's position has dropped from 151st in 2016 to 155th in 2017 and 157th in 2018 (out of 180 countries). In the 2019 World Press Freedom Index Turkey was again ranked 157th, in the 2020 World Press Freedom Index it improved slightly and is ranked 154th (RSF, undated).

The Committee to Protect Journalists (CPJ), an independent, non-profit organisation that promotes press freedom worldwide, in a December 2019 report on imprisoned journalists states:

“This year's census marks the first time in four years that Turkey has not been the world's worst jailer, but the reduced number of prisoners does not signal an improved situation for the Turkish media. Rather, the fall to 47 journalists in jail from 68 last year reflects the successful efforts by the government of President Recep Tayyip Erdoğan to stamp out independent reporting and criticism by closing down more than 100 news outlets and lodging terror-related charges against many of their staff. [...] Dozens of journalists not currently jailed in Turkey are still facing trial or appeal and could yet be sentenced to prison, while others have been sentenced in absentia and face arrest if they return to the country.” (CPJ, 11 December 2019)

Regarding media freedom and the media landscape in Turkey the USDOS March 2020 report notes:

“Many involved in journalism reported that the government’s prosecution of journalists representing major opposition and independent newspapers and its jailing of journalists during the preceding three years hindered freedom of speech and that self-censorship was widespread amid fear that criticizing the government could prompt reprisals. [...]

Mainstream print media and television stations were largely controlled by progovernment holding companies heavily influenced by the ruling party. Reporters Without Borders estimated the government was able to exert power in the administration of 90 percent of the most-watched television stations and most-read national daily newspapers. Only a small fraction of the holding companies’ profits came from media revenue, and their other commercial interests impeded media independence, encouraged a climate of self-censorship, and limited the scope of public debate. Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees. Government prosecution of independent journalists limited media freedom throughout the year. [...]

Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in some cases, physical attack.” (USDOS, 11 March 2020, section 2a)

In its March 2020 report on political rights and civil liberties in 2019 Freedom House describes the media landscape in Turkey as follows:

“The mainstream media, especially television broadcasters, reflect government positions and routinely carry identical headlines. Although some independent newspapers and websites continue to operate, they face tremendous political pressure and are routinely targeted for prosecution. More than 150 media outlets were closed in the months after the attempted coup in 2016. In August 2019, the parliament further limited media freedom by placing online video services under the purview of the High Council for Broadcasting (RTÜK), the country’s broadcast regulator. As a result, online video producers must obtain licenses to broadcast in Turkey, even if they operate abroad. The RTÜK’s members are appointed by the parliament, and are almost exclusively members of the AKP [Justice and Development Party] and its political ally, the MHP [Nationalist Movement Party]. New outlet closures and arrests of journalists occur regularly, with an increase during the Turkish incursion into Syria in October 2019.” (Freedom House, 4 March 2020, section D1)

The CPJ in February 2020 published an article on journalists being attacked and threatened in 2019, mentioning a “general climate of hostility”:

“CPJ is aware of at least nine cases of journalists being attacked in unconnected cases across Turkey last year, often outside their news outlet or while they were headed to or from their homes. In most cases, assailants beat the journalists but sometimes the violence was more severe: Hakan Denizli, publisher for the daily Egemen in the province of Adana,

was shot in the leg on May 24, and on June 14, men armed with bats and knives attacked Murat Alan, a news editor and board member for the pro-government Islamist daily Akit.

The violence comes after years of authorities harassing and jailing journalists who are critical of the ruling party or its political allies. While no clear motive has been established in the attacks last year, local journalist associations have speculated that the general climate of hostility has made journalism riskier. In May, local journalist unions told the Turkish service of the BBC the violence was in part due to a climate of impunity, with authorities not effectively investigating violence and the government targeting journalists and not publicly condemning attacks.” (CPJ, 25 February 2020)

The OSCE Representative on Freedom of the Media and Reporters Without Borders (RSF) in March and May 2020 respectively report on the detention of journalists covering the coronavirus epidemic in Turkey (OSCE, 23 March 2020; RSF, 11 May 2020). In April 2020 AI reports that a law on the release of up to 90,000 prisoners in order to prevent the spread of Covid-19 in overcrowded prisons does not include pre-trial detainees and people convicted under anti-terrorism laws, among them journalists (AI, 17 April 2020, pp. 1-2, see also OSCE, 17 April 2020). In May 2020 the OSCE Media Freedom Representative issues a statement and expresses his concern about the “ban that Turkey’s Radio and Television Supreme Council (RTÜK) has imposed on several media outlets in recent weeks.” The statement mentions “increasing pressure being put on critical TV channels in Turkey” recently, referring to Fox TV, Halk TV and Tele 1. (OSCE, 5 May 2020)

Qantara.de, a project by Deutsche Welle, the Goethe-Institut and the German Institute for Foreign Cultural Relations that seeks to promote dialogue with the Islamic world and is funded by the German Foreign Office (Qantara.de, undated), in an April 2020 article notes that “opposition and journalists fear a new wave of censorship” in the context of the fight against coronavirus in Turkey:

“Fear is mounting among Turkey's journalists. For many, the current climate is reminiscent of the aftermath of the attempted coup in July 2016, when Turkish President Recep Tayyip Erdogan cracked down on critics and opposition figures in an unprecedented wave of arrests. Just a week ago, Turkish media reports cited the president as saying after a cabinet meeting that the country had to be rescued not only from the coronavirus but from ‘all media and political viruses, too,’ referring to journalists and critics from opposition parties. Erdogan said that instead of contributing to the fight against the pandemic, journalists were ‘throwing up’ false information and untruths and were thus more dangerous than the virus itself. He accused the opposition media of ‘waging a war against their own country’ and working ‘night and day to break the nation's morale,’ warning that they would ‘drown in their own pools of hatred and intrigues along with terrorist organisations.” (Qantara.de, 27 April 2020)

7.2.1 Legal framework

Article 28 of the Turkish constitution guarantees that the “press is free, and shall not be censored.” (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 28)

According to the USDOS March 2020 report “[t]he constitution and law provide for freedom of expression within certain limits, and the government restricted freedom of expression, including for the press, throughout the year.” The same source continues to explain that “[m]ultiple articles in the penal code directly restrict press freedom and free speech” mentioning examples like “provisions that prohibit praising a crime or criminals or inciting the population to enmity, hatred, or denigration, as well as provisions that protect public order and criminalize insulting the state, the president, or government officials” (USDOS, 11 March 2020, section 2a).

The Resource Centre on Media Freedom in Europe which describes itself as “an open and ever growing platform providing access to curated contents related to media freedom and pluralism in Europe.” (Resource Centre on Media Freedom in Europe, undated)” in January 2019 published a special dossier on media freedom in Turkey. The dossier states that “[t]he Anti-Terror Law (TMK) and the Turkish Penal Code (TCK) are the primary sources of the charges against media workers.” The source further notes:

“The most common charges against journalists over their journalistic activities or political cases are: ‘leading a terrorist organisation’, ‘being a member of a terrorist organisation’, ‘committing crimes in the name of a terrorist organisation as a non-member’; ‘aiding a terrorist organisation’; ‘propagandising for a terrorist organization’ or ‘reporting the statements of a terrorist organisation as news’. Other common charges based on the Turkish Penal Code are ‘denigrating state institutions’; ‘praising the crime and the criminal’; ‘inciting the public to enmity and hatred’; ‘denigrating religious values’; ‘violating the confidentiality of the communication’; and ‘attempting to overthrow the constitutional order’. ‘Defamation and insult’ are also considered criminal offenses in Turkey.” (Resource Centre on Media Freedom in Europe, 31 January 2019)

A July 2019 joint submission to the Universal Periodic Review of Turkey by ARTICLE 19 and several other organisations gives a detailed account of laws restricting freedom of expression/freedom of the press in Turkey. The submission first refers to the Turkish Penal Code which criminalises defamation and insult:

“Turkish Penal Code (TPC) - Defamation and Insult

The TPC retains numerous content-based restrictions on freedom of expression against international human rights law. Article 125 criminalises insult, such as defamation against public officials or against beliefs, including religious ones, with penalties of at least one year in prison. Part 3 criminalises insult of the President, national anthem, flag and the institutions and organs of the state, and increases the penalty by one-sixth if made in public. Article 267 criminalises calumny, defined as knowingly spreading false information,

with sentences of one to four years. Article 299 criminalises defamation of the President, with sentences of one to four years in prison.” (Article 19 et al., July 2019, p. 4)

The submission further elaborates on anti-terror legislation which is misused against the media:

“Anti-Terrorism Law (Law no. 3713)

Several provisions of Law no. 3713 concern membership in and propaganda supporting terrorist organizations, yet the law does not define acts that would constitute terrorism, and other key terms are left undefined. Article 7(2) of the Anti-Terrorism Law prescribes one to five years’ imprisonment for those who make ‘propaganda of a terrorist organization by justifying or praising or inciting the terrorist organizations’. The provision also increases the punishment by half for ‘propaganda’ expressed via press and publication. [...]

Turkish Penal Code – Counter Terror

Article 6 of the TPC [Turkish Penal Code] punishes membership in criminal organisations, including ‘any person who establishes, controls or joins a criminal organisation’. Many journalists have been charged with membership of a proscribed group, criminalised under Article 314, and punishable by 5 - 10 years’ imprisonment. Simply working, or having previously worked for, newspapers aligned, or perceived to be aligned, with the Gülen movement has been used to label journalists as ‘members’. Similarly, working for media outlets considered pro-Kurdish has seen journalists charged with membership of the Kurdistan Workers Party (PKK)

Article 220(7) criminalises committing an offence on behalf of a proscribed group and sets out that any individual who commits such an act be automatically classified as a member of the proscribed organisation, making them liable to 5 - 10 years’ imprisonment under article 314. This provision has allowed the authorities to vastly expand the concept of membership in terrorist groups, often without credible evidence, targeting persons for the exercise of their right to freedom of expression.

Article 220(8) provides for 1 - 3 years’ imprisonment for anyone who makes ‘propaganda for an organization in a manner which would legitimize or praise the terror organization’s.’ The article increases the penalty by half if the propaganda is expressed through the press or broadcasting. Individuals’ posts and shares on social media have been relied on as evidence of terrorist propaganda, among other offences.” (Article 19 et al., July 2019, pp. 4-5)

According to information provided by the Turkish government in a March 2020 report of the Working Group on the Universal Periodic Review (UPR) of Turkey, the anti-terror legislation was amended “as part of the first judicial reform package¹⁶, with a view to ensuring that the

¹⁶ "On 17 October 2019, Law No. 7188 on the Amendment of the Code of Criminal Procedure and Some Other Laws, publicly known as the Judicial Reform Package, was enacted by the Parliament. After being ratified by the

expression of thoughts that did not go beyond news reporting or did not simply amount to criticism should not constitute an offence". The Turkish government delegation went on to state "that freedom of expression was not an absolute right and did not protect terrorist propaganda, incitement to hatred or violence." (HRC, 24 March 2020, p. 3)

Concerning the changes to the anti-terror legislation Expression Interrupted explains in a January 2020 article:

"One of the most controversial legislative amendments in the Judicial Reform Package was introduced in Article 7/2 of Turkey's Law on the Fight against Terrorism, which criminalizes the act of 'making propaganda for a terrorist organization' by adding a clause that reads: 'Expressions of opinion that do not go beyond the limit of giving information or that are aimed at criticism do not constitute a crime.' Thanks to this amendment, which was publicized as an attempt to broaden the limits of freedom of expression, many people imprisoned for this crime were released and others standing trial on this charge were acquitted.

Yet, a previous amendment introduced in 2013 in Article 7/2 of the same law had already decriminalized the act of merely making propaganda for a terrorist organization and had stipulated that 'expressions of opinion without incitement to violence' cannot be punished. This article held that 'anyone who makes propaganda for a terrorist organization in ways that justify or praise the methods of the said organization that contain force, violence or threats, or that encourages the use of these methods, shall be sentenced to one to five years of imprisonment.'

Despite this provision, in practice, the crime of 'making propaganda for a terrorist organization' had been applied in a broad manner to address almost all criticism against the government on particular topics (especially the Kurdish issue, human rights violations). [...]

Although it is paradoxical, explicitly stating in Article 7/2 of the Anti-Terror Law that expressions of opinion that amount to 'criticism' and 'giving information' would not constitute crime so as to prevent widespread judicial practice that is against the wording of the law can certainly be seen as a positive development. As a matter of fact, following the amendment, a number of judgments in favor of the defendants have been rendered in trials where the charges were based on Article 7/2 of the Anti-Terror Law. [...] Nevertheless, despite Article 7/2 of the Anti-Terror Law being one of the most critical problems with regard to cases concerning freedom of expression and the press, it is clear that the recent amendment to this provision alone will not be sufficient." (Expression Interrupted, 25 January 2020)

President on 24 October 2019, the law was published in the Official Gazette and came into force." (Expression Interrupted, 25 January 2020)

7.2.2 Use of the judiciary and prosecution against media

The March 2018 report on freedom of expression in Turkey written for the writers' association English PEN by Prof. Dr. Yaman Akdeniz and Assistant Professor Kerem Altıparmak states that “[c]harges of membership to terrorist organisations such as FETÖ [Fethullah Gülen Terrorist Organisation]/PDY [Parallel State Structure], the PKK [Kurdistan Workers' Party] and the DHKP-C [Revolutionary People's Liberation Party/Front] are used as a means of deterring oppositional journalists”. The report goes on to explain that “[t]he influence of the government on the judiciary is so noticeable that even the judgments of the Constitutional Court [...] can be disregarded by first instance courts if they are disliked by the government. The report concludes that “[c]riminal law has now become the primary instrument for silencing speech” (Akdeniz/Altıparmak, 28 March 2018, pp. 11, 24-25).

The European Commission's May 2019 report notes that “[t]he criminal justice system allowed journalists to be prosecuted and imprisoned on extensive charges of terrorism, insulting public officials, and/or committing crimes against the state”. The report further elaborates:

“The right to a fair trial and the respect of the principle of the presumption of innocence were not always ensured in political cases [...]. Indictments did not usually establish a link with the alleged offence and, in some high-profile cases, the defence provided by the defendants was not taken into consideration by the court. In many cases, the use of confidential decisions impaired the access to justice and the right of defence, because the charges against the suspects were communicated to them and their lawyers only when the indictment was issued. In some cases, the indictment took more than a year to be issued. On the other hand, details of prosecution files of journalists or members of civil society organisations appeared in the mainstream media, which amplified smear campaigns against them and violated the principle of the presumption of innocence.” (European Commission, 29 May 2019, p. 33)

The July 2019 joint submission to the Universal Periodic Review of Turkey by ARTICLE 19 and several other organisations notes the following regarding the right to a fair trial for journalists, among others:

“The wholesale dismantling of the independent judiciary, and suspension of fair trial rights and procedural guarantees, has enabled the government's pursuit of dissenting journalists and civil society. Trial monitoring in the cases of journalists and human rights defenders conducted by the coalition members has exposed serious violations of fair trial rights.

Indictments have lacked credible, individualised, and convincing evidence required to justify prosecution, often containing factual inaccuracies and objectively absurd claims. As many as 50,000 people were arbitrarily detained with the use or download of the encrypted Bylock app given as evidence, and many thousands more dismissed or subject to disciplinary procedures on the same grounds. Prosecutors routinely fail to disclose evidence of defendants or their legal counsel, and evidence obtained through torture has been deemed admissible. The vast majority of cases have relied exclusively on individuals' legitimate journalistic work, or human rights work, as evidence of membership or promotion of a terrorist organisation, or involvement in the coup attempt. The

composition of courts often changes throughout the hearings, raising serious questions of fairness. An increase in the use of the video conference system SEGBIS has also limited the right of individuals to appear physically in court. Nevertheless, cases premised on such weak indictments and flimsy evidence have often resulted in successful convictions.” (Article 19 et al., July 2019, p. 7)

The International Press Institute (IPI) in its November 2019 report provides the following information on judicial harassment of journalists and political pressure exerted on the judicial branch:

“As the law in Turkey has been used to criminalize critical journalism and dissenting expression as acts of terrorism, many judges and prosecutors – themselves under threat of being dismissed or demoted to regional courts – have acted with ruthless efficiency in ordering the prolonged detention of journalists, denying their basic freedoms and often incarcerating them in intolerable conditions. Acting under intense pressure, the lower courts have for the most part convicted without hesitation, while the higher courts have generally confirmed convictions on appeal. Only in the past 18 months, after certain high-profile cases have reached Turkey’s Constitutional Court (TCC) and even the European Court of Human Rights (ECtHR), have the higher courts started ruling in favour of individual applicants. Since then there has been a revolving door of journalists winning appeals only to be promptly faced with new charges, travel bans and renewed detention either for the same acts or for hitherto undiscovered crimes committed years earlier.” (IPI, 18 November 2019, p. 16)

“The other explanation is that the courts have been subjected to intolerable political pressure, facilitated by the direct presidential appointments to the Council of Judges and Prosecutors (HSK), but driven by the fear of judges that a sympathetic ruling towards a government critic would put them under immediate suspicion. Indeed, the overwhelming evidence shows that Turkish courts are no longer functioning as independent tribunals capable of delivering a fair hearing within a reasonable timeframe. Despite this evidence, the European Court of Human Rights, the last judicial bulwark for journalists in Turkey, has thus far declined to loosen its requirement that claims must first have exhausted all domestic remedies. Meanwhile, journalists whose rights have been violated are left in an intolerable legal limbo.” (IPI, 18 November 2019, p. 34)

7.2.3 Criticism of the state

AI notes in its April 2020 annual report that “people considered critical of the current government – in particular journalists, political activists and human rights defenders – were detained or faced trumped-up criminal charges” (AI, 16 April 2020). The European Commission’s May 2019 report which covers the period from 1 March 2018 to 1 March 2019 notes that “[t]he trend of prosecutions of journalists, writers, social media users and other members of the public, even children, for insulting the President, has dramatically increased”. The report adds that “[t]he increased use of harsh rhetoric against any form of critical voice by public officials, including at the highest level, continued” (European Commission, 29 May 2019, pp. 34-35).

According to the USDOS March 2020 report “[s]ome journalists reported their employers fired them or asked them to censor their reporting if it appeared critical of the government” what led “to an atmosphere of self-censorship”. The report adds that “[f]ailure to comply typically resulted in a dismissal”. The report further notes that “[s]ome writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, or insulting religious values”. With regard to libel/slander laws the report explains:

“Libel/Slander Laws: Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism [...]. According to press reports, convictions for insulting the president increased 13-fold between 2016 and the end of the year. The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by media outlets. Authorities charged citizens, including minors, with insulting the country’s leaders and denigrating ‘Turkishness.’” (USDOS, 11 March 2020, section 2a)

The USDOS further mentions that the government opened investigations into thousands of individuals in 2019, among them journalists, related to “insulting the president; the founder of the Turkish Republic, Mustafa Kemal Atatürk; or state institutions”. The report refers to statistics of the Human Rights Association (HRA) and the Human Rights Foundation of Turkey (HRFT), according to which the government investigated more than 36,000 individuals between January and November 2019 and filed criminal cases against more than 6,000 individuals for insulting the president. Bianet writes in the above-mentioned January 2020 annual report:

“Until January 1, 2020, at least 61 journalists were given prison sentences, deferred prison sentences or judicial fines in the lawsuits filed as per the Article no. 299 of the TCK [Turkish Penal Code], which has been widely implemented for publications and broadcasts about President and ruling AKP [Justice and Development Party] Chair Recep Tayyip Erdoğan since August 2014, when he was elected President.” (Bianet, 22 January 2020)

As explained above in the July 2019 joint submission to the Universal Periodic Review of Turkey by ARTICLE 19 and several other organisations, several articles of the Turkish Penal Code criminalise insult, calumny and defamation. Concerning the misuse of these provisions the report notes:

“Though the Minister of Justice must formally initiate proceedings under these provisions, prominent officials, including the President, frequently bring criminal defamation cases against journalists, artists, and academics. These provisions are widely misused to silence criticism of the President and government officials: between 2010 and 2017, 12,893 cases were filed under Article 299 [defamation of the President], 12,305 of which were filed during Erdogan’s presidential term. Fines levied following conviction have increased substantially in recent years.” (Article 19 et al., July 2019, p. 4)

The Parliamentary Assembly of the Council of Europe (CoE-PACE) in a January 2020 report provides information on critical news reports covering Turkey's offensive in Syria:

“On 10 October 2019, the Chief Prosecutor's Office of Istanbul published a statement banning critical news reports and comments on Turkey's military operations in northern Syria. The statement says a person or persons who ‘target the social peace of the Republic of Turkey, domestic peace, unity and security’ with ‘any kind of suggestive news, written or visual publication/broadcast’ alongside ‘operational social media accounts’ will be prosecuted according to the Turkish penal code and anti-terrorism law. In this connection, police arrested two journalists, Hakan Demir, online editor for the daily BirGün, and Fatih Gökhan Diler, responsible editor of the news website Diken. Both journalists were released on probation but banned from travelling abroad.” (CoE-PACE, 3 January 2020, p. 19)

The March 2020 annual report of the Council of Europe's Platform to promote the protection of journalism and the safety of journalists states that “over 120 investigations had been launched against social media users, including journalists, on terrorist propaganda grounds for publicly criticising the military intervention” (Platform for the Protection of Journalism and Safety of Journalists, March 2020, p. 51).

7.3 Freedom of religion

The USDOS in its June 2020 religious freedom report describes the religious demography of Turkey. According to government information, 99 percent of the population is Muslim, other religious groups estimate their number at 0.2 percent and, according to a survey mentioned by the USDOS, about three percent of the population is atheist and two percent self-identifies as nonbelievers. Estimates of the size of the Alevi population vary between five and 31 percent:

“The U.S. government estimates the total population at 81.6 million (midyear 2019 estimate). According to the government, 99 percent of the population is Muslim, approximately 77.5 percent of which is Hanafi Sunni. Representatives of other religious groups estimate their members represent 0.2 percent of the population, while the most recent public opinion surveys published in January by Turkish research firm KONDA suggest approximately 3 percent of the population self-identifies as atheist and 2 percent as nonbelievers.

Leaders of Alevi foundations estimate Alevis comprise 25 to 31 percent of the population; Pew Research Center reporting indicates 5 percent of Muslims state they are Alevis. The Shia Jafari community estimates its members make up 4 percent of the population.

Non-Muslim religious groups are mostly concentrated in Istanbul and other large cities, as well as in the southeast. Exact figures are not available; however, these groups self-report approximately 90,000 Armenian Apostolic Orthodox Christians (including migrants from Armenia); 25,000 Roman Catholics (including migrants from Africa and the Philippines); and 16,000 Jews. There are also approximately 25,000 Syrian Orthodox Christians (also known as Syriacs); 15,000 Russian Orthodox Christians (mostly immigrants from Russia who hold residence permits); and 10,000 Baha'is.

Estimates of other groups include fewer than 1,000 Yezidis; 5,000 Jehovah's Witnesses; 7,000-10,000 members of Protestant denominations; fewer than 3,000 Chaldean Christians; and up to 2,500 Greek Orthodox Christians. There also are small, undetermined numbers of Bulgarian Orthodox, Nestorian, Georgian Orthodox, Ukrainian Orthodox, Syriac Catholic, Armenian Catholic, and Maronite Christians. The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ) estimates its membership at 300 individuals." (USDOS, 10 June 2020, Section I)

The United States Commission on International Religious Freedom (USCIRF), a bipartisan institution of the US government monitoring the freedom of religion abroad, in its April 2020 annual report provides similar figures concerning the total population (approximately 82 million) the number of individuals identifying as Muslim (99.8 percent), the adherents of Sunni Islam (an estimated 77.5 percent) and other religious groups (0.2 percent). However, with regard to Alevis the USCIRF states, that "[b]etween 10 million and 25 million people identify as Alevi, a community that the Turkish government largely refuses to differentiate from majority Sunni Muslims." In addition, USCIRF includes atheists in the 0,2 percent comprising all other religious groups. (USCIRF, April 2020, p. 83)

Minority Rights Group International (MRG), a London-based international NGO advocating for disadvantaged minorities and indigenous peoples, explains in June 2018 that "Alevi is the term used for a large number of heterodox Muslim Shi'a communities with different characteristics. [...] Technically they fall under the Shi'a denomination of Islam, yet they follow a fundamentally different interpretation than the Shi'a communities in other countries" (MRG, last updated June 2018b). On the Turkey country page of its World Directory of Minorities and Indigenous Peoples that the same source further notes that "[t]here are less than 150,000 Christians of various denominations and other smaller minorities including Baha'i." (MRG, last updated June 2018c)

With regard to atheists DW mentions in a January 2019 article that "[a]ccording to a recent survey by the pollster Konda, a growing number of Turks identify as atheists". The same article continues:

"Konda reports that the number of nonbelievers tripled in the past 10 years. It also found that the share of Turks who say they adhere to Islam dropped from 55 percent to 51 percent. [...] Diyanet, Turkey's official directorate of religious affairs, declared in 2014 that more than 99 percent of the population identifies as Muslim. When Konda's recent survey with evidence to the contrary was published, heated public debate ensued." (DW, 9 January 2019)

The Guardian in an April 2020 article quotes a study by Sakarya university and the Turkish ministry of education on religious curricula in Turkey's schools, according to which "students were increasingly likely to describe themselves as atheists, deists or feminists, and challenge

the interpretation of Islam being taught at school”. The article also mentions the survey by Konda:

“Despite more than a decade of efforts by Recep Tayyip Erdoğan’s ruling Justice and Development party (AKP) to mould a generation of pious Turks, the country’s youth appears to be turning away from religion. [...] Yet a study by Sakarya university and the ministry of education from earlier this year looking at religious curricula in Turkey’s school system found that students are ‘resisting compulsory religion lessons, the government’s ‘religious generation’ project and the concept of religion altogether’. Almost half of the teachers interviewed said their students were increasingly likely to describe themselves as atheists, deists or feminists, and challenge the interpretation of Islam being taught at school.

Polling by the agency Konda in 2019 also found that people aged 15-29 described themselves as less ‘religiously conservative’ than older generations, and less religious than the same age group a decade earlier – respondents said they did not necessarily cover their hair, pray regularly or fast during Ramadan. The overall drop in people who described themselves as religiously conservative was 7%, down from 32% in 2008, and those who said they fast during Ramadan declined from 77% to 65%.” (The Guardian, 29 April 2020)

The Department of Foreign Affairs and Trade of the Australian Government (DFAT) in an October 2018 country information report provides information on relations between Sunni and non-Sunni Muslims in Turkey:

“Relations in Turkey between Muslim communities (Sunni and non-Sunni) have generally been harmonious, without the sectarian divides experienced in other countries. Some community leaders have expressed concern that tensions between the Turkish and Syrian governments over the Syrian civil war, combined with hostile rhetoric, may lead to increased tension between Sunnis and Alawites in particular. This concern has not been realised to date. President Erdogan publicly blamed the Alawite Syrian regime for a double car bombing in Hatay in May 2013 that killed at least 43 and wounded many more. DFAT is not aware of any recent cases in which tensions over Syria have led to significant incidents of sectarian violence between Sunni and non-Sunni Muslims. DFAT assesses that non-Sunni Muslims (excluding Alevites) do not face significant official or societal discrimination on the grounds of religion.” (DFAT, 9 October 2018, p. 22)

The Netherlands Ministry of Foreign Affairs in its report published in October 2019 refers to the “religious piety promoted by the AKP”:

“While much of the population adheres to the values of social conservatism and religious piety promoted by the AKP [Justice and Development Party], 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. 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. 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." (Netherlands Ministry of Foreign Affairs, October 2019, p. 21)

7.3.1 Legal framework

According to Article 2 of the constitution, "[t]he Republic of Turkey is a democratic, secular and social state". Article 10 states that "[e]veryone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds" and according to Article 15, "no one shall be compelled to reveal his/her religion, conscience, thought or opinion, nor be accused on account of them". Article 24 guarantees that "[e]veryone has the freedom of conscience, religious belief and conviction". The same article further stipulates that "[n]o one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions." (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Articles 2, 10, 15, 24)

USDOS explains in its June 2020 International Religious Freedom report that "[t]he constitution establishes the Diyanet (DIB - Diyanet İşleri Başkanlığı, Presidency of Religious Affairs), through which the state coordinates Islamic matters"¹⁷. The report further elaborates on Diyanet:

"According to the law, the Diyanet's mandate is to enable and promote the belief, practices, and moral principles of Islam, with a primary focus on Sunni Islam; educate the public about religious issues; and administer mosques. The Diyanet operates under the Office of the President, with its head appointed by the president and administered by a 16-person council elected by clerics and university theology faculties. The Diyanet has five main departments, called high councils: Religious Services, Hajj and Umrah Services, Education, Publications, and Public Relations. While the law does not require that all members of the council be Sunni Muslim, in practice this has been the case." (USDOS, 10 June 2020, Section I)

With regard to state control over religious communities DFAT states in October 2018:

"The state has traditionally interpreted secularism to require state control over religious communities, including their practices and houses of worship. The Diyanet manages the

¹⁷ "The Presidency of Religious Affairs, which is within the general administration, shall exercise its duties prescribed in its particular law, in accordance with the principles of secularism, removed from all political views and ideas, and aiming at national solidarity and integrity." (Constitution of the Republic of Turkey, 7 November 1982, as amended on 16 April 2017, Article 136)

practice of Islam [...], while the General Directorate for Foundations (Vakıflar) manages all other religions.” (DFAT, 9 October 2018, p. 22)

USCIRF similarly notes in April 2020:

“The Turkish constitution defines the country as a secular state and guarantees the freedom of conscience, religious belief, and conviction. However, the Turkish government also exercises extensive control over both majority Muslim and non-Muslim religious communities through either the Directorate of Religious Affairs (Diyanet), which oversees the practice of Islam, or the General Directorate of Foundations (Vakıflar Genel Müdürlüğü), which regulates the activities of other religious communities. Some observers have characterized the Diyanet under President Erdoğan’s leadership as ‘an instrument of [his] party’s political and ideological agenda’ abroad, employing a fusion of Turkish nationalism and Sunni Islam as a foreign policy tool. Within Turkey, no religious community has been permitted legal personality (recognition as a legal entity). Although discrimination on religious grounds is prohibited, non-Sunni Muslim individuals in particular have reported incidents of discrimination in the workplace.” (USCIRF, April 2020, p. 83)

The USDOS in its June 2020 report provides the following information on other laws or articles concerning freedom of religion:

“There is no separate blasphemy law; the penal code provides punishment for ‘provoking people to be rancorous and hostile,’ including showing public disrespect for religious beliefs. The penal code prohibits religious clergy from ‘reproaching or vilifying’ the government or the laws of the state while performing their duties. Violations are punishable by prison terms of one month to one year, or three months to two years if the crime involves inciting others to disobey the law. The law criminalizes ‘insulting values held sacred by a religion,’ interfering with a religious group’s services, or defacing its property. Insulting a religion is punishable by six months to one year in prison.

Although registration with the government is not mandatory for religious groups to operate, registering the group is required to request legal recognition for places of worship. Gaining legal recognition requires permission from the municipalities for the construction or designation of a new place of worship. It is against the law to hold religious services at a location not recognized by the government as a place of worship; the government may fine or close the venues of those violating the law.

Interfering with the service of a religious group is punishable by one to three years in prison; defacing religious property is punishable by three months to one year in prison; and destroying or demolishing religious property is punishable by one to four years in prison. Because it is illegal to hold religious services in places not registered as places of worship, in practice, these legal proscriptions apply only to recognized religious groups.

The law prohibits Sufi and other religious-social orders (tarikats) and lodges (cemaats), although the government generally does not enforce these restrictions.

Military service is obligatory for males; there is no provision for conscientious objection. A government policy allows individuals to pay a fee of 31,343 Turkish Lira (TL) (\$5,300) instead of performing full military service; however, they are required to complete a three-week basic training program. Those who oppose mandatory military service on religious grounds may face charges in military and civilian courts and, if convicted, could be subject to prison sentences ranging from two months to two years.” (USDOS, 10 June 2020, Section I)

7.3.2 Treatment of religious minorities

The USCIRF in its April 2020 report recommends to “[i]nclude Turkey on the U.S. Department of State’s Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA)” (USCIRF, April 2020, p. 82)

The Netherlands Ministry of Foreign Affairs in a general country of origin information report published in October 2019 states with regard to the treatment of religious minorities:

“Religious (non-Muslim) minorities make up less than one percent of the Turkish population. [...] No religion has full legal status in Turkey¹⁸. 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 (Vakiflar).

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.

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. 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.” (Netherlands Ministry of Foreign Affairs, October 2019, p. 42)

¹⁸ For information on the legal status of religious communities in Turkey please see:

- CoE – Council of Europe – Venice Commission: Opinion on the legal status of religious communities in Turkey and the right of the Orthodox Patriarchate of Istanbul to use the adjective “ecumenical”, 15 March 2010 https://www.legislationline.org/download/id/5734/file/Turkey_VC_opinion_legal_status_religious_comunitie_s_Turkey_2010_en.pdf

DFAT in October 2018 provides information on the treatment of recognised religious groups in Turkey which are also called the “Lausanne Minorities”:

“The Treaty of Lausanne (1923), which formalised the break-up of the Ottoman Empire and laid the foundation for modern Turkey, guarantees the rights of ‘non-Muslim minorities’. The government has traditionally interpreted this phrase as referring solely to the three major religious minorities in Turkey at the time, which were the Armenian Apostolic Orthodox Christians, Jews, and Greek Orthodox Christians (the ‘Lausanne minorities’). [...] They enjoy certain rights, including the right to maintain existing religious foundations, build new houses of worship, and establish and run religious schools. The government has contributed funding to the upkeep or restoration of some minority properties [...]. The Lausanne minorities report that they are able to worship freely. The government does not, however, recognise the leadership or administrative structure of Lausanne minorities (such as the Christian patriarchates or chief rabbinate) as legal entities, which prevents them from buying or holding title to property, and from pressing claims in court. The Lausanne minorities (and other religious minority communities) rely on independent foundations with separate governing boards to hold and control individual religious properties. These foundations have reportedly been unable to renew the membership of their governing boards because the government has not promulgated new regulations since repealing previous rules in 2013.

DFAT is not aware of any recent significant incidents of violence against members of Lausanne minority communities or properties. Community representatives have expressed concern, however, about negative speech in the state media, which tends to peak at times of heightened tension between Turkey and Greece, Armenia, or Israel. Where Lausanne minorities have received threats, the government has provided security protection to their houses of worship, particularly synagogues.

The state expropriated a significant amount of property from Lausanne minority communities (and other religious minorities) in the early years of the Turkish Republic. Since 2001, and especially since a 2011 governmental decree, the government has returned more than 1,000 properties valued at more than USD 1 billion, and paid compensation. The process continues, and communities have complained about delays or denials: by some counts, only 20 to 25 per cent of expropriated properties have been returned or compensated to date. The communities have also expressed concern that the government has characterised return of the properties as a magnanimous gesture, rather than as a right of equal citizenship. The 2011 decree does not apply to other religious minorities, nor to properties seized before 1936.” (DFAT, 9 October 2018, pp. 22-23)

With regard to unrecognised religious groups DFAT explains:

“Members of unrecognised religious groups (including, but not limited to, Baha’i, Yazidis, and Christian groups such as the Jehovah’s Witnesses) do not enjoy the same rights as the Lausanne minorities in relation to operating schools, officially registering their places of worship, or reclaiming properties expropriated by the state [...]. Unrecognised religious groups are generally able to conduct religious services without official interference. Their access to public sector employment and promotion is comparable to that of members of

Lausanne minorities. DFAT is aware of occasional reports of vandalism against properties owned by unrecognised religious groups, and of threats against clergy via text messages, social media postings, and emails. Police have provided protection in response to such threats, although some communities argue that police responses are not always adequate.” (DFAT, 9 October 2018, p. 25)

The USDOS report on human rights practices in 2019 provides the following information regarding the Jewish community in Turkey:

“According to the Chief Rabbinate in Istanbul, there were approximately 16,000 Jews living in the country. Some members of the community continued to emigrate or seek to obtain citizenship in a second country, in part due to concerns about anti-Semitism. Jewish citizens expressed concern regarding anti-Semitism and security threats.” (USDOS, 11 March 2020, Section 6)

The USDOS in its June 2020 report notes the following on the rights of non-Muslim minorities, referring to the situation of Protestant congregations and Anti-Semitic discourse:

“The government continued to limit the rights of non-Muslim religious minorities, especially those not recognized under the government’s interpretation of the 1923 Lausanne Treaty, which includes only Armenian Apostolic Orthodox Christians, Jews, and Greek Orthodox Christians. Media outlets and nongovernmental organizations (NGOs) reported an accelerated pace of entry bans and deportations of non-Turkish citizen leaders of Protestant congregations. The government did not recognize the right to conscientious objection to military service. [...]

According to media reports, isolated acts of vandalism of places of worship continued to occur. [...] Anti-Semitic discourse continued in public dialogue, particularly on social media.” (USDOS, 10 June 2020, executive summary)

Freedom House mentions in its March 2020 annual report that “the public sphere is increasingly dominated by Sunni Islam”. The report further refers to the situation of Alevis:

“Alevi places of worship are not recognized as such by the government, meaning they cannot access the subsidies available to Sunni mosques. The number of religious schools that promote Sunni Islam has increased under the AKP [Justice and Development Party], and the Turkish public education curriculum includes compulsory religious education courses; while adherents of non-Muslim faiths are generally exempted from these courses, Alevis and nonbelievers have difficulty opting out of them.” (Freedom House, 4 March 2020, section D2; see also USCIRF, April 2020, p. 82)

“Although Turkish law guarantees equal treatment, women as well as ethnic and religious minority groups suffer varying degrees of discrimination. For example, Alevis and non-Muslims reportedly face discrimination in schools and in employment, particularly in senior public-sector positions.” (Freedom House, 4 March 2020, section F4)

The European Commission's May 2019 report notes that "[h]ate speech and threats directed against minorities remain a serious problem. This includes hate speech in the media targeting national, ethnic and religious groups." The report further elaborates:

"There has also been increased anti-Semitic rhetoric in the media and by public officials due to the conflict in Palestine. Furthermore, school textbooks need to be revised to delete remnants of discriminatory references. Attacks or acts of vandalism on minority worship places continued and need to be investigated." (European Commission, 29 May 2019, p. 39)

Christian Solidarity Worldwide (CSW), a Christian advocacy organisation with the aim of promoting religious freedom worldwide, in a May 2020 briefing provides the following information:

"Alevi Muslims, Bahai's and Christians, particularly those who have converted from Islam, face daily societal pressures. Hate speech and occasional hate crimes targeting religious minorities have continued, including attacks on places of worship, with perpetrators generally enjoying impunity.

There has been a surge in the expression of anti-Christian sentiments in pro-government media, and there are increasing reports of incidents of bullying and intimidation against Christian students in schools. Educational books can fuel societal hostility against, and distrust of, religious minorities. For example, textbooks denigrate missionary activity and describe it as a means of dividing the nation.

In October 2016 American Pastor Andrew Brunson was arrested and accused of plotting to overthrow the government. He was formally indicted in March 2017 on charges including supporting the outlawed Kurdistan Workers' Party (PKK) and the Gulen Movement, which Turkey accuses of orchestrating the coup attempt in July 2016. Pastor Brunson was released following his fourth court hearing on 12 October 2018; however, Christians, and particularly converts to Christianity, have continued to be targeted with accusations of a variety of malpractices. In some cases, claims have explicitly sought to falsely associate Christians with Pastor Brunson. [...]

While plans for new mosques are authorised by officials, religious minorities – particularly Alevis, Jehovah's Witnesses and Christians – continue to face restrictions on the construction of new houses of worship." (CSW, 1 May 2020)

USCIRF in April 2020 mentions an increasingly hostile environment for religious minorities in Turkey and discrimination of non-Sunni Muslim individuals in the workplace:

"Religious minorities in Turkey expressed concerns that governmental rhetoric and policies contributed to an increasingly hostile environment and implicitly encouraged acts of societal aggression and violence. [...] Although discrimination on religious grounds is prohibited, non-Sunni Muslim individuals in particular have reported incidents of discrimination in the workplace." (USCIRF, April 2020, pp. 82-83)

With regard to bureaucratic and administrative obstacles to religious freedom the USDOS states in its June 2020 report:

“In January the European Court of Human Rights (ECHR) ruled the government violated the European Convention on Human Rights because it refused to allow Seventh-day Adventists to establish a foundation. In October a court ruled the Ministry of Interior and the eastern city of Malatya, Malatya Governorate, were not liable in a 2007 case involving the killings of three persons in an attack on a Christian publishing house. The Armenian Apostolic Orthodox community elected a new patriarch in December; members of the community and rights organizations criticized government interference in the election process. Minority communities continued to object to the prevention of governing board elections for religious foundations. The government continued to restrict efforts of minority religious groups to train their clergy, and the Greek Orthodox Halki Seminary remained closed. Religious minorities again reported difficulties opening or operating houses of worship; resolving land and property disputes and legal challenges of churches whose lands the government previously expropriated; operating or opening houses of worship; and obtaining exemptions from mandatory religion classes in schools. The government did not return any church properties seized in previous decades. Religious minorities, particularly members of the Alevi community, raised challenges to religious content and practices in the public education system.” (USDOS, 10 June 2020, executive summary)

USCIRF in April 2020 also refers to government interference in elections of board members for non-Muslim foundations:

“As in previous years, the government continued to unduly interfere in the internal affairs of religious communities by preventing the election of board members for non-Muslim foundations and introducing new limitations on the long-delayed election of the Armenian Apostolic Church’s patriarch. The Interior Ministry curtailed the candidacies of certain individuals in the latter election despite a May 2019 Constitutional Court ruling that prior acts of such state interference had violated religious freedom.” (USCIRF, April 2020, p. 82)

7.3.3 Recent developments

Bianet in a January 2020 article provides information on an Alevi place of worship attacked in Istanbul:

“Pir Sultan Djemevi (cemevi), an Alevi place of worship in Sultanbeyli, İstanbul was attacked yesterday (January 19). Breaking the toilet windows to get into the djemevi, the perpetrators reportedly sprayed death threats on the walls and ‘Not finished’ on the ground. [...] İstanbul Governor's Office released a written statement on its website, saying the police have launched an investigation into the incident. ‘We strongly condemn this atrocious attack against the Pir Sultan Djemevi,’ it stated.” (Bianet, 20 January 2020)

The US-based Christian NGO International Christian Concern (ICC) in a May 2020 article reports on Christians in Turkey being targeted by hate speech:

“Turkish magazine Gerçek Hayat has published a special 176-page edition which targeted leading members of religious minorities in Turkey. The magazine’s special edition was

entitled 'FETO [Fethullahist Terrorist Organisation]: Who is the Chief Terrorist Fethullah Gulen? The 100-year history of the most vicious terrorist organization.' The magazine edition, which is expected to remain in circulation until September 2020, makes allegations that key religious minority leaders are co-conspirators of FETO. The spread includes photos of these figures.

The magazine falsely alleges that the Ecumenical Patriarch Bartholomew helped FETO stage the 2016 coup attempt. Turkey's Chief Rabbi, the former Armenian Patriarch of Constantinople, and Pope John Paul II are also targeted. A number of religious leaders have condemned these allegations, warning that they could incite racist attacks and desecration. For example, on Friday an Armenian church was targeted by an arsonist.

Gerçek Hayat is connected to the Albayrak Holding conglomerate, which is known to have close ties to Turkey's President Recep Tayyip Erdoğan. Their media interests lean Islamist and have often targeted Christians through hate speech. Connecting Christians with FETO is further alarming, as President Erdoğan has used FETO allegations to arrest all forms of dissidence and subject the country to silence." (ICC, 12 May 2020)

Al-Monitor in a June 2020 article mentions threats and attacks against religious minorities in Turkey:

"Ethnic and religious minorities in Turkey are on edge after a series of threats and attacks, with both government officials and their critics warning society's most vulnerable are being targeted to foment strife. Kurds, Christians and others have all faced intimidation or outright violence in recent weeks in what appear to be mostly unrelated incidents. Yet they coincide with growing economic uncertainty and political tensions wrought in part by the coronavirus pandemic that has killed more than 4,500 people in Turkey and hammered the economy. [...]

Separately, Altun [a senior adviser to President Recep Tayyip Erdogan] expressed sadness that an Armenian church was vandalized last week, which he also said sought to undermine social cohesion. It was the third attack on an Armenian church in one month, and a suspect who allegedly set fire to a church gate earlier in May told police he was angry because he believed Armenians were responsible for the coronavirus outbreak.

The Hrant Dink Foundation, which was named for the assassinated Armenian-Turkish journalist and promotes human rights and reconciliation between Turks and Armenians, received death threats last week, some of them directed at Dink's widow. Two people have been detained in connection with the menacing emails. 'It is not a coincidence that these events have followed one after the other. I don't have evidence they are an organized effort, but I believe they are the result of the polarizing rhetoric used by the most senior members of government,' Tuma Celik, an opposition lawmaker who is Christian, told Al-Monitor. Celik pointed to comments last month by Erdogan, who said that 'Armenian and Rum lobbies' were among 'evil forces' plotting against Turkey. (Rum is a term used for Turkey's ethnic Greek citizens and Greek Cypriots.)" (Al-Monitor, 2 June 2020)

DW in June 2020 published an opinion piece by Alexander Görlach, senior fellow with the Carnegie Council for Ethics in International Affairs and a senior research associate at the Religion & International Studies Institute at Cambridge University, on the situation of Syriac-Aramaic Christians in Turkey:

“The persecution of Christians in Turkey continues. While the world is busy fighting the COVID-19 pandemic, dealing with mass unemployment and a global recession, the Turkish government is taking advantage of the situation to further pressure minorities. The marginalization of Turkey's Christians isn't new for President Recep Tayyip Erdogan: He's been busy reorganizing his secular republic into a mixture of Ottomanism and Islam for some time now. Recently, the Syriac-Aramaic Christians in the country's southeast, in particular, had to fear for their rights and property. This religious community is one of the world's oldest churches. Aramaic, the language the community uses in worship, is thought to have been spoken by Jesus Christ himself.

Systematic discrimination

Turkish authorities have started to simply assign land owned by a community or a private person to other owners, in effect expropriating it from the Christians. During the armed confrontation with the Kurds, churches in this part of the country have also been destroyed. [...] Erdogan has promised to let the churches be rebuilt. But the long-running and systematic discrimination against Turkey's Christian minority suggests he isn't really serious about reviving Christian religious life.

On trial for following his faith

Take the case of Sefer Bilecen. In January, the Syriac Orthodox priest from Mardin in southeastern Turkey was accused of being a member of a terrorist group. He is said to have given water and bread to Kurdish fighters who knocked at the gate of his monastery. In his defense, the priest has argued that he would provide help to anyone who asked for it — it's his Christian duty. He has since been released from prison after various aid organizations intervened, but is still on trial. [...]

Step by step, using a nationalist and Islamic rhetoric, Turkey's Christians are becoming a welcome scapegoat for Ankara. Erdogan has miscalculated on various fronts in Syria and Libya, and is now looking for someone to serve as a distraction.” (DW, 23 June 2020)

7.4 Arbitrary arrest and detention

The USDOS states in its March 2020 report that “[t]he law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements” (USDOS, 11 March 2020, section 1d). The report further elaborates:

“Human rights groups noted that, following the 2016 coup attempt, authorities continued to detain, arrest, and try hundreds of thousands of individuals for alleged ties to the Gulen movement or the PKK [Kurdistan Worker's Party], often with questionable evidentiary

standards and without the full due process guaranteed under law [...]. On the three-year anniversary of the July 15 coup attempt, the government announced that 540,000 individuals had been detained since the coup attempt on grounds of alleged affiliation or connection with the Gulen movement. The Ministry of Justice reported in September that since July 2016, the government had convicted nearly 30,000 individuals on charges related to the coup attempt or ties to the Gulen movement. It had also opened more than 150,000 secret investigations related to the coup attempt. Approximately 70,000 cases were pending trial. A majority of the individuals were reportedly detained for alleged terror-related crimes, including membership in and propagandizing for the Gulen movement or the PKK. Domestic and international legal and human rights experts questioned the quality of evidence presented by prosecutors in such cases, criticized the judicial process, asserted that the judiciary lacked impartiality, and said defendants were sometimes denied access to the evidence underlying the accusations against them [...].” (USDOS, 11 March 2020, section 1d)

HRW notes in a press release for its annual report covering 2019 that “[t]he prolonged and arbitrary detention of journalists, human rights defenders, and politicians blights Turkey’s claims of being a country that respects human rights and the rule of law” (HRW, 14 January 2020b). The International Commission of Jurists (ICJ) mentions in an October 2019 article “the arbitrary arrest of at least 186 individuals [...] solely for their opinions publicly expressed against the Turkish intervention in northern Syria.” (ICJ, 21 October 2019)

The USDOS in March 2020 gives the following account on arrest and detention procedures:

“Formal arrest is a measure, separate from detention, which means a suspect is to be held in jail until and unless released by a subsequent court order. For crimes that carry potential prison sentences of fewer than three years’ imprisonment, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge may either release the defendant on his or her own recognizance or hold the defendant in custody (arrest) prior to trial if there are specific facts indicating the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. Judges often kept suspects in pretrial detention without articulating a clear justification for doing so. [...]

Under antiterror legislation adopted in 2018, the government may detain without charge (or appearance before a judge) a suspect for 48 hours for ‘individual’ offenses and 96 hours for ‘collective’ offenses. These periods may be extended twice with the approval of a judge, amounting to six days for ‘individual’ and 12 days for ‘collective’ offenses. [...] During the year there were numerous accounts of persons, including foreign citizens, held in detention beyond 12 days awaiting formal charges. [...] According to media reports, more than 50,000 people were in pretrial detention in the country.” (USDOS, 11 March 2020, section 1d)

Regarding arbitrary arrests and pretrial detention the USDOS notes:

“Arbitrary Arrest: Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. Human

rights groups alleged that in areas under curfew or in ‘special security zones,’ security forces detained citizens without official record, leaving detainees at greater risk of arbitrary abuse. [...]

Pretrial Detention: The maximum time an arrestee can be held pending trial with an indictment is seven years, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. For other major criminal offenses tried by high criminal courts, the maximum detention period remained two years with the possibility of three one-year extensions, for a total of five years. In October, as part of the judicial reform package, new measures were introduced shortening pretrial detention during the investigation phase of a case (before an indictment) to six months for cases that do not fall under the purview of the heavy criminal court (referred to by INTERPOL as central criminal court) and one year for cases that fall under the heavy criminal court. For terror-related cases, the maximum period of pretrial detention during the investigation phase is 18 months, with the possibility of a six-month extension.

Rule of law advocates noted that broad use of pretrial detention had become a form of summary punishment, particularly in cases that involved politically motivated terrorism charges. According to Human Rights Watch, one-fifth of the prison population (approximately 50,000 of 250,000 inmates) were charged or convicted of terrorism-related offenses. The trial system does not provide for a speedy trial, and trial hearings were often months apart, despite provisions in the code of criminal procedure for continuous trial. Trials sometimes began years after indictment, and appeals could take years more to reach conclusion.” (USDOS, 11 March 2020, section 1d)

AI in a May 2020 submission to the Committee of Ministers of the Council of Europe in the case of Osman Kavala, a human rights defender held in pre-trial detention since November 2017, provides the following information on arbitrary and punitive pre-trial detention:

“As of December 2018, the last date for which official statistics are available, the total number of detainees in prison in Turkey without an indictment, pending trial or awaiting a final verdict was 55,892, representing over 21% of the total prison population. The reasons behind this high number may be varied, and the government has claimed that the figure is now lower, but it is still crucial to identify the use of pre-trial detention as a punitive tool rather than a measure supported in each case by properly reasoned and individuated court decisions.

In high profile, politically motivated cases against human rights defenders and others perceived as government critics, it has become almost standard practice for prosecutors to request pre-trial detention and its repeated continuation during the investigation phase, and for judges of Criminal Judgeships of Peace to accept these requests. The burden is on the state to prove that pre-trial detention is a proportionate and necessary measure and that non-custodial alternatives do not provide sufficient guarantees to prevent flight, tampering with evidence or intimidating witnesses. At trial stage, courts also regularly rule

for prolongation of pre-trial detention without providing individualized reasoning to justify the measure. Pre-trial detention orders are issued with insufficient evidence of the suspect having committed a crime, without assessments of necessity and proportionality or alternatives to detention, with the effect of punishing people for lawful activities such as attending peaceful protests or meetings or for a pattern of association with individuals deemed 'terrorists' or opponents by the Government. The evidence in these cases indicates that pre-trial detention is used to punish and silence rather than exceptionally as a necessary measure to serve a legitimate purpose." (AI, 19 May 2020, p. 8)

In another joint submission to the Committee of Ministers of the Council of Europe in the case of Osman Kavala the organisations HRW, TLSP and ICJ conclude the following:

"The campaign of persecution against Kavala and the failure to release him and drop all charges have perpetuated a chilling environment for all human rights defenders in Turkey. The pattern of harassment of rights defenders within a wider trend of arbitrary detentions and abusive prosecutions of journalists, elected politicians, lawyers, and other perceived government critics has been well-documented in many reports by the Council of Europe, the EU and human rights organizations." (HRW/ICJ/TLSP, 2 June 2020)

7.5 Prison and detention conditions

Nils Melzer, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, after an official visit to Turkey in December 2016 notes that "overall conditions of detention were satisfactory". He explains that "[t]he detention centres are purpose-built and generally well-equipped". He adds that "most facilities visited were overcrowded", having "negative implications on access to medical care, recreational activities, as well as on work, training activities and the frequency of family visits" (OHCHR, 2 December 2016).

The European Commission's May 2019 report notes that "[o]vercrowding and deteriorating prison conditions continue to be a source of deep concern" (European Commission, 29 May 2019, p. 31). The source further elaborates on the prison conditions in Turkey:

"There have been many allegations of human rights violations in prisons, including arbitrary restrictions on the rights of detainees, denial of access to medical care and the use of torture, mistreatment, prevention of open visits, and solitary confinement. In late autumn 2018, hunger strikes were initiated to protest the alleged isolations in the prison island Imrali; these have continued, and involve around 300 inmates in 60 prisons." (European Commission, 29 May 2019, p. 31)

DW in May 2019 also reports on prisoners held in solitary confinement in Turkish prisons:

"In Turkey, thousands of prisoners are being held in solitary confinement. Conditions are so harsh that some prisoners consider dying by suicide. Turkey's government has offered no comment. [...] For years, government officials have been forbidden from releasing information on the conditions of prisoners in solitary confinement, the HDP's [People's Democratic Party] Gergerlioglu, a lawmaker who advocates improving prison conditions, told DW. There has been a sharp increase in the number of inmates in solitary confinement

since Turkey's postcoup state of emergency was declared in 2016. 'We do not, however, know the exact number,' Gergerlioglu said. Prisoners can legally be kept in solitary confinement for a maximum of 20 days — during which they are also denied fresh air and physical activity — for disciplinary reasons. 'But we know that hundreds of prisoners are in solitary confinement for up to 26 months', Gergerlioglu argued. 'The state suspends human rights in prison.'" (DW, 7 May 2019)

The UK Home Office in an October 2019 report on a Fact-Finding Mission to Turkey conducted between 17 and 21 June 2019 and covering the Kurds, the HDP and the PKK provides the following information from various sources interviewed:

"Several sources claimed that prisons in Turkey are overcrowded. Andrew Gardner stated that some prisons can be at over 200% capacity. [...] The Director of a Turkish organisation in the UK stated, 'Prison conditions are terrible for all prisoners, as they have no proper rights and anything can be done to them, whether they are criminal or not.' The human rights lawyer stated, 'Prison conditions are better than most in Europe but detention conditions are crowded.' Sebnem Financi of HRFT [Human Rights Foundation of Turkey] stated that there are no proper beds, water or food. [...]

The Turkish Ombudsman stated: 'We receive (in relation to prison complaints), a lot of applications but they are not about discrimination, they are about the conditions of prisons or the trial process of a prisoner. We try to find solutions, advise prison management to solve issues. We advise them to move the prisons if it was due to overcrowding or conditions within the prison or refer them to healthcare advisors if they have health issues etc.' [...]

One source stated that many HDP [People's Democratic Party] or high-ranking people are in 'F'-type prisons in Turkey, where people are held either in isolation or with up to just two others. They are only allowed to see other HDP members/supporters. They have access to a lawyer. Sebnem Financi of the HRFT [Human Rights Foundation of Turkey] stated, 'In 2000, in F-type prisons [where isolation is the main issue], they went on hunger strike to be allowed to be socialised together with wards [...]. Two years ago, they took this right away in general. Kurdish and leftist people are affected, and they are not allowed to read. A lot of Kurdish people in jail are intellectual.'" (UK Home Office, 1 October 2019, p. 37).

The USDOS states in March 2020 that the government in 2019 allocated funding for additional prisons facilities. The same source continues as follows:

"Physical Conditions: Prison overcrowding remained a significant problem. According to the Justice Ministry, as of November the country had 353 prisons with a 218,950-inmate capacity and an estimated total inmate population of 286,000. Although no official figures were available, observers estimated the government held 3,000 inmates in solitary confinement during the year. The use of solitary confinement rose, and some observers assessed it contributed to an increase in the suicide rate in prisons, although official figures were not available. [...] Pretrial detainees were held in the same facilities as convicted prisoners.

The government did not release data on inmate deaths due to physical conditions or actions of staff members. According to a September report by a local media outlet, 14 inmates died in an eight-month period at an Izmir prison. The report alleged that overcrowding and lack of proper hygiene and nutrition led to the outbreak of an epidemic that resulted in the quarantine of one ward. Human rights organizations asserted that prisoners frequently lacked adequate access to potable water, proper heating, ventilation, lighting, food, and health services. In September a member of parliament's Commission for Detainee and Convict Rights affirmed that prisoners with whom he met complained of these problems.

A Ministry of Justice Prison and Correctional Facilities official reported to parliament that as of September, more than 1,300 health workers were serving a prison population of 286,000. Of these, there were eight medical doctors, 65 dentists, and 805 psychologists. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. [...] Reports by human rights organizations suggested that some doctors would not sign their names to medical reports alleging torture due to fear of reprisal. As a result, victims were often unable to get medical documentation that would help prove their claims.

Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners whom they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness." (USDOS, 11 March 2020, section 1c)

The Turkish Human Rights Association (Insan Haklari Dernegi, IHD) in its May 2020 report on human rights violations in 2019 provides the following information on the prison population and on the conditions in prisons:

"According to data provided by the Ministry of Justice, there were 59,429 inmates in Turkish prisons on 31 December 2002, i.e. when AKP [Justice and Development Party] claimed power. This figure has gone up to a total of 294,000 in 355 penitentiary institutions based on data by the Ministry of Justice presented during the budget deliberations at the Grand National Assembly of Turkey (GNAT) in December 2019. [...] The Ministry of Justice states that the total capacity of current 355 penitentiary institutions is 220,230 persons. In this case it can be concluded that the prisons are overcapacity by about 74,000 prisoners. This, in turn, brings along deterioration of material conditions in prisons and a significant increase in cases of deprivation of rights. [...]

Practices like beating prisoners for various reasons (strip search, medical examination in handcuffs, forced reporting at standing roll-calls) at the time of and after admission to the prison, labeling those who were imprisoned for political offences as 'terrorists' and beating them for this reason, all kinds of arbitrary treatment and disciplinary actions, solitary confinement, forced and involuntary transfers have recently reached unprecedented levels. Solitary confinement or isolation in small groups, which has been in practice since 2000 and has seriously been impairing the physical and psychological integrity of prisoners, is a deteriorating problem that has also become widespread. [...]

Other problems that have been going on for a long time include restriction of access to healthcare services, denial of the right to visit the prison infirmary, ill-treatment practices including handcuffed transfers to the Forensic Medicine Institute (FMI), courthouses and hospitals, failure to provide timely and effective solutions to prisoners' medical problems. Banishment of a majority of prisoners, who hardly have the opportunity to continue their treatments, to other prisons has severely endangered the right to access healthcare services especially in recent years. Sick prisoners account for another significant issue regarding prisons. According to İHD's statement of 31 March 2020, there are a total of 1,564 sick prisoners 590 of whom are in critical condition. This number goes up each year. Not only do these persons have significant problems in gaining access to healthcare services, but also face serious problems in obtaining medical evaluation reports based on independent and qualified examinations including the fact that the FMI is neither independent nor impartial." (İHD, May 2020, pp. 11-12)

HRW in April 2020 refers to Turkish Justice Ministry data for March 2020, according to which the "Turkish penitentiary system has the capacity for 235,431 inmates, but in November 2019, it held upwards of 286,000 inmates". The same source continues by elaborating on the treatment of sick prisoners and the provision of health care for inmates:

"The number of inmates has risen sharply in recent years, with Human Rights Watch regularly receiving complaints of overcrowding, prisoners sleeping on mattresses on the floor, and prisoners having to share limited toilet and washing facilities. In several cases prior to the COVID-19 pandemic, the European Court of Human Rights has ruled that Turkey's failure to offer adequate medical care and conditions to sick prisoners or to release terminally ill prisoners has constituted cruel, inhuman, or degrading treatment, or has violated the right to life. In its most recent published report following a visit to Turkey's prisons in June 2013, as in earlier reports, the CPT [European Committee for the Prevention of Torture] raised concerns about prison authorities' capacity to provide adequate health care for inmates and made recommendations for proper screening of prisoners for transmissible diseases.

Since that visit, rights groups in Turkey – in particular the Human Rights Association and the Association of Lawyers for Freedom – have compiled new lists seen by Human Rights Watch of hundreds of sick prisoners and repeatedly raised concerns about the lack of access to timely and adequate medical treatment, obstacles to securing postponement of sentences for convicted prisoners unfit on medical grounds to be held in prison, or release for sick prisoners with ongoing trials. Turkey's Parliamentary Inquiry Commission on Human Rights has recently published several reports raising serious concerns about prisons conditions and capacity to provide medical care for prisoners." (HRW, 3 April 2020)

The European Prison Observatory which describes itself as "a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union" (European Prison Observatory, 2 July 2020) in a May 2020 update

provides information on the situation in Turkish prisons in connection with COVID-19, referring to a report by the Istanbul branch of the Lawyers for Freedom Association:

“Even though about 90,000 inmates have been released so far, in the past few days a report has been released by the Istanbul branch of the Lawyers for Freedom Association (ÖHD) and the Association of Solidarity Prisoners' Families on prisons in Turkey (TUHAY-DER), that states that the spread of COVID-19 among detainees is alarming. The organizations ask for new measures to prevent the spread of the virus in prisons, including an increased disinfection of cells and personal protective equipments for prison staff. Detainees can only obtain cleansing and hygiene products from the canteen in exchange for a fee. Their report also wants the release of Turkey's political prisoners, echoing the UN, which in April said that political prisoners should be among the first released in the pandemic response. Apparently detainees are not being hospitalised unless there are emergency cases, and the 14-day quarantine period following a hospital visit cannot be implemented due to the lack of doctors in jails. Another issue is nutrition, which is a vital element in order to maintain a healthy immune system to protect against the virus; but sources have declared that there is a currently a shortage of food stock in prison canteens. Staff working outside prisons is allegedly not wearing any PPE and disinfectant liquid is not available at the entrances and lawyer waiting rooms of penitentiary facilities.” (European Prison Observatory, 15 May 2020, p. 7)

A report on rights violations in the prisons of the Marmara region in the first quarter of 2020 can be accessed via the following link:

- IHD – Human Rights Association: The first quarter, 2020 - Report on rights violations in the prisons of the Marmara region, 12 June 2020
<https://ihd.org.tr/en/wp-content/uploads/2020/06/Ocak-ubat-Mart-2020-HD-Reporu-ENG.pdf>

A report on prison conditions covering January to November 2018 by the Turkish Civil Society in Penal System Association (Ceza İnfaz Sisteminde Sivil Toplum Derneği, CISST), a civil society organization founded in 2006 which aims to protect and promote prisoners' rights, can be accessed via the following link:

- CISST – Civil Society in Penal System Association: Prisons of Turkey report, August 2019
<http://cisst.org.tr/wp-content/uploads/2019/08/Prisons-of-Turkey-Report.pdf>

Information on the treatment of women prisoners related to the Gülen movement and their children can be found in the following report published by AST in April 2020:

- AST – Advocates of Silenced Turkey: Born and raised in prison: Turkey's captive children, April 2020
<https://silencedturkey.org/wp-content/uploads/2020/04/Captive-Mothers-and-Babies.pdf>

A July 2019 submission for the UN Universal Periodic Review by the Foundation for Society and Legal Studies (TOHAV) which investigates and monitors human rights violations in all regions of Turkey, the Lawyers for Freedom Association (LFA) which aims “to establish, improve and implement a contemporary, democratic and liberal understanding of law” (TOHAV et al.,

July 2019, p. 1) and the Civil Society in the Penal System Association (CISST) also provides information on prisoners with special needs and LGBTI prisoners:

- TOHAV et al.: The Human Rights situation in prisons, July 2019

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7486&file=CoverPage>

For information on torture and inhumane treatment in prisons, please see [section 7.6.1](#) of this compilation.

7.5.1 Access to legal procedures while detained

IHD in its May 2020 report refers to procedural guarantees which “have been terminated to a large extent”:

“Procedural guarantees of due process, which play a significant role in preventing torture but were mainly disregarded in practice for years, have been terminated to a large extent due to legislative modifications introduced by decree laws during the state of emergency. These procedural guarantees include informing the detainee about the grounds of custody, informing third parties, access to defense counsel, access to a medical doctor, appropriate physical examination under appropriate conditions and obtaining medical reports in due form, speedy applications to judicial authorities for lawfulness review, proper handling of custody records, and possibility of independent observations. One can argue also based on such amendments that procedural guarantees have recently been terminated in no small measure and a thoroughly arbitrary state of affairs has been created about this issue.” (IHD, May 2020, p. 9)

The USDOS in its March 2020 report elaborates on detainees’ rights to access to a lawyer:

“The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements. [...] While the law generally provides detainees the right to immediate access to an attorney at any time, it allows prosecutors to deny such access for up to 24 hours. In criminal cases the law also requires that the government provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence for conviction is more than five years’ imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases authorities provided an attorney if a defendant could not afford one. [...]

The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers’ access to detainees and prisons—especially for those attorneys not appointed by the state—and because many lawyers were reluctant to defend individuals the government accused of ties to the 2016 coup attempt. The Human Rights Joint Platform reported the renewed 24-hour attorney access restriction was arbitrarily applied. The HRA [Human Rights Association] reported that in terrorism-

related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as stipulated by law. It also reported that attorneys' access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients. Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. In April Human Rights Watch reported authorities frequently denied detainees access to an attorney in terrorism-related cases until security forces had interrogated the alleged suspect.

Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK [Kurdistan Worker's Party] or Gulen movement ties, because of fear of government reprisal, including prosecution. Government intimidation of defense lawyers also at times involved nonterror cases. [...] According to an April statement by the Council of Bars and Law Societies of Europe, since 2016 authorities had prosecuted 1,546 lawyers, arrested nearly 600, and sentenced 274 to lengthy prison terms. This practice disproportionately affected access to legal representation in the southeast, where accusations of affiliation with the PKK were frequent and population density of lawyers was low." (USDOS, 11 March 2020, section 1d)

The Netherlands Ministry of Foreign Affairs in October 2019 mentions legislative measures restricting the powers of lawyers:

"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." (Netherlands Ministry of Foreign Affairs, October 2019, p. 24)

The Commissioner for Human Rights of the Council of Europe (CoE-CommDH) Dunja Mijatović in February 2020 refers to restrictions "of access to the case file by the defence lawyer" which "seriously curtail the ability to challenge detentions":

"As regards pre-trial investigations, one of the main issues raised by the Commissioner [...] concerns the restriction of access to the case file by the defence lawyer, a problem which has become more acute and generalised in recent years. The Commissioner reiterates that the principle of equality of arms is routinely undermined in Turkey by such restrictions which seriously curtail the ability to challenge detentions, especially where there is no objective reason justifying such an access restriction. She notes in particular that decisions to restrict access to the investigation file, including for example very crucial witness

testimonies, the credibility of which can therefore not be challenged, are currently being taken almost as a matter of course based on highly stereotypical formulas, with no explicit reasoning balancing the human rights of the suspect against the need to protect the integrity of the criminal proceeding. While during the state of emergency, the power to restrict access to the investigation file was given directly to the prosecutor (without court control), the Commissioner understands that this provision was later abrogated.” (CoE-CommDH, 19 February 2020, p. 18)

Regarding the ability of detainees to challenge the lawfulness of detention before a court the USDOS notes:

“Detainees’ lawyers may appeal pretrial detention, although the state of emergency and subsequent antiterror legislation imposed limits on their ability to do so. The country’s judicial process allows a system of lateral appeals to criminal courts of peace for arrest, release, judicial control, and travel-ban decisions that substitutes appeal to a higher court with appeal to a lateral court. Lawyers criticized the approach, which rendered ambiguous the authority of conflicting rulings by horizontally equal courts. In addition, since 2016 sentences of less than five years’ imprisonment by regional appellate courts were final and could not be appealed. In October, however, as part of the judicial reform package, new measures were enacted that allow defendants in certain types of insult cases or speech-related cases to appeal to a higher court.

Detainees awaiting or undergoing trial prior to the state of emergency had the right to a review in person with a lawyer before a judge every 30 days to determine if they should be released pending trial. Under a law passed in July 2018, in-person review occurs once every 90 days with the 30-day reviews replaced by a judge’s evaluation of the case file only. Bar associations noted this element of the law was contrary to the principle of habeas corpus and increased the risk of abuse, since the detainee would not be seen by a judge on a periodic basis.

In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal case is proceeding. Nevertheless, a backlog of cases at the Constitutional Court slowed proceedings, preventing expeditious redress.” (USDOS, 11 March 2020, section 1d)

For detailed information on legal representation, the criminal justice system and the right to a fair trial, please see [section 6.1](#) of this compilation.

7.6 Torture and inhumane treatment

On 27 February 2018, Nils Melzer, the United Nations Special Rapporteur on torture “expressed serious concerns about the rising allegations of torture and other ill-treatment in Turkish police custody”. The press release published by the UN Office of the High Commissioner for Human Rights (OHCHR) goes on to say:

“Melzer said he was alarmed by allegations that large numbers of individuals suspected of links to the Gülenist Movement or the armed Kurdistan Workers’ Party were exposed to brutal interrogation techniques aimed at extracting forced confessions or coercing

detainees to incriminate others. Reported abuse included severe beatings, electrical shocks, exposure to icy water, sleep deprivation, threats, insults and sexual assault. The Special Rapporteur said no serious measures appeared to have been taken by the authorities to investigate these allegations or to hold perpetrators accountable. Instead, complaints asserting torture were allegedly dismissed by the prosecutor citing a 'state of emergency decree (Article 9 of Decree no. 667)' which reportedly exempts public officials from criminal responsibility for acts undertaken in the context of the state of emergency." (OHCHR, 27 February 2018)

The UK Home Office in an October 2019 report on a Fact-Finding Mission to Turkey conducted between 17 and 21 June 2019 provides the following information from various sources interviewed:

"The Human Rights Association explained 'Articles 94 and 95 of the Turkish Penal Code prohibit torture.' The interlocutor at the Ministry of Justice outlined that Turkey's policy of zero tolerance for any kinds of ill-treatment continues all the time. Andrew Gardner of Amnesty International also noted Turkey's 'zero tolerance for torture' policy, but also claimed that 'after the coup attitudes changed and it seems that in the months that followed authorities decided to revert to 'any means necessary.' He described a 'surge in the number of torture allegations [after the coup attempt], especially coming from perceived supporters of the Gulen movement'. However, Mr Gardner also noted that 'Torture isn't as bad as it was in the 90's and early 00's, but after a steep decline, cases are being reported again at a higher level than they were before the coup attempt.' The Director of a Turkish organisation in the UK also believed 'Torture takes place but not as widely as in the past.' [...]

Sources gave differing opinions on who may have been subjected to torture or other ill-treatment [...]

Referring to torture in police custody, the executive from the Human Rights Association stated, 'First and foremost, it depends on the province or region and the reason why the person was detained' and that they 'cannot say that one person from HDP [People's Democratic Party] will be tortured and another HDP member will not be tortured; this depends on the person, so there can be no such presupposition.' They also gave some specific examples of situations [...]. Andrew Gardner of Amnesty International acknowledged that torture is not used in every prison or with every prisoner. Mr Gardner also described how 'ill-treatment and systematic torture in Turkey is complicated.' [...] The Human Rights Association explained, 'Some practices of the police do not go as far as torture but can be called ill-treatment, such as rear-handcuffing, cursing, insulting, keep you in a standing position or not allowing you to change position.' [...]

In terms of where and when torture/ill-treatment may have taken place, Mr Celikkan believed that torture will happen in police custody. Another source stated that people were more likely to be ill-treated in police custody than in prison. [...] Mr Celikkan added that 'a new trend in Turkey is that the police take the prisoner to cars/buses to intimidate and interrogate them because there are cameras in the police station and around Istanbul or

else they take them to clandestine places for interrogation. [...] The intimidation and beatings start on the way to the police station in the car/buses/vans. Torture happens during interrogation, in interrogation beatings regularly take place.’ The Human Rights Association explained, ‘... torture takes place in different places (from the detention centre) where no cameras are present.’ (UK Home Office, 1 October 2019, pp. 41-42)

HRW mentions in its January 2020 annual report “[a] rise in allegations of torture, ill-treatment and cruel and inhuman or degrading treatment in police custody and prison over the past four years. According to HRW, “[t]hose targeted include Kurds, leftists, and alleged followers of Fethullah Gülen”. The same source adds that “[p]rosecutors do not conduct meaningful investigations into such allegations and there is a pervasive culture of impunity for members of the security forces and public officials implicated.” (HRW, 14 January 2020a)

Also in January 2020 several human rights NGOs release a joint statement on torture and ill-treatment which focuses on incidents in Ankara. According to the statement “[t]here has been an increase in kidnapping, torture and ill-treatment in custody [...] which has started especially with the State of Emergency process [...]. In the case of Ankara, these practices have unfortunately become systematic”. The statement explains:

“In Ankara Police Department, allegations of physical, psychological, sexual violence and torture have been brought up against 46 former employees of the Ministry of Justice. According to the information explained to the press and the public by the lawyers of the suspects following the meetings with their clients, as well as the information conveyed to the members of the Parliament, it is alleged that the persons were taken to a dark room in the Ankara Police Department, where they were stripped naked and beaten and subjected to sexual harassment. No explanation has been made by the Ministry of Interior and other competent authorities regarding these allegations, which have received wide public repercussions.” (Ankara Medical Chamber et al., 1 January 2020)

The Human Rights Foundation of Turkey (HRFT) in a September 2019 communication to the Committee of Ministers of the Council of Europe also reports on torture and ill-treatment practices, providing figures for 2018 and the first eight months of 2019:

“With the collapse of the peace process in July 2015, reports of torture and ill-treatment in police custody were on the increase. More significantly, in the weeks following the attempted coup in July 2016, reports of torture and other ill-treatment in police custody significantly increased. [...] Until today many consistent reports and statements have been issued on allegations and credible evidence that detainees in Turkey are being subjected to beatings and torture, including rape, in official and unofficial detention centers in the country. These reports also reveal a lack of effective investigation of torture and ill-treatment allegations. [...]

Torture and other ill-treatment practices at official detention locations

In 2018, 584 individuals applied to HRFT [Human Rights Foundation of Turkey] and when 51 relatives of applicants and those who were subjected to torture outside the country are kept aside, out of the 505 applicants that were directly subjected to torture or other

methods of ill-treatment, 257 (50,9%) applied for subjection to torture at police directorates, whereas 85 (16,8%) applied for subjection to torture at police stations. Other than torture at such official detention centers, 198 (39,2%) applicants also stated that they were subjected to torture in vehicles belonging to security forces. In only the first eight months of 2019, 602 individuals applied to HRFT for rehabilitation and medical documentation.

It would not be consistent to assume a linear relationship between the number of these applications and the number of torture victims across the country, however, this data, too, is a significant indicator regarding the widespread and serious nature of torture practices at official detention centers.” (HRFT, 16 September 2019, pp. 2-3)

The Turkish Human Rights Association (İnsan Hakları Derneği, İHD) in May 2020 reports on “a great increase in recent cases of torture and other ill-treatment practices” in 2019, referring to “[a]cts of torture at official detention centers and extra-custodial places, in the streets, in prisons and almost everywhere, along with the ‘extreme and disproportionate interference’ of the law enforcement amounting to the level of ‘torture’ in assemblies and demonstrations”. İHD provides figures on torture and other forms of ill-treatment in 2019:

“There are significant findings and allegations covering a wide area that point out to a great increase in recent cases of torture and other ill-treatment practices implemented in order to punish and/or intimidate and/or exercise power over persons and/or used as instruments of criminal procedure (intended for extracting confession or information/‘collecting evidence’). Acts of torture at official detention centers and extra-custodial places, in the streets, in prisons and almost everywhere, along with the ‘extreme and disproportionate interference’ of the law enforcement amounting to the level of ‘torture’ in assemblies and demonstrations have become widespread. Further, it has been observed that torture and other forms of ill-treatment were implemented in order to enhance the control and coercion of the political power over different segments of the society and to spread terror and fear.

- According to İHD’s data, the number of individuals alleging they were subjected to torture and other forms of ill-treatment under custody and at extra-custodial places in 2019 was 1,477.
- There are numerous pieces of evidence revealing the fact that the use of ‘extreme and disproportionate force’ by the law enforcement against individuals exercising their right to peaceful assembly and demonstration all over the country amounted to the level of torture and other forms of ill-treatment. [...] According to İHD’s data, law enforcement intervened 1,344 assemblies and demonstrations in 2019, while 3,935 people alleged that they were subjected to beating and ill-treatment during such interventions. [...]
- According to news reports and applications filed before the İHD, numerous persons including university students, journalists and activists were forced to testify off-the-record and to become informants through coercion and threats notably in İstanbul, Ankara, Diyarbakır and İzmir in 2019 and some those who refused to do so were detained on charges of “membership in an illegal organization” or were abducted only to be released

after some time having been subjected to various forms of torture and ill-treatment. The total number of applications alleging forced informant-making lodged before İHD's central offices and its branches in 2019 was 71. Media on the other hand reported 66 such cases. Thus a total of 137 persons were allegedly subjected to such torture and other forms of ill-treatment." (İHD, May 2020, pp. 8-9)

The USDOS notes in March 2020 that "[t]he constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but domestic and international rights groups reported that some police officers, prison authorities, and military and intelligence units employed the practices." The same source further elaborates on torture and ill-treatment as follows, also citing figures provided by the Human Rights Association and referring to investigations related to allegations of abuse:

"Domestic human rights organizations, the Ankara Bar Association (ABA), political opposition figures, international human rights groups, and others reported that government agents engaged in threats, mistreatment, and possible torture of some persons while in custody. In late May public reports alleged that as many as 100 persons, including former members of the Ministry of Foreign Affairs dismissed under the 2016-18 state of emergency decrees due to suspected ties to the Gulen movement, were mistreated or tortured while in police custody. The ABA released a report that detailed its interviews with alleged victims. Of the six detainees the ABA interviewed, five reported police authorities tortured them. [...] In Van three Kurdish minors between the ages of 14 and 17 said they were subjected to torture while in police custody in February. [...] On September 15, media reported the prosecutor in the case asked the Van governorship for permission to investigate 66 police officers implicated in the complaint. The governorate denied the request, stating that the officers 'used proportionate force' against the victims.

Human rights groups also reported torture and mistreatment of persons in police custody. Reports indicated that police abused detainees outside police station premises and that mistreatment and alleged torture was more prevalent in some police facilities in parts of the southeast, including Sanliurfa and Van. The Human Rights Association (HRA) reported that during the first six months of the year, it received 65 complaints that alleged torture or inhuman treatment in the east and southeast regions. The HRA also reported that intimidation and shaming of detainees by police were common and that victims hesitated to report abuse due to fear of reprisal. The HRA reported separately that in the first 11 months of the year, it received 840 complaints of abuse by security forces, including 422 complaints alleging torture and inhuman treatment. In December the minister of interior reported the ministry had received 31 complaints in 2018 alleging abuse while in custody.

The government asserted that it followed a 'zero tolerance' policy for torture. [...] According to 2018 Ministry of Justice statistics, the government opened 2,196 investigations related to allegations of abuse. Of those, 1,035 resulted in nonprosecution, 766 resulted in criminal cases, and 395 in other decisions. The government did not release data on its investigations into alleged torture. Human rights groups asserted that individuals with alleged affiliation with the PKK or the Gulen movement were more likely to be subjected to harsh treatment.

A May report by the Sanliurfa Bar Association alleged that officials tortured 54 men, women, and children in Halfeti, Sanliurfa Province, on May 18. The report asserted the individuals were subjected to torture in detention following the death of a police officer in the town.” (USDOS, 11 March 2020, section 1c)

A translation of the above-mentioned report of the Ankara Bar Association can be accessed via the following link:

- Ankara Bar Association: Report regarding claims of torture in Ankara provincial police headquarters investigation department of financial crimes, 28 May 2019
<https://arrestedlawyers.files.wordpress.com/2020/01/joint-report-ankara-bar-28-may-2019.pdf>

The UK Home Office in October 2019 provides the following information from various sources interviewed on complaints about torture and investigations:

“In terms of investigations, the interlocutor at the Ministry of Justice explained that ‘... all kinds of allegations in this respect are investigated and where the truth of such allegations is established, necessary actions are taken.’ [...] The Director of a Turkish organisation in the UK opined that officers receive accolades for torture. However, no other sources corroborated this and it would appear to directly contradict the Government’s position regarding a ‘zero tolerance’ [...]. More likely is references from other sources that few complaints were made about torture and/or a limited number of cases were investigated. For example, Mr Gardner added that perpetrators acting on behalf of the government wouldn’t be prosecuted, there were not many investigations opened. People were afraid to make complaints about torture, especially after the authorities claimed making such complaints to be a tactic of FETO [Fethullahist Terrorist Organisation]. Another source stated that not many complaints have been made about ill-treatment in prison. The Human Rights Association opined that ‘because of impunity very few people are put on trial for torture’. [...] Sebnem Financi of the HRFT [Human Rights Foundation of Turkey] stated: ‘Impunity is a problem; Turkish government has not published report for 2018 on number of torture investigations. ‘In 2017 for Article 94: 85 indictments against the security for torture, only seven were convicted for torture. [...]

When asked whether victims of torture have made formal complaints, the Director of a Turkish organisation in the UK opined that ‘no-one would dare make a complaint [about treatment by the police]’ and that ‘if they complain about torture they would probably be tortured again.’ However, the same source noted that some torture victims have complained to Amnesty International (AI), but members of AI in Turkey have themselves been arrested and detained. Other sources also pointed to examples of complaints, including up to the ECtHR [...]” (UK Home Office, 1 October 2019, pp. 44-46)

The above-cited May 2020 IHD report also contains information on investigations and trials for the offenses of torture and ill-treatment as well as touching upon impunity:

“According to the ‘2018 Legal Statistics’ data provided in 2019 by the Ministry of Justice’s General Directorate of Criminal Records and Statistics, investigations were initiated into 2,196 persons under Articles 94 and 96 of the Turkish Penal Code (TPC) which designate

torture and ill-treatment offenses, while non-prosecution decisions were delivered for 1,035 persons, 766 persons stood trial, and various other decisions were handed down for 395 persons. The statistics reveal that there is a significant rise in the number of investigations and trials for the offense of torture and ill-treatment even in official figures.

Further, investigations were initiated into 163,032 persons, while 48,064 of these faced trial in 2018 due to 'offenses against the reliability and functioning of public administration' under Article 265 of the TPC that proscribes prevention of public duty or resisting a public officer. The fact that there is such a significant difference between trials for torture and resistance under the state of emergency conditions where violence by the law enforcement skyrocketed is a clear signifier of the dimensions of impunity which is indeed being pursued as a systematic policy." (IHD, May 2020, pp. 9-10)

With regard to hazing, physical abuse, and torture of military conscripts as well as physical abuse, punishment and torture in the context of the internal conflict with the PKK the USDOS states:

"Some military conscripts endured severe hazing, physical abuse, and torture that sometimes resulted in death or suicide. The Association for Suspicious Military Deaths and Victims reported there were 202 suspicious deaths between 2012 and 2015, with the numbers decreasing each year during that period. The HRA [Human Rights Association] and HRFT [Human Rights Foundation of Turkey] reported at least 17 deaths as suspicious deaths during the year. In July the HRA reported a Kurdish soldier serving in Adapazari was severely beaten by other soldiers in his brigade because of his ethnic identity." (USDOS, 11 March 2020, section 1c)

"Physical Abuse, Punishment, and Torture: Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast. There was little accountability for mistreatment by government authorities. In April a Gevas court acquitted a police officer who was accused of torturing four village residents in 2017. Although victims identified seven police officers, the prosecutor pressed charges against only one." (USDOS, 11 March 2020, section 1g)

7.6.1 Torture in prisons

According to the European Commission's May 2019 report, "[i]n 2018, the Directorate-General for Prisons and Detention Houses received 877 complaints alleging torture and ill-treatment in prisons and detention centres. Legal and administrative action had been taken against 543 personnel by December 2018." (European Commission, 29 May 2019, p. 31)

In an August 2019 submission for the UN Universal Periodic Review Amnesty International states the following regarding allegations of torture and other ill-treatment in prisons:

"After the failed coup in 2016, more than 50,000 people were detained. Amnesty International has gathered credible evidence that some of the detainees were subjected to torture, including rape, as well as other ill-treatment in official and unofficial police detention centres. These violations have partially been facilitated by legal amendments introduced during the state of emergency which suspended key safeguards protecting

detainees from torture and other ill-treatment, for example in relation to the maximum duration in police custody and access to lawyers. Amnesty International has also received credible allegations of more recent cases of torture. In Urfa, eastern Turkey, men and women who were detained in May 2019 after an armed clash between security forces and the armed PKK reported, through their lawyers, torture including electrocution of genitals. The lawyers reported that at least some of the former Ministry of Foreign Affairs officials, who were detained in Ankara Security Directorate in May 2019 in relation to crimes of ‘membership of a terrorist organization, aggravated fraud and forgery for terrorism purposes’, were stripped naked and threatened with being raped with batons. In both cases, lawyers have also reported that their clients did not have access to a confidential consultation with a doctor.” (AI, August 2019, pp. 11-12)

IHD notes in May 2020 that “torture and other ill-treatment against prisoners have also skyrocketed following the declaration of the SoE [state of emergency]”. The same source continues:

“[...] Practices like beating prisoners for various reasons (strip search, medical examination in handcuffs, forced reporting at standing roll-calls) at the time of and after admission to the prison, labeling those who were imprisoned for political offences as ‘terrorists’ and beating them for this reason, all kinds of arbitrary treatment and disciplinary actions, solitary confinement, forced and involuntary transfers have recently reached unprecedented levels. Solitary confinement or isolation in small groups, which has been in practice since 2000 and has seriously been impairing the physical and psychological integrity of prisoners, is a deteriorating problem that has also become widespread.” (IHD, May 2020, pp. 11-12; see also TOHAV et al., July 2019, p. 4)

The UK Home Office in October 2019 provides the following information from various sources interviewed on complaints in connection with prisons:

“Mr Arslan mentioned the kinds of complaints received by the NHREIT [National Human Rights and Equality Institution, Turkish: Türkiye İnsan Hakları ve Eşitlik Kurumu, TIHEK] in connection with prisons: ‘Most of the complaints that are received are not about torture and ill-treatment, but more about access to healthcare, no sports hall, read a book, no cultural activities. ‘We did not observe different treatment of detainees in different detention centres but some physical conditions of centres differ from place to place, because some centres are newly built, and some are older. ‘We also observe some good examples that management of prison behave very sensitive. [...] ‘A lot of people who complain do not complain about the treatment of officers, but about the prison conditions. ‘It is a well-known problem that some prisons or some wings are crowded. But new prisons are opening. Overcrowding is due to various issues which are temporary such as 15 July coup, therefore we had a sudden increase in numbers of prisoners. When the new prisons open and release of relevant detainees after the court decisions this issue should be resolved. ‘We did not observe that there is an discrimination on the grounds of ethnicity [...].’ Mr Arslan further stated: ‘[...] we are a young institution; our number [of complaints received] will go up over the years. But 598 applications last year, but not all of these are about torture, it can be about the centres [...]. ‘Some of the complaints are about

healthcare services, many detention/prison centres have healthcare centres, but sometimes when a prisoner needs to be taken to a hospital outside of the detention centre, they will have to wait to be seen, however even the normal citizen in Turkey must wait at the hospital, sometimes complaints like these are sent in.” (UK Home Office, 1 October 2019, pp. 45-46).

IHD in its May 2020 report expresses criticism of the Human Rights and Equality Institution of Turkey, one of the sources interviewed by the UK Home Office:

“The problems that form the basis of our critique of the Human Rights and Equality Institution of Turkey (TİHEK) authorized as the ‘National Prevention Mechanism’ which is supposed to be an effective and significant instrument for the prevention of torture have also remained the same as of 2019. No steps were taken to make TİHEK operate in line with the Paris Principles and OPCAT [Optional Protocol to the Convention against Torture] provisions. Functional and financial independence problems, which are among these foremost principles, have yet to be resolved. There are principal and methodological errors in the visit reports issued by the institution as well. IHD maintains its impression based on these reports issued in 2019 that preventive visits to detention centers did not bear the minimum standards and that these visits were paid only as a formality.” (IHD, May 2020, p. 9)

Regarding prison monitoring boards the European Commission’s May 2019 report notes:

“Prison monitoring boards, which were dissolved following the attempted coup, were re-established with similar structures, and they remain largely ineffective. There are also concerns related to the lack of access by civil society organisations to prisons, despite the allegations of human rights violations. Given that the national preventive mechanism is not fully operational, there is no oversight over human rights abuses in prisons.” (European Commission, 29 May 2019, p. 31)

The USDOS describes the administration of prisons and independent monitoring as follows:

“Administration: Authorities at times investigated credible allegations of abuse and inhuman or degrading conditions but generally did not document the results of such investigations in a publicly accessible manner or disclose publicly whether actions were taken to hold perpetrators accountable. The government did not release data on investigations (both criminal and administrative) of alleged prison violence or mistreatment. Some human rights activists reported that prisoners and detainees were sometimes arbitrarily denied access to family members and lawyers. There was at least one report of prison authorities denying access to religious observance.

Independent Monitoring: The government allowed prison visits by some observers, including parliamentarians. The Council of Europe’s Committee for the Prevention of Torture (CPT) visited the country in May and interviewed a large number of prisoners at various sites. As of December the government had not approved the public release of the CPT report and findings. The government did not allow NGOs to monitor prisons.” (USDOS, 11 March 2020, section 1c)

“The government continued to staff its human rights monitoring body, the NHREI [National Human Rights and Equality Institution]. According to August press reports, the NHREI received at least 10 applications regarding prison conditions and the practices of prison authorities. The NHREI did not accept any of the complaints. In response to an application regarding prison overcrowding, the NHREI stated that ‘due to the increased number of arrestees [related to the state of emergency period] and intensity of the capacity in prisons, such practice shall be accepted as proportionate.’ Critics complained the institution was ineffective and lacked independence.” (USDOS, 11 March 2020, section 5)

7.7 Extrajudicial killings or disappearances

7.7.1 Extrajudicial killings

No information could be found on concrete cases of extrajudicial killings since 2018. There are unspecific and undated references by sources to unlawful or extrajudicial killings in connection with the conflict with the PKK (USDOS, 11 March 2020, Section 1a; DFAT, 9 October 2018, p. 41). Extrajudicial killings are also mentioned with regard to the Turkish offensive in Syria (USDOS, 11 March 2020, Section 1a; France 24, 21 October 2019).

A March 2020 report by the Norwegian Helsinki Committee (NHC), an Oslo-based non-governmental organisation working to ensure the respect of human rights in Europe and the countries of the former Soviet Union, refers to killings during the Turkish 2015-16 security operations in in South East Turkey (NHC, 26 March 2020, p. 3), The November 2019 compilation of UN information to the Working Group on the Universal Periodic Review and the November 2019 summary of stakeholders’ submissions on Turkey also refer to the years 2015 and 2016 for killings of civilians (HRC, 12 November 2019a, p. 4; HRC, 12 November 2019b, p. 4), but do not mention more recent cases.

The Turkish Human Rights Association (IHD) mentions in its May 2020 report on human rights violations in Turkey in 2019 that “9 individuals lost their lives, while 16 were wounded due to summary execution, random shootings, or fire on the grounds that they disobeyed stop warnings by the law enforcement” (IHD, May 2020, p. 6). However, the report does not provide any specific details.

7.7.2 Disappearances

A July 2016 report by the UN Working Group on Enforced or Involuntary Disappearances published by the UN Human Rights Council (HRC) notes:

“The first legislation-related challenge identified by the Working Group concerns the fact that there is no autonomous criminal offence of enforced disappearance in Turkey, which is an obvious problem when it comes to the investigation, prosecution and adjudication of the acts of enforced or involuntary disappearance. Enforced disappearances are investigated and prosecuted as an element of other criminal offences, such as murder, torture or arbitrary deprivation of liberty. This means that even when the act of enforced disappearance is obvious but the ‘parent’ crime, that is to say, the crime that includes an episode of enforced disappearance, does not reach the required standard of proof, the criminal case is either terminated or the trial ends in an acquittal.” (HRC, 27 July 2016, p. 5)

An overview of Turkey's obligations under national and international law with regard to enforced disappearances can be found in the following November 2019 Factsheet by the Arrested Lawyers Initiative:

- The Arrested Lawyers Initiative: Factsheet: Enforced Disappearances and Turkey, 18 November 2019
<https://arrestedlawyers.files.wordpress.com/2019/07/factsheet.pdf>

The European Commission's May 2019 report covering the period from 1 March 2018 to 1 March 2019 notes that "alleged cases of abductions and enforced disappearances by security or intelligence services in several provinces have not been adequately investigated." The report adds that "[i]mpunity remains for such abuses" and that "[l]egislation adopted in June 2016 grants judicial privileges to the security forces, which increase the risk of impunity." (European Commission, 29 May 2019, p. 30)

The Turkish Human Rights Association (IHD) states in May 2020 that "[s]even cases of enforced disappearance/abduction were ascertained in 2019 and the families of six of these individuals have lodged applications before the IHD". The organisation adds that "[f]ive of these applications were communicated to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) and the disappeared were found following these communications" (IHD, May 2020, p. 9). IHD further notes:

"The fate and whereabouts of the sixth individual still remains unknown. It was also understood that the found individuals had been subjected to torture and illtreatment." (IHD, May 2020, p. 9)

Bianet notes in a May 2020 article that Sezgin Tanrıku, member of Parliament of the CHP, has prepared a report on enforced disappearances in Turkey between 1980 and 2020. According to Tanrıku, there has been an increase in cases of enforced disappearances since the coup attempt in July 2016. The Bianet article further mentions that in 2020 four people have disappeared so far. (Bianet, 28 May 2020)

The UK Home Office in an October 2019 report on a Fact-Finding Mission to Turkey conducted between 17 and 21 June 2019 cites information provided in June 2019 by the Human Rights Association (IHD). The interlocutor states:

"When it comes to members of the Fethullah Gülen Organization they are forced to disappear; this is enforced disappearance. Members of the Fethullah Gülen Organization are subjected to long hours of torture. There are accounts that they have been abducted in this way and subjected to torture for months. So torture is done to both members of the Fethullah Gülen Organization and Kurdish people, but it is different. Members of the Fethullah Gülen Organization disappear and will be tortured in detention for long hours/months at a time and then released. They are taken away to detention places. There are 6 people whose whereabouts and fates are still unknown. There is no fear for the government of retaliation. But this is not the case for Kurdish people as the PKK will retaliate." (UK Home Office, 1 October 2019, p. 102)

The UK Home Office report further notes the following on abductions:

“One source noted that the Ankara Bar Association are currently dealing with the abduction of six people in February 2019. Murat Celikkan, Director of Hafiza Merkezi, stated that there are 22 new claims of enforced disappearance at present. [...]

An executive from the Human Rights Association believed that police intelligence officials target those students at university who have better social relations and approach them to cooperate. If they do not, they are threatened or coerced. They pointed to their 2018 findings in which they concluded 160 people were threatened to be a spy. 28 people of 160 were abducted and kept in a place against their will over the course of the day. [...]

However, the anonymous source stated that almost all cases of abduction are of Gulenists, rather than Kurds or HDP [People’s Democratic Party] members, although one left-wing militant had also been abducted. The source stated that abducted persons were held illegally in police custody . An executive from the Human Rights Association also stated, ‘When it comes to members of the Fethullah Gülen Organization they are forced to disappear [...].’” (UK Home Office, 1 October 2019, p. 48)

According to the USDOS, “[d]omestic and international human rights groups reported disappearances during the year [2019], some of which these groups alleged were politically motivated” (USDOS, 11 March 2020, Section 1b). The report goes on to say:

“HDP [Peoples’ Democratic Party] member of parliament Omer Faruk Gergerlioglu reported 28 individuals disappeared or were the victims of politically motivated kidnapping attempts in the first seven months of the year. In August several opposition political party members noted via social media that four of six individuals disappeared around the same time in February, whom authorities suspected of having links with the Gulen movement, had been found after the Ankara Antiterror Branch Office called their families to inform them that the individuals were in police custody. They included Erkan Irmak (reported missing February 16), Salim Zeybek (reported missing February 21), Ozgur Kaya (reported missing on February 13), and Mikail Ugan (reported missing on February 13). In November Mustafa Yilmaz (reported missing on February 19) and Gokhan Turkmen (reported missing February 7) were ‘found’ in Ankara. Eyewitness reports in February alleged that approximately 40 plainclothes police officers in Ankara abducted several of the men and took them away in an unmarked van. The government declined to provide information on efforts to prevent, investigate, and punish such acts.” (USDOS, 11 March 2020, Section 1b)

AI in its April 2020 annual report provides the following information on enforced disappearances in Turkey, also referring to the men abducted in February 2019:

“Six men, accused of links with the Fethullah Gülen movement who went missing in February, suspected of having been the victims of enforced disappearance, resurfaced in police detention five to nine months after their disappearance. The authorities did not provide any information to the public or the families of the men about the circumstances surrounding their disappearance or how five came to find themselves in the Anti-Terrorism Branch of the Ankara Police Headquarters and one in the Antalya Police Headquarters

months after their disappearance. The six men were reported by their families to have lost weight, be very pale and nervous. The men reportedly did not disclose what had happened to them during the months they were disappeared. Following up to 12 days in police custody, they were all remanded in pre-trial detention on terrorism charges following court hearings without the knowledge of their lawyers or families. The fate and whereabouts of a seventh man, Yusuf Bilge Tunç, who disappeared in August under similar suspicious circumstances remained unknown at the end of the year.” (AI, 16 April 2020)

HRW in April 2020 similarly reports on the six men who were abducted in February 2019. Concerning one of them, Gökhan Türkmen, HRW urges the Turkish authorities to investigate the “credible testimony [...] that state agents forcibly disappeared him for nine months and tortured him”. According to HRW, Gökhan Türkmen “is one of at least two dozen people over the past three years whose families, or in a few cases the individuals themselves, have said they have been abducted and forcibly disappeared by government agents for many month”. The article provides a detailed description of the case of Gökhan Türkmen. HRW also mentions that the fate of a seventh man who disappeared in August 2019 remains unknown. (HRW, 29 April 2020)

The Ankara Bar Association in February 2020 released a report on the enforced disappearance of the seven men mentioned above. The report can be accessed via the following link;

- Ankara Bar Association: Joint Monitoring Report, 13 February 2020 (available at archive.org) <https://web.archive.org/web/20200509190221/http://www.ankarabarassociation.org/HaberDuyuru.aspx?Announcement&=1922>

HRW in its April 2020 article further notes:

“Human Rights Watch has received information from lawyers about two other cases of alleged enforced disappearances. One man, Mesut Geçer, said he was forcibly disappeared in March 2017, and was held for 16 months and repeatedly tortured before being transferred to police custody. Ayten Öztürk has said that in March 2018 she was forcibly disappeared and tortured for over five months before being officially registered in police custody. Both are in pretrial detention. There has been no effective investigation into the circumstances of either’s detention and allegations of forcible disappearance and torture.

Human Rights Watch has received unconfirmed reports that intelligence agents from Turkey’s National Intelligence Agency carried out the enforced disappearances and that the men, though not Öztürk, may either have worked directly for the intelligence services or been in contact with intelligence officers through Gülen movement networks. Human Rights Watch can neither lend credibility to nor discredit these claims as such a line of enquiry is outside the scope of the organization’s work.” (HRW, 29 April 2020)

Solidarity with OTHERS, a Brussels-based NGO consisting “of political exiles from Turkey such as lawyers, journalists and businesspeople as well as of local citizens who have joined in as founders, employees or volunteers” which describes its aim as “defending and promoting human rights and freedoms in Turkey and elsewhere” (Solidarity with OTHERS, undated) in May 2020 published a report on enforced disappearances in Turkey since 2016. The report provides

an analysis of 25 concrete cases of enforced disappearance and can be accessed via the following link:

- Solidarity with OTHERS: Enforced disappearances: Turkey's open secret, May 2020
https://b2923f8b-dcd2-4bd5-81cd-869a72b88bdf.filesusr.com/ugd/b886b2_e59e82b397704cb3bf609c872c46c28d.pdf

Older information on enforced disappearances in Turkey can be found in the following June 2017 report by the Stockholm Center for Freedom (SCF):

- SCF – Stockholm Center for Freedom: Enforced disappearances in Turkey, June 2017
https://stockholmcf.org/wp-content/uploads/2017/06/Enforced-Dissapearances-in-Turkey_22_June_2017.pdf

7.8 Specific Groups

7.8.1 *Situation of women*

The Washington-based think tank Middle East Institute (MEI) (MEI, undated) in a December 2019 article on violence against women in Turkey provides the following information on the perception of women in the country, on socially constructed roles and on family-oriented government policies:

“‘Women and men could not be treated equally. It is against nature,’ said President Recep Tayyip Erdogan in 2014, accusing feminists of ‘rejecting motherhood.’ Two years later he argued that women who are not mothers are ‘incomplete,’ urging them not to use birth control and to have at least three children to ensure the growth of Turkey’s population. Erdogan’s sexist comments are no coincidence, and his anti-feminist, family-oriented rhetoric has a strong influence on legal practices and policy implementation. A de facto ban on abortion is an excellent example of this. Shortly after President Erdogan equated abortion with murder in 2012, the number of state hospitals providing abortion services dropped dramatically, leaving some women as well as health practitioners in doubt if abortion, legalized in 1983, was still legal or not.

The neoliberal economic policies of the AKP [Justice and Development Party] go hand in hand with religious conservatism, reinforcing socially constructed roles, equating womanhood with ‘sacred motherhood,’ and maintaining the traditional Turkish family model. Conservative circles in Turkey, for instance, claim that laws promoting gender equality and providing protective mechanisms for women are tearing families apart. Thus, because of efforts to raise awareness among women about their human rights, the same circles are currently pushing the government to abolish both the ‘Istanbul Convention’ and Law No. 6284, two major accomplishments of the women’s movement in Turkey.

The Turkish government’s efforts to prioritize the preservation of family unity are costing women their lives. Family-oriented policies emphasizing the role of women as ‘housewives’ and ‘mothers’ are expanding at the expense of women’s rights. Since the government perceives women’s empowerment as a threat to the unity of the family, and ‘the strength of a nation lies in the strength of families’ as Erdogan puts it, the rights of women are ignored at the individual level.” (MEI, 18 December 2019)

Balkan Insight, an online publication of the Balkan Investigative Reporting Network (BIRN), producing analytical and investigative journalism on political, economic and social issues, in a September 2019 article states the following on the status of women in Turkey:

“[Nuray] Cevirmen [secretary of women’s rights at the Human Rights Association in Ankara] argued that women have second-class status in Turkey and the government does not want to see them in prominent roles in society. ‘The role of women comes down to being a mother, being a wife and being dependent on men,’ she said. [...] Cevirmen argued that the government ‘priorities the family, not the woman as a person’. [...]

Cevirmen claimed that President Erdogan and his ruling Justice and Development Party, AKP, do not accept that women’s role in society has changed and oppose gender equality initiatives. ‘Funds and donations from the government never go to projects at local levels and in schools which aim to improve the awareness of this very important issue [violence against women]. On the contrary, the government stops those initiatives since it sees them as a threat against its rule,’ she said. [...]

Women are also marginalised when it comes to political decision-making, experts pointed out. According to KA.DER, a women’s rights NGO, only 43 women were elected as provincial and district mayors in the last local elections in 2019, and only 104 of a total of 600 Turkish lawmakers in parliament are women. ‘You can see women in politics but they are never being involved in decision-making processes. The numbers of woman ministers, MPs and mayors proves this,’ Cevirmen said.” (Balkan Insight, 2 September 2019)

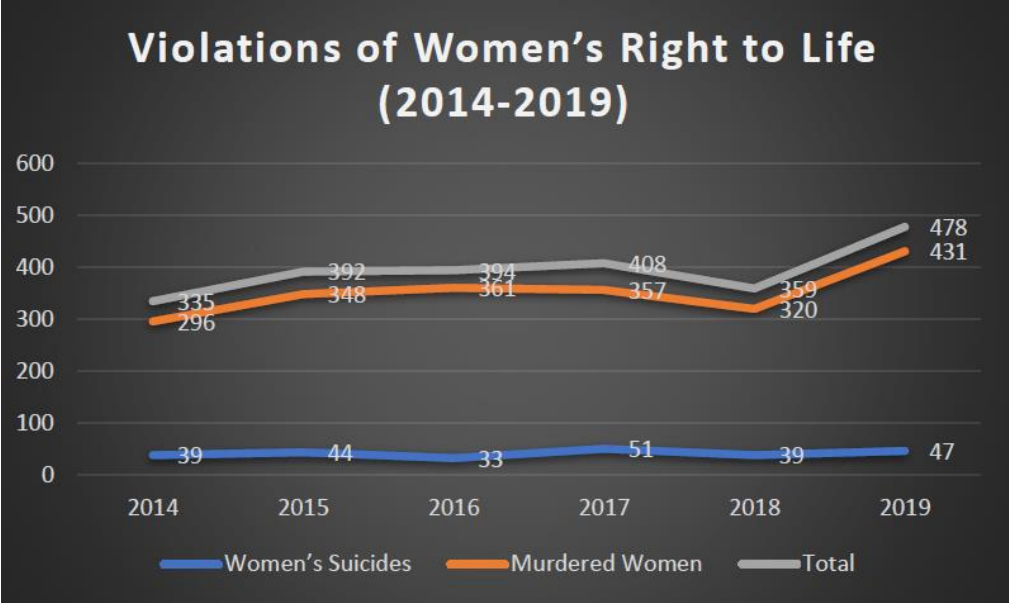
According to the USDOS March 2020 report, “[t]he government and independent monitoring groups reported with concern that violence against women, particularly femicides, increased, compared with 2018” (USDOS, 11 March 2020, Section 6).

Balkan Insight in its September 2019 article refers to the problem of obtaining accurate figures regarding femicides and violence targeting women:

“Turkish state institutions do not release any regular data about murders of women but human rights NGOs jointly collect the gloomy data. [...] ‘The issue of numbers is a big problem. There are few if any official statistics although women’s groups have been asking for them for years,’ Professor Mary Lou O’Neil, director of the Gender and Women’s Studies Research Centre at Kadir Has University in Istanbul, told BIRN. ‘Women’s groups keep their own statistics but these of course are mostly those that we know of and there is little doubt that these are under-reported,’ O’Neil added. The data on violence against women that exists has been compiled from media reports but experts suspect that the reality is much worse. ‘The violence usually do not go to the legal authorities if it happens within the family. If it is not within the family, it may go to the legal authorities but then the state prefers to offer reconciliation rather than penalising the men,’ Cevirmen said.” (Balkan Insight, 2 September 2019)

The Turkish Human Rights Association (IHD) in May 2020 provides the following figures on women for 2019 and an infographic showing how many women were killed and how many committed suicide between 2014 and 2019:

“At least 431 women were killed due to male violence, while 359 survived with injuries in 2019. According to IHD’s data, 726 women were subjected to violence in public and private spaces, while 499 women were sexually assaulted and abused. The number of women forced into prostitution was 721.” (IHD, May 2020, p. 7)



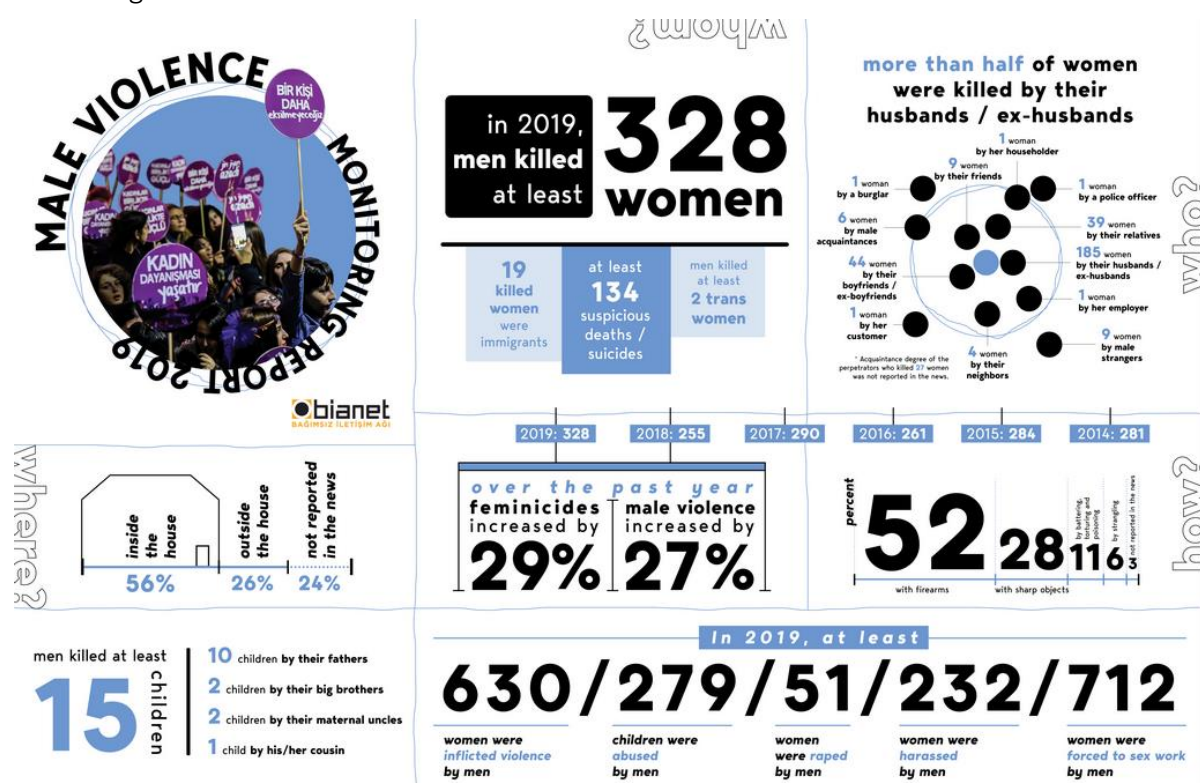
Source: [IHD, May 2020, p. 30](#)

According to the Turkish We will stop femicide platform which, according to its website, “fights against all types [of] women’s rights violations, starting with the violation right to life” (We will stop femicide platform, undated), reports based on data collected from media and information delivered from families that in 2019, 474 women were killed due to male violence. Of those femicides, 115 were recorded as suspicious deaths, for 218 femicides no motive could be found. (We will stop femicide platform, 20 January 2020)

The independent, Istanbul-based news source Bianet on its website provides monthly male violence monitoring reports. Those reports are compiled from local and national newspapers, news websites and agencies and cover the topics femicide, murder of children, rape, harassment, child abuse, forced sex work and violence and can be accessed via the following link:

- Bianet: Bianet is Monitoring Male Violence, 29 November 2011 <http://bianet.org/english/gender/134394-bianet-is-monitoring-male-violence>

In February 2020 Bianet published an infographic summarising the results of the male violence monitoring in 2019:



Source: [Bianet, 14 February 2020](https://bianet.org.tr/2020/02/14/bianet-2019-iletilim-sonuc-2019-2020/)

According to the figures provided by Bianet for 2020, 97 women have been killed in the first five months of the year. (Bianet, 29 November 2011)

The following femicide figures are based on data by the We will stop femicide platform:

Year	Femicides
2013	237
2014	294
2015	303
2016	328
2017	409
2018	440
2019	474

(years 2013-2015: We will stop femicide platform, 7 January 2016; years 2016-2019: We will stop femicide platform, 20 January 2020)

The USDOS in March 2020 mentions that “[h]uman rights activists and academics reported the problematic practice of ‘honor killings’ of women continued across the country (31 cases

reported during the year)” and adds that “[t]he prevalence of killings was most severe in the southeast” (USDOS, 11 March 2020, Section 6). The report further explains:

“Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that courts often reduced actual sentences due to mitigating factors. The law allows judges, when establishing sentences, to take into account anger or passion caused by the ‘misbehavior’ of the victim.” (USDOS, 11 March 2020, Section 6)

MEI further notes in the above-cited December 2019 article that “[u]nlike many countries around the world, laws are in place to prevent and combat violence against women”, but “when it comes to implementing these laws, failures leave women unprotected against male violence”. MEI further adds that “[t]he government’s patriarchal approach is one of the main barriers to the implementation of legislation already on the books (MEI, 18 December 2019). MEI explains:

“In 2011, Turkey became the first country to sign and ratify the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence, known as ‘Istanbul Convention.’ The convention criminalizes all forms of gender-based violence and the signatories are obliged to take necessary measures to prevent violence against women. In 2012, Turkey adopted ‘Law No. 6284 to Protect Family and Prevent Violence Against Women,’ and the ruling Justice and Development Party (AKP) launched national action plans for gender equality. The Turkish system, however, continues to fail when it comes to protecting women due to a lack of political will.” (MEI, 18 December 2019)

An unofficial translation of the mentioned Law no 6284 can be found via the following link:

- Law to protect family and prevent violence against women, Law no 6284, 8 March 2012, unofficial translation
<http://ilo.org/dyn/natlex/docs/SERIAL/91822/106656/F-1918776246/Non-official%20translation%20-%20Law%20to%20protect%20famil.pdf>

The Law to protect family and prevent violence against women in Turkish language can be accessed via the following link:

- Law to protect family and prevent violence against women, Law no 6284, 8 March 2012
<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6284&MevzuatTur=1&MevzuatTertip=5>

The above-cited September 2019 article by Balkan Insight notes with regard to the implementation of existing legislation:

“Turkey has one of the worst records in the world in terms of murders and violence against women, and experts say that Turkish authorities fail to offer women proper protection. ‘The government does not enforce the law which is part of the constitution and a requirement under international agreements,’ Nuray Cevirmen, secretary of women’s rights at the Human Rights Association in Ankara, told BIRN. Cevirmen said that Turkey has a very conservative, male-dominated society in which men are resistant to challenges to their privileges. ‘National and international legislation offers full protection to women but

the Turkish government willingly hesitates to implement these laws in full because of its understanding of the role of women,' she added. [...] Cevirmen argued that the government 'priorities the family, not the woman as a person'. 'Therefore the men are not being penalised and the male-dominated legal system which is supported by the Erdogan government applies unfair, reduced sentences [to male perpetrators of violence against women]. This creates an environment in which women become unprotected and men know that there is impunity for their crimes. This is the main reason why the number of murders of women is increasing,' she added." (Balkan Insight, 2 September 2019)

The USDOS in its March 2020 report elaborates on rape and domestic violence in Turkey, referring to criminal penalties for different types of violence against women. It also deals with the enforcement of these laws and protection granted to victims through shelters, violence-prevention and monitoring centres, a nationwide domestic violence hotline and web application as well as through restraining orders issued by courts:

"Rape and Domestic Violence: The law criminalizes violence against women and sexual assault, including rape and spousal rape, with penalties of two to 10 years' imprisonment for conviction of attempted sexual violation and at least 12 years' imprisonment for conviction of rape or sexual violation. The government did not effectively or fully enforce these laws or protect victims. [...]

The law covers all women and requires police and local authorities to grant various levels of protection and support services to survivors of violence or those at risk of violence. It also mandates government services, such as shelter and temporary financial support, for victims and provides for family courts to impose sanctions on perpetrators. The law provides for the establishment of violence-prevention and monitoring centers to offer economic, psychological, legal, and social assistance. There were 81 violence prevention centers throughout the country, one in each province. There were 144 women's shelters nationwide, providing shelter to approximately 30,000 women. Women's rights advocates asserted there were not enough shelters to meet the demand for assistance and that shelter staff did not provide adequate care and services, particularly in the southeast. Some NGOs noted shelters in multiple southeastern provinces closed during the state of emergency and that others faced difficulty following the removal of elected mayors and appointment of government trustees, some of whom cut funding and ended partnerships with the local NGOs. Some NGOs noted the lack of services was more acute for elderly women and LGBTI women as well as women with older children. The government operated a nationwide domestic violence hotline and web application called the Women Emergency Assistance Notification System (KADES). NGOs asserted the quality of services provided in calls was inadequate for victims of domestic violence. According to press reports, 13,000 women had used the KADES app to report violence as of September.

Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Spousal rape is a criminal offense, and the law also provides criminal penalties for conviction of crimes such as assault, deprivation of liberty, or threats. Despite these measures, killings and other forms of violence against women continued unabated. [...] Courts regularly issued restraining orders to protect victims, but

human rights organizations reported that police rarely enforced them effectively. Women's associations also charged that government counselors and police sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families. [...] Courts in some cases gave reduced sentences to some men found guilty of committing violence against women, citing good behavior during the trial or 'provocation' by women as an extenuating circumstance of the crime. [...]

Some women's rights NGOs asserted that weak legal enforcement of laws to protect women and light sentencing of violent perpetrators of crimes against women contributed to a climate of permissiveness for potential offenders. Women's advocates expressed concern that laws passed in 2018 to encourage dispute resolution through mediation rather than the court system would reduce the severity of criminal punishment given perpetrators of violence against women, thereby reducing the deterrent effect of the law, undermining women's safety, and potentially enabling impunity." (USDOS, 11 March 2020, Section 6)

Older information on shelters and protection orders in Turkey can be found in the following document submitted probably in 2017 by the Women's Shelter Foundation to the UN Special Rapporteur on Violence against Women:

- Women's Shelter Foundation: Shelters and protection orders, undated
<https://www.ohchr.org/Documents/Issues/Women/SR/Shelters/Womens%20Shelter%20Foundation.pdf>

As mentioned above, the USDOS states that "[t]here were 144 women's shelters nationwide, providing shelter to approximately 30,000 women" (USDOS, 11 March 2020, Section 6). The information concerning the capacity could not be corroborated.

The European Council on Refugees and Exiles (ECRE), an umbrella organisation of European NGOs seeking to protect and advance the rights of refugees, asylum seekers, and displaced persons headquartered in Brussels, in April 2020 published a country report on the asylum procedure, reception conditions and detention of asylum seekers in Turkey. The report notes the following on shelters:

"In 2018 Turkey had a total of 144 shelters spread across 79 municipalities, with an overall capacity of 3,454 places, with reports of 145 shelters in 2019 with a capacity of 3,482. According to experts, the number of centres should be around 8,000 to cater for existing needs. Since women shelters are meant to accommodate both Turkish and foreign nationals in the locality, temporary protection and international protection beneficiary women are also affected by the capacity problems. The need for women shelters in regions such as Gaziantep, Adana, Şanlıurfa is pressing." (ECRE, April 2020, p. 162)

In a Voluntary National Review (VNR) submitted to the High-Level Political Forum, the United Nations central platform for follow-up and review of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, the Turkish government also reports that "[c]urrently, there are 114 women's shelters (with 3,454-person capacity in total) which work with the central and local governments and NGOs to provide services" (Government of

Turkey, 2019, p. 70). According to a BBC News article published in November 2019 there were 145 women's shelters in Turkey with a capacity of 3,482 places (BBC News, 25 November 2019).

Concerning access to shelters in Turkey the ECRE report states:

“Another related practical limitation is that, although the law clearly provides that both women at risk of violence and women who have actually been subjected to violence should be able to access shelters, in practice due to capacity problems only women who have actually been subjected to violence are offered access to existing shelters. In most cases, shelters also inquire into the women’s claim to ascertain that violence is ‘certain’ and request evidence such as an assault report or a criminal investigation, although practice is not uniform across the country. Shelters in Gaziantep request medical reports and ask women whether they have filed a report with the police, whereas in Osmaniye they do not. For foreign women to access women’s shelters in Ankara managers request a medical report evidencing the physical violence and a written criminal complaint.” (ECRE, April 2020, p. 162)

An AI-Monitor article of April 2020 provides the following information on an increase in assaults and domestic violence reports during the coronavirus pandemic:

“Domestic violence hotlines have been strained in Turkey amid the novel coronavirus pandemic as many families spend more time indoors, in line with protocols to stem the spread of the disease. Canan Gullu, president of the Federation of Women Associations of Turkey, said her organization received 80% more reports of domestic assaults last month compared to March 2019. She said the rise comes as the police emergency number, 155, has been reportedly overburdened and the KADES mobile app, a state system used to report domestic and gender-based violence, is also facing service blackouts. ‘Before the coronavirus, Turkey did not have strong mechanisms to combat domestic violence and now this crisis is overburdening some state systems and putting families at risk,’ Gullu told AI-Monitor.

Women’s rights advocates say the rise in violence is not only being spurred by a string of urban curfews, which lock families in close quarters with potentially abusive relatives, but may also be the result of a prisoner-release bill passed on April 13 to reduce jail populations and curb the spread of COVID-19 in state penitentiaries. [...]

Some advocates say punishments for domestic assault may be too mild to deter violent offenders. In a high-profile incident unrelated to the prisoner release, a recent convict killed his 10-year old daughter after finishing a prison sentence of 5.5 months for stabbing his wife with a knife and screwdriver.” (AI-Monitor, 27 April 2020)

MEI in June 2020 similarly elaborates on violence against women in Turkey during the coronavirus pandemic:

“The Turkish state has never been transparent in declaring the numbers on domestic violence to the public, but surprisingly they shared official figures in May. 81 women were killed, according to the police data. The Turkish Ministry of Interior also claimed that

contrary to the increase in domestic violence in other countries, during the lockdown there has been a decrease in Turkey in reported cases of violent crimes against women compared to the same period last year. Law enforcement officers recorded a total of 88,491 domestic abuse-related incidents between January 1 and May 20. [...]

In Turkey, access to protective and preventive mechanisms is one of the great challenges for victims of male violence. Supporting women victims of abuse has never been a priority for the Turkish government. This did not change during the pandemic. Despite the legal framework, the challenges facing women in Turkey today stem from the implementation of the laws. Women can apply directly or through a prosecutor for an order from a family court to place them under surveillance against perpetrators. Nonetheless, insufficient implementation of legislation is putting women's lives in danger every single day. In March, the Turkish Council of Judges and Prosecutors left women unprotected from domestic violence during the lockdown. The council decided that necessary legislative measures, such as vacate and stay-away orders, pursuant to 'Law No. 6284 to Protect Family and Prevent Violence Against Women,' should be evaluated in a way would not threaten the perpetrator's health. Under the Istanbul Convention, ratified by Turkey in 2011, measures taken in accordance with Article 52 (Emergency Barring Orders) should give priority to the safety of victims or persons at risk. In a legal context, the council's decision is therefore an explicit violation of the law. [...]

As of October 2019, there are 144 women's shelters with a bed capacity of 3,454 in Turkey. The law, however, requires metropolitan municipalities and every municipality with 100,000 or more residents to provide a shelter for women, meaning the total number of shelters is falling short of expectations. [...]

Despite the heightened concerns over violence against women during lockdown, the Turkish political system has showed no interest in using the existing mechanisms at its disposal efficiently. KADES (Woman Support Application) is an app developed by the Turkish National Police and launched in 2018. Any woman can download it for free on iOS or Android smartphones and activate it by using their national ID number. In case of an emergency, women can seek police assistance simply by pressing a large button on the screen. This life-saving but little-known application has not been promoted in public spaces during the lockdown. Even though the country is now back to the "new normal," violence against women continues — and so too do the challenges faced by women in Turkey." (MEI, 15 June 2020)

With regard to sexual harassment in Turkey, the USDOS in March 2020 provides the following information:

"Sexual Harassment: The law provides for up to five years' imprisonment for sexual harassment. If the victim is a child, the recommended punishments are longer; however, women's rights activists reported that authorities rarely enforced these laws. [...] Gender equality organizations indicated that incidents of verbal harassment and physical intimidation of women in public occurred with regularity and cited as the cause a

permissive social environment in which harassers were emboldened.” (USDOS, 11 March 2020, Section 6)

On the issue of discrimination, the USDOS country report on human rights practices, which covers the year 2019, states:

“Discrimination: Women enjoy the same rights as men by law, but societal and official discrimination were widespread. Women faced discrimination in employment. The constitution permits measures, including positive discrimination, to advance gender equality. To encourage the hiring of women, the state paid social services insurance premiums on behalf of employers for several months for any female employee older than age 18. Laws introduced as a gender justice initiative provided for maternity leave, breastfeeding time during work hours, flexibility in work hours, and required child care by large employers. Rights organizations contended, however, that these changes in the legal framework discouraged employers from hiring women and negatively impacted their promotion potential.” (USDOS, 11 March 2020, Section 6)

“The law does not explicitly address discrimination due to sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation and views. Penalties were insufficient to prevent violations. [...] Women faced discrimination in employment and were generally underrepresented in managerial-level positions in business, government, and civil society, although the number of women in the workforce increased compared with previous years. According to the Turkish Statistics Institute, the employment rate for women in 2018 was 29.1 percent (an increase from 28 percent in 2016), corresponding to 8.84 million women, compared with 65.5 percent employment for men. The World Economic Forum’s Global Gender Gap Report 2018 recorded that 36.1 percent of women participated in the labor force, compared with 33.8 percent in 2017.” (USDOS, 11 March 2020, section 7d)

The European Commission’s May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 states:

“Equality between women and men is in place in the legislative and institutional framework. However, due to weak implementation of legislation and the low quality of support services available, gender disparity still exists in areas such as decision-making, employment, education and health. The Government has taken some positive steps to improve gender equality, as stated in action plans on education, employment and violence. However, these action plans have not been fully implemented, and lack systematic monitoring. There is a lack of strong political commitment to gender equality: stereotyped views of gender roles, including in the school textbooks and in the media, continue to pervade Turkish society and foster the persistent low social status of women and violence against women.” (European Commission, 29 May 2019, p. 37)

With regard to gender equality the Bertelsmann Stiftung notes in 2020:

“Turkey has a legislative and institutional framework on gender equality, attributable to the country’s accession process to the EU. However, conservative rhetoric and government policies which emphasize motherhood instead of gender equality has led to the deterioration of women’s status and to widespread discrimination against women. There is a lack of strong political commitment to gender equality. Government policies that have incentivized marriages, childbirth and women’s part-time work have been counterproductive to women’s empowerment. In terms of employment, there is a large difference between men (75.5%) and women (33.2%). A gender pay gap is observed at all levels of educational attainment. The lack of daycare services for pre-school children and adequate institutional framework for providing care to sick and elderly people prevent women’s participation in the workforce. Turkey is an increasingly conservative society and women’s role is increasingly defined in relation to the family. There is a need for improvement concerning school enrollment for girls, especially in secondary education. Early and forced marriage for women continues to be a major concern. A recent government decision to grant the authority to conduct civil marriages to provincial and district muftis risks augmenting the number of early and forced marriages.” (Bertelsmann Stiftung, 2020, pp. 22-23)

Bianet mentions in a June 2020 article that, according to the Confederation of Progressive Trade Unions of Turkey Research Center (DISK-AR), “women unemployment in Turkey has become more severe with the epidemic”. Referring to the report published by DISK-AR, Bianet notes that “[b]etween March 2019 and March 2020, the women workforce decreased by 11 percent and women's employment decreased by 9 percent [...]. The broad unemployment rate for women stood at 45.3 percent during the pandemic.” (Bianet, 23 June 2020)

The most recent concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) were published in July 2016 and can be accessed via the following link:

- CEDAW – UN Committee on the Elimination of Discrimination Against Women: Concluding observations on the seventh periodic report of Turkey [CEDAW/C/TUR/CO/7], 25 July 2016 https://www.ecoi.net/en/file/local/1193790/1930_1484750203_n1623344.pdf

The latest report of the Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe (CoE – GREVIO) was published in October 2018 and can be found via the following link

- CoE – GREVIO – Council of Europe – Group of Experts on Action against Violence against Women and Domestic Violence: Baseline Evaluation Report Turkey [GREVIO/Inf(2018)6], 15 October 2018 https://www.ecoi.net/en/file/local/1447448/1226_1540285431_grevio-report-on-turkey.pdf

The Social Institutions & Gender Index (SIGI) 2019, published by the Organisation for Economic Co-operation and Development (OECD) in December 2018, provides information on discrimination in the family (legal framework for marriage, child marriage, household

responsibilities, divorce, inheritance), restricted physical integrity (violence against women, domestic violence, rape, sexual harassment, female genital mutilation, abortion), restricted access to productive and financial resources and restricted civil liberties.

The report can be accessed via the following link:

- OECD – Organisation for Economic Co-operation and Development: SIGI - Social Institutions & Gender Index 2019 - Turkey, December 2018

<https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/TR.pdf>

7.8.2 Situation of individuals of diverse sexual orientations or gender identities

Fanack, which describes itself as “an independent online media organization committed to publishing and disseminating balanced and informed analysis about the Middle East and North Africa” (Fanack, 4 September 2019) in March 2020 published an article on LGBTI rights in Turkey providing the following background information:

“Even though homosexuality has been legal in Turkey since 1923, homophobia is common, stemming from a mix of conservative cultural values, an arguably toxic masculinity and conservative trends in Islam. While this homophobia is no doubt felt in many spheres of daily life, it hits the headlines most frequently when it turns violent. In a country where masculinity is lauded by both politicians and citizens, it is little surprise that those undermining the heterosexual cismale ideal have become targets. [...] While the Turkish constitution does not ban homosexuality – and an explicitly homophobic clause was removed after a legal battle – statutes on public morality and obscenity are often used to police the gay community.

Surprisingly, President Recep Tayyip Erdogan once advocated LGBTQ rights. Before his election as prime minister in 2003, he declared that ‘homosexuals must also be given legal protection for their rights and freedoms’. However, since then his Justice and Development Party (AKP), has reversed its stance on protecting rights for sexual minorities. In 2013, Erdogan stated that homosexuality was a sexual preference that was incompatible with Islam’s culture. Within the Sunni Muslim community, the AKP’s conservative cultural ideals, which the government appears keen to propagate and enforce, Turkish society’s violent stance towards the LGBTQ society makes even more sense.

There was no word for sodomy in Arabic or Persian until the modern era, and there is no explicit prohibition of sodomy in the Koran. Even so, like most religions, Islam takes an unkind view of homosexual behavior. Turkey’s religious leaders have been consistent opponents of any moves to strengthen sexual minority rights, and some have even warned against some behaviours (like shaving a beard) as potentially leading to homosexuality. Turkey’s socially conservative populations, especially outside major metropolitan areas, have shown little willingness to accept LGBTQ communities or behaviour. This is hardly surprising given the persistence of conservative norms around honour killings and strict controls on women’s freedoms in much of the country.” (Fanack, 24 March 2020)

The Netherlands Ministry of Foreign Affairs in a report published in October 2019 (covering July 2016 to September 2019) states based on confidential sources:

“Since about 2015 there has been a relative deterioration in the social climate for LGTBI, 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. [...]

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. [...]

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.’” (Netherlands Ministry of Foreign Affairs, October 2019, pp. 43-44)

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), a Switzerland-based federation of organisations working for equal rights for lesbian, gay, bisexual, trans and intersex people, in a December 2019 update of its global legislation overview mentions that “[t]he Turkish Imperial Penal Code of 1858 (thought to be based on the 1810 French Penal Code) makes no mention of consensual same-sex sexual acts between adults, and neither does the current Penal Code” (ILGA, December 2019, p. 43). In its LGBTI Enlargement Review 2019, a submission to the Progress Reports of the European Commission covering the period from January through December 2019, ILGA Europe presents information compiled by local LGBTI organisations, in the case of Turkey SPoD (Social Policies, Gender Identity, and Sexual Orientation Studies Association) and Kaos GL (Kaos Gay and Lesbian Cultural Research and Solidarity Association). With regard to equality and non-discrimination, including legislation and enforcement, the report states:

“SOGIESC [Sexual Orientation, Gender Identity and Expression, and Sex Characteristics] are still not protected grounds against discrimination in related legislation, including the Turkish Labor Code. There have been no sensitization trainings of law enforcement on LGBTI rights. The Ministry of Justice invited all human rights organizations apart from LGBTI

rights organizations to a consultation on a national human rights strategy. Similarly, the Ministry of Health did not consult with LGBTI organizations in its strategic planning process for a National HIV/AIDS strategy.” (ILGA Europe, 2020, p. 34)

Freedom House notes in its March 2020 annual report on political rights and civil liberties in 2019 that “[s]ame-sex relations are not legally prohibited, but LGBT+ people are subject to widespread discrimination, police harassment, and occasional violence. There is no legislation to protect people from discrimination based on their sexual orientation or gender identity.” The report adds that “LGBT+ people are banned from openly serving in the military.” (Freedom House, 4 March 2020, section F4)

The USDOS in March 2020 provides the following information on legal provisions concerning LGBTI:

“While the law does not explicitly criminalize LGBTI status or conduct, provisions of law concerning ‘offenses against public morality,’ ‘protection of the family,’ and ‘unnatural sexual behavior’ sometimes served as a basis for abuse by police and discrimination by employers.

Numerous LGBTI organizations reported a continued sense of vulnerability as restrictions on their freedom of speech, assembly, and association continued. During the year the Ankara governor’s office continued its indefinite ban instituted in 2017 on all public LGBTI events in the province, citing public safety concerns. In April a regional administrative court lifted the ban and rejected the government’s argument that the prohibition was necessary because some individuals might be provoked to violence by LGBTI events. Despite the decision, the Ankara governor’s office did not change its policy on LGBTI events in the capital and continued to block events on an individual basis.

The criminal code does not include specific protections based on sexual orientation or gender identity. The law allows for up to three years in prison for hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law’s failure to include protections based on gender identity and noted it was sometimes used to restrict freedom of speech and assembly rather than to protect minorities. LGBTI definitions were not included in the law, but authorities reported a general ‘gender’ concept in the constitution provides for protections for LGBTI individuals. KAOS-GL, a local NGO focused on LGBTI rights, maintained that, due to the law’s failure to recognize the existence of LGBTI individuals, authorities did not provide them social protection.” (USDOS, 11 March 2020, section 6)

A detailed description of the legal framework concerning LGBTI persons in Turkey can be accessed via the following link:

- Rights in Exile Programme: Turkey LGBTI Resources, 2016
<http://www.refugeelaidinformation.org/turkey-lgbti-resources>

The European Commission's May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 provides the following information on the situation of LGBTI persons in Turkey:

"There are serious concerns on the protection of the fundamental rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. No changes have been introduced to the military disciplinary system or to medical regulations which define homosexuality as a 'psychosexual disorder/illness'. A new law of January 2018 on disciplinary provisions for the security forces stated that 'abnormal/pervert' actions were grounds for dismissal for all security personnel. Activists have been sued for 'participating in an unauthorised demonstration'. LGBTI activities and Pride parades have been banned or stopped by police in several provinces, among them Ankara, Adana and Istanbul. LGBTI activities can only be carried out informally in closed spaces. In 2018, the Court of Cassation changed its 2015 positive jurisprudence on hate speech by stating that calling LGBTI persons 'perverts' is freedom of expression. Hate speech by government officials and media against the LGBTI community continued during the reporting period. Intimidation and violence against the LGBTI community continues to be a major problem, and hate speech against LGBTI persons is not effectively prosecuted, as it is mostly considered to fall within the boundaries of freedom of speech. There is no specific legislation to address these crimes. There is limited protection of LGBTI organisations which have received threats. Discrimination towards the LGBTI community is still widespread." (European Commission, 29 May 2019, pp. 38-39)

The USDOS in its March 2020 report covering events in 2019 elaborates on discrimination and violent crimes against LGBTI persons, the prosecution of crimes perpetrated against LGBTI individuals, the ban of pride marches in 2019 as well as the harassment of LGBTI persons by police, government, and university authorities:

"During the year LGBTI individuals experienced discrimination, intimidation, and violent crimes. Human rights groups reported that police and prosecutors frequently failed to pursue cases of violence against transgender persons or accepted justification for perpetrators' actions. Police often did not arrest suspects or hold them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim 'unjustifiable provocation' under the penal code and request a reduced sentence. Judges routinely applied the law to reduce the sentences of persons who killed LGBTI individuals. Courts of appeal previously upheld these verdicts based in part on the 'immoral nature' of the victim. LGBTI advocates reported that police detained transgender individuals engaged in sex work to extract payoffs and that courts and prosecutors created an environment of impunity for attacks on transgender persons involved in sex work. [...]

For the fifth consecutive year, the governor's office banned Istanbul's Pride March, citing public safety concerns. [...] In addition to Istanbul, authorities prohibited pride marches from taking place in Ankara, Antalya, Izmir, Gaziantep, and Mersin. Local and international human rights groups widely criticized the decisions as violations of the freedom of assembly and freedom of expression. Events took place in most cities despite the bans and resulted in police interventions breaking up the marches. [...]

Some LGBTI groups reported harassment by police, government, and university authorities. University groups complained that rectors denied them permission to organize, and some indicated they faced administrative investigations or other sanctions for participating in events.” (USDOS, 11 March 2020, section 6)

“KAOS-GL [a local NGO focused on LGBTI rights] reported that some LGBTI individuals were unable to access health services or faced discrimination. Some LGBTI individuals reported they believed it necessary to hide their identities, faced mistreatment by health-service providers (in many cases preferring not to request any service), and noted that prejudice against HIV-positive individuals negatively affected perceptions of the LGBTI community.” (USDOS, 11 March 2020, section 6)

Regarding the situation of LGBTI organisations the USDOS notes in March 2020:

“LGBTI organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines. Multiple sources reported discrimination in housing, since landlords refused to rent to LGBTI individuals or charged significantly higher prices.” (USDOS, 11 March 2020, section 6)

ILGA in February 2020 published its annual report on the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and Central Asia. The chapter on Turkey (pages 109 to 111) reports on concrete events in 2019 concerning access to goods and services, bias-motivated speech, bias-motivated violence, education, employment, freedom of assembly, freedom of expression, freedom from torture, cruel, inhuman or degrading treatment, health, legal gender recognition, participation in public, cultural and political life and police and law enforcement.

The report can be accessed via the following link:

- ILGA – International Lesbian, Gay, Bisexual, Trans and Intersex Association: Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2020, 4 February 2020
https://www.ecoi.net/en/file/local/2024000/full_annual_review.pdf

Bianet in May 2020 reports that “[t]he Ankara-based Kaos GL LGBTI+ association has released its 2019 annual report on the human rights of the LGBTI+ community in Turkey” and provides the following summary:

“According to the report, the distribution of cases and violations by categories of rights is as follows: ‘Five hate murders, 13 hate crimes, six hate speeches, two sexual assault cases, ten violations of prohibition of torture and maltreatment, 34 violations of personal liberty and security, two violations of privacy, 16 violations of freedom of expression.’ ‘13 violations of the right to hold meetings and demonstrations, five cases of discrimination in work life and four cases of discrimination in education.’ ‘13 violations of freedom of travel and housing and right of succession, three cases of discrimination in healthcare and four cases of discrimination in accessing products and services. Three rights violations pertaining to the LGBTI+s in prisons and one violation of rights targeting refugees.’ [...]

The report has made the following observations about 2019:

‘While the violations of rights faced by LGBTI+s were discussed and there was an increase in the legal actions taken against these violations, positive developments were still limited in 2019 as well.’ ‘While there was an increase in the number of violations directly committed by the authorities and legislation officers, there was still a high number of violations arising from the society.’ ‘In any case, it is beyond dispute that noteworthy developments that would ensure the LGBTI+s’ access to mechanisms of justice and compensation for the violations they faced were far from the necessary level.’ ‘While Turkey’s legal system has no legislation protecting LGBTI+s and no public policy has been developed, policy makers and implementers themselves can increasingly become the actors of rights violations and attitudes of the authorities producing hate speech can be reflected in public policies as an increase in discriminatory practices against LGBTI+s.’” (Bianet, 18 May 2020)

The full report in Turkish language can be accessed via the following link:

- Kaos GL – Kaos Gay and Lesbian Cultural Research and Solidarity Association: LGBTI+’Larin Insan Haklari 2019 Yili Raporu, May 2020a
https://bianet.org/system/uploads/1/files/attachments/000/003/036/original/lgbtilarin_insan_haklari_raporu_2019.pdf?1589719132

The Turkish Human Rights Association (IHD) writes in its May 2020 report on human rights violations in Turkey in 2019 that “5 individuals were murdered while 7 were injured in hate crimes against LGBTI+ individuals in 2019. 1 individual was murdered in the same year under the disguise of ‘honor’ killing.” (IHD, May 2020, p. 7)

In a June 2020 article Bianet refers to the Homophobia and Transphobia Based Hate Crimes Report 2019 published by Kaos GL and provides the following summary:

“Most attacks on LGBTI+s occur in public spaces and are carried out by multiple perpetrators, a report by the Kaos Gay and Lesbian Cultural Research and Solidarity Association (Kaos GL) has revealed. In more than two-thirds of the 150 reported cases, there were at least two perpetrators while 41 attacks were carried out by three or more people, according to the survey conducted via SurveyMonkey. Also, 129 of the reported incidents occurred in public spaces such as schools, workplaces, streets, parks, hospitals and police stations. In half of the cases, eyewitnesses do not react to the attack while they side with assailants in a quarter of the cases, the report says, noting that most of the reported incidents were in ‘lynch style.’ ‘First of all, members of the dominant or majority group commit these crimes against LGBTI+s as a demonstration of strength. Even when there is only one individual targeted by the crime, they cooperate in these political crimes to ‘give a message’ to the entire LGBTI+ community and to reinforce their power on them,’ says the foreword of the report. [...]

According to the report, 17 of the 150 attacks on LGTBI+s were carried out at home. Individuals who think that they can become targets anywhere deeply experience the feelings of ‘exclusion’ and ‘insecurity,’ it says. The strong anxiety that people who were

subjected to a hate crime feel is intensified by the distrust against public agencies, especially law enforcement forces, which leads to very few numbers of hate crimes being reported to the police, the report further notes. [...]

Only 26 incidents out of 150 were reported to the police, the survey has found. The most common reasons for not reporting incidents were 'not believing that the application will work,' 'to avoid being exposed to the family or media' and 'not wanting to be subjected to discrimination by the police.' In nearly half of the reported incidents, the police were 'careless' and in one-third, they 'snubbed or deprecated' the applicants, the report says: 'This finding indicates the origins of homophobia and transphobia based discrimination, which are institutionalized as well as social. In most cases, the police consider the criminals excusable people and the sufferers as those who deserved what happened.'" (Bianet, 5 June 2020)

The full report in Turkish language can be accessed via the following link:

- Kaos GL – Kaos Gay and Lesbian Cultural Research and Solidarity Association: 2019 Yılında Türkiye'de Gerçekleşen Homofobi Ve Transfobi Temelli Nefret Suçları Raporu, May 2020b <http://kaosglderneji.org/resim/yayin/dl/nefret-suclari-raporu-2019-kucuk.pdf>

The Swedish Migration Agency (Migrationsverket) in a June 2020 report provides information on the situation of LGBTI persons, referring to information received during a meeting with a LGBTI organisation in Ankara in October 2018. According to the interview partners, hate crimes and violence against LGBTI groups in society had increased. The interview partners stressed the widespread impunity and low penalties for perpetrators in cases involving LGBTI victims, especially when the perpetrator is a relative of the victim. In most cases where a crime is committed by a relative against a LGBTI person a third party such as the family or the clan decides how to deal with it. Police are the main perpetrators of violence against LGBTI persons. Transgender people are particularly vulnerable as many work as prostitutes and therefore constitute an easy target for the police. Prostitution is prohibited in Turkey. "Shaming" via Internet is another method used by the police to expose and offend transgender people. Violent acts against LGBTI people are not reported for fear of stigmatisation or social exclusion. It is difficult to get access to documents and evidence to support such charges. Violence against LGBTI persons is more widespread in smaller towns where people are more exposed. But the interview partners emphasised that violence against LGBTI persons was equally prevalent in larger cities. For many LGBTI people it is difficult to live openly as they risk discrimination, especially in the workplace where they are at great risk of losing their jobs if they are exposed. It is particularly difficult for LGBTI people in the public and education sectors. Social workers and lawyers may have difficulties practicing their professions if their sexual orientation becomes public. The situation is also difficult for people working in the private sector. ¹⁹ (Migrationsverket, 8 June 2020, pp. 34-35)

¹⁹ Please note that the translation from Swedish has been made using translation tools. There is therefore an increased risk that the translation may contain inaccuracies.

In a statement released in May 2020, AI reports on a homophobic statement made by the Religious Affairs Directorate (Diyanet) in April 2020, on investigations launched against organisations criticising the comments and on a rise in homophobic and transphobic abuse on social media following the events:

“Ahead of the 17 May International Day Against Homophobia, Transphobia and Biphobia (IDAHOTB) Amnesty International calls on the government of Turkey to take urgent action to counter the increasing number of discriminatory statements and policies by state officials against LGBTI people. The authorities must instead promote equality both in their statements and actions.

On 24 April, a senior state official at the Religious Affairs Directorate (Diyanet) blamed homosexuality and people in relationships outside marriage for the spread of HIV, urging followers to combat this ‘evil’ in a Friday sermon focusing on the Covid-19 outbreak. These homophobic statements were publicly supported by a series of senior government officials, including President Erdoğan, while those in civil society that condemned the homophobic remarks were censured by the authorities. The Ankara, Istanbul, Izmir and Diyarbakır bar associations made statements criticizing the discriminatory comments. Rather than heed this criticism, prosecutors launched a criminal investigation into the statement by the Ankara Bar Association under Article 216/3 of the Penal Code that criminalizes ‘insulting religious values’. The Justice Minister issued a statement supporting the investigation against the Ankara Bar Association and prosecutors in Diyarbakır launched an investigation against the Diyarbakır Bar Association on the same grounds. At the same time, pro-government newspapers and commentators started attacking the work of organizations supporting lesbian, gay, bisexual transgender and intersex (LGBTI) individuals by using homophobic language. Amnesty International and LGBTI rights organizations witnessed a sharp rise in homophobic and transphobic abuse on social media following the 24 April statement by the head of Diyanet.” (AI, 13 May 2020, p. 1; see also HRW, 1 May 2020)

The AI May 2020 statement also elaborates on discrimination of LGBTI persons by the government:

“This spike in discriminatory speech targeting LGBTI people is taking place after a long period of government action stigmatizing and discriminating against LGBTI individuals and organizations. For years, successive governments have failed to take steps to provide legal protections against discrimination on grounds of sexual orientation and gender identity. Since 2015, however, the discrimination by the government has been especially targeted. The annual Pride March where once tens of thousands marched every year in Istanbul has been banned on spurious security grounds for the past five years, violating their rights to freedom of peaceful assembly. Those who have attempted to celebrate Pride have done so risking police violence, arbitrary detention and prosecution. Last year witnessed the most comprehensive ban of Pride events across the country ever, including the first ban of the Pride march in Izmir. The Ankara Governor’s office issued two blanket bans on all events organized by LGBTI rights organizations, the first was a ban under state of emergency powers. Both were eventually overturned by the courts. The trial of 18 students and one academic from Middle East Technical University for taking part in a Pride event on

their campus in Ankara in May 2019 is still ongoing. LGBTI rights organizations have highlighted the chilling effect that government statements and policies are having. LGBTI individuals live in fear that homophobic and transphobic statements, left unopposed, can lead to an increase in physical threats and attacks. Government authorities must take steps to prevent homophobic and transphobic violence, and where such attacks take place, promptly launch thorough, independent and impartial investigations and bring those found to be responsible to justice.” (AI, 13 May 2020, p. 1)

The USDOS 2020 report states the following with regard to discrimination of LGBTI persons in the area of employment and occupation:

“The law does not explicitly address discrimination due to sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation and views. Penalties were insufficient to prevent violations. [...] LGBTI individuals faced particular discrimination in employment. Some statutes criminalize the vague practice of “unchastity.” Some employers used these provisions to discriminate against LGBTI individuals in the labor market, although overall numbers remained unclear.” (USDOS, 11 March 2020, section 7d)

In June 2020 Bianet refers to a report published by SPoD on the situation of LGBTI persons during the coronavirus pandemic providing the following summary:

“The Social Policies, Gender Identity, and Sexual Orientation Studies Association (SPoD) has released a report on the violence and discrimination experienced by LGBTI+s during the coronavirus outbreak. Accordingly, calls to the association's LGBTI+ hotline significantly increased after March 11, the day the first coronavirus case in Turkey was confirmed. LGBTI+s returning to their families' homes due to the pandemic has caused them to feel less safe, the report suggests. Hate speech towards the LGBTI+s by the country's religious authority head also led to an increase in the calls to the hotline, the report notes. [...]

Since mid-March, 82 people applied for psychological support. [...]

LGBTI+s in Turkey have become a more fragile community during the pandemic and experience severe difficulties in access to the right to life and other rights such as the right to health and work.” (Bianet, 24 June 2020)

The full report in Turkish language can be accessed via the following link:

- SPoD – Social Policies, Gender Identity, and Sexual Orientation Studies Association: Pandemi Raporu: Pandemi Raporu: COVID-19'un Üç Ayında LGBTİ+'lar, June 2020
<http://spod.org.tr/SourceFiles/pdf-202062315910.pdf>

Detailed information on how the coronavirus pandemic is affecting the LGBTI community in Turkey can be found in the following article published by the Istanbul office of the Heinrich Böll Stiftung in April 2020:

- Heinrich Böll Stiftung Istanbul: How does the Covid-19 pandemic affect LGBTI+ community in Turkey?, 17 April 2020
<https://tr.boell.org/en/2020/04/17/how-does-covid-19-pandemic-affect-lgbti-community-turkey>

DW in September 2019 published an article on the situation of LGBTI individuals in prison which can be accessed via the following link:

- DW - Deutsche Welle: LGBT+ in Turkey's prisons: A double punishment, 9 September 2019
<https://www.dw.com/en/lgbt-in-turkeys-prisons-a-double-punishment/a-50345186>

Detailed information on the policy framework, the national human rights Institutions, access to justice, access to education and the position of Trans and Intersex Individuals can be found in the following July 2019 joint submission to the UPR by Kaos GL, Red Umbrella, SPoD and ERA – LGBTI Equal Rights Association for Western Balkans and Turkey:

- Kaos GL/Red Umbrella/SPoD/ERA – Kaos Gay and Lesbian Cultural Research and Solidarity Association/Red Umbrella/Social Policies, Gender Identity, and Sexual Orientation Studies Association/LGBTI Equal Rights Association for Western Balkans and Turkey: Written Contribution on the position of LGBTI persons to the 3rd cycle of the Universal Periodic Review of Republic of Turkey, 2 July 2019
<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7179&file=EnglishTranslation>

7.8.3 Situation of individuals with disabilities

Detailed information on the situation of individuals with disabilities can be found in the concluding observations of the initial report of Turkey published by the UN Committee on the Rights of Persons with Disabilities (CRPD) in October 2019. In the report CRPD “acknowledges the State party’s ratification of the Optional Protocol to the Convention in March 2015, and welcomes the progress achieved since the ratification of the Convention in 2009”. At the same time the Committee expresses its concern about “the prevalence, in practice, of the medical, charitable and paternalistic approaches to disability, exemplified by disability assessments on the basis of medical reports, which reduce persons with disabilities to their impairments and health condition” (CRPD, 1 October 2019, p. 1). The Committee further expresses concerns, for example with regard to “discriminatory legislation and practices against persons with disabilities” (CRPD, 1 October 2019, p. 2), “about reports of predominant negative stereotypes and the stigmatization of persons with disabilities in society” (CRPD, 1 October 2019, p. 4) and about “[l]egislation [...] and security measures allowing for the deprivation of liberty of persons with disabilities on the basis of the presumed dangerousness” (CRPD, 1 October 2019, p. 7). For details, also on topics such as living independently and being included in the community, access to education, health and employment and adequate standard of living and social protection, please see:

- CRPD – UN Committee on the Rights of Persons with Disabilities: Concluding observations on the initial report of Turkey [CRPD/C/TUR/CO/1], 1 October 2019
<https://www.ecoi.net/en/file/local/2007065/G1929254.pdf>

Submission to the Committee by various civil society organisations and groups as well as the state report can be accessed via the following link choosing the treaty CRPD:

- OHCHR – UN Office of the High Commissioner for Human Rights: UN Treaty Body Database, undated
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=179

The USDOS in its March 2020 annual report on human rights practices in 2019 provides the following information on the situation of individuals with disabilities:

“The law prohibits discrimination against persons with disabilities, but NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively. In March the Association for Monitoring Equal Rights reported there were serious structural and institutional barriers with respect to access and justice for persons with disabilities, specifically citing accessibility problems as barriers to voting and holding public office.

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. The government made little progress implementing the law, and access in many cities remained limited.

The Ministry of Labor, Social Services, and Family is responsible for protecting persons with disabilities. The ministry maintained social service centers assisting marginalized individuals, including persons with disabilities. The majority of children with disabilities were enrolled in mainstream public schools; others attended special education centers.

The law requires all public schools to accommodate students with disabilities, although activists reported instances of such students being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to education. According to a June report by the Ministry of Family, Labor, and Social Services, 353,610 students with disabilities were in school, with 257,770 studying in regular schools and the remainder in either state-run or privately owned special education schools or classes. There were more than 12,000 teachers working in special education schools. A Ministry of Labor, Social Services, and Family program allowed individuals with autism to stay in government-run houses and offered state resources to families who were unable to attend to all the needs of their autistic children. [...]

On January 9, the government announced the addition of 3,200 citizens with disabilities to the public sector during the year, bringing the total employed in the public sector to 56,500. The private sector employed 124,000 of the two million citizens with disabilities

qualified for work. An employment quota implemented in 2014 requires private-sector companies with more than 50 employees to include in its workforce at least 2 percent employees with disabilities. The public-sector requirement is 4 percent. There has been no reporting regarding the implementation of fines for accountability. President Erdogan declared 2020 the ‘year of accessibility,’ with particular focus on mass transit and building entrances.” (USDOS, 11 March 2020, section 6)

The summary of Stakeholders’ submissions on Turkey to the Universal Periodic Review (UPR) contains the following information

“JS3²⁰ stated that the measures undertaken against the alleged members of the Hizmet Movement have had an adverse effect on their health and their family members, and in particular on women and children. The government has cut off disability and social benefits to spouses or children of parents detained/arrested over alleged links to the Movement. Children of individuals perceived close to the Movement are routinely denied health care in hospitals and other health centers.” (HRC, 12 November 2019b, p. 7)

“Persons with disabilities

63. ESHID [Association for Monitoring Equal Rights] reported that Turkey failed to fulfil many obligations arising from the Convention on the Rights of Persons with Disabilities. The policies on disability are formed on the axis of medical and charity approach. ESHID and JS4²¹ recommended harmonizing domestic law with the CRPD [Convention on the Rights of Persons with Disabilities] and repealing the discriminatory provisions contained in Article 74 (e) of the Law No. 5174 and Article 8 (g) of the Law No. 2802²², and other laws.” (HRC, 12 November 2019b, p. 9)

The European Commission’s May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 notes the following on, inter alia, inclusive education in Turkey, care services, discrimination on the basis of disability and relevant legislation:

“On the rights of persons with disabilities, Turkey continued capacity-building efforts to promote inclusive education services. However, the lack of qualified teaching staff for inclusive education is a major obstacle. There is a particularly low rate of participation in early childhood education. Affordable occupational therapy and vocational rehabilitation services need to be expanded to promote the employability of persons with disabilities.

²⁰ The Alliance for Shared Values (AFSV); and The Journalists and Writers Foundation (JWF), New York (United States of America)

²¹ Human Rights Joint Platform (IHOP), Ankara (Turkey); Association for Monitoring Equal Rights; Rights Initiative Association (ARI); Human Rights Association; Human Rights Agenda Association; Citizens Association; Amnesty International Turkey, Istanbul (Turkey)

²² For more information on the provisions in the mentioned laws, please see:

- ESHID – Association for Monitoring Equal Rights: An Alternative Report from the Association for Monitoring Equal Rights in relation to the State Report of the Republic of Turkey, 11 February 2019
https://www.esithaklar.org/wp-content/uploads/2019/03/INT_CRPD_CSS_TUR_33924_E-1.pdf

The Government continued its financial support scheme for home-based care provision for people with disabilities in need. However, people with disabilities have limited access to the personal and social support needed for independent living. Awareness on the United Nations Convention on the Rights of People with Disabilities (CPRD) among public service providers is reportedly low, and no systematic efforts are made to promote or implement the principles of the Convention. The National Monitoring and Evaluation Committee on the Rights of Persons with Disabilities needs to be activated, and its work should be conducted in line with the CRPD. The NHREI [National Human Rights and Equality Institution] needs to step up efforts to address discrimination on the basis of disability. According to the Criminal Code, the exclusion of a disabled person from public service is not considered a crime, unless it is a hate crime. Legal sanctions against discrimination in education and employment remain unidentified in Turkish Disability Act. Accessibility Monitoring and Audit Commissions established at provincial level have not been effective in promoting accessibility. Turkey has no mental health legislation and no independent body to monitor mental health institutions. Turkey suffers from a lack of reliable, up-to-date data on the situation of persons with disabilities.” (European Commission, 29 May 2019, p. 38)

The USDOS March 2020 report notes the following regarding discrimination in employment and legal provisions for the inclusion of persons with disabilities in the workforce:

“The law does not explicitly address discrimination due to sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation and views. Penalties were insufficient to prevent violations. [...]

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce consist of persons with disabilities, while in the public sector, the requirement is 4 percent. Despite these government efforts, NGOs reported examples of discrimination in employment of persons with disabilities.” (USDOS, 11 March 2020, section 7d) Daily Sabah in a December 2019 article refers to obstacles to accessibility individuals with disabilities are confronted with in Turkey:

“Social inclusion is viewed as key for improving the lives of disabled people. Yet, the community often faces obstacles in accessibility, something that is crucial for social inclusion. A lack of ramps for wheelchairs and cars parked in parking spaces for the disabled or in lanes on sidewalks designated for disabled citizens hinder accessibility for many.

Turkey, home to 4.8 million disabled citizens, marked International Day of Persons with Disabilities on Tuesday. Although the government is lauded for landmark reforms to improve the lives of the disabled over the nearly two decades it has been in power, certain issues continue to complicate the lives of the disabled community.

For wheelchair-bound or visually impaired individuals, living in big cities is a particularly difficult experience. Be it commuting or going out on Friday night, getting out of the house means trying to beat the odds for a trouble-free day. Sure, there are sidewalks with ramps for wheelchairs on both ends but most are either very narrow or blocked by haphazardly parked cars. Crossing the road is another problem as elevators installed for the use of the disabled are often out of order or occupied by non-disabled people.” (Daily Sabah, 3 December 2019)

In an October 2019 article Hürriyet Daily News reports on a “campaign calling on the Education Ministry and parliament for new regulations for students with mental disabilities who want to study at Turkish universities”. The article refers to the case of Robert Cem Osborn who sought support to enroll in a university. Hürriyet Daily News cites Osborn’s mother who points “to many obstacles withholding mentally disabled students from university education” (Hürriyet Daily News, 15 October 2019).

8 Treatment of ethnic minorities

For information on Turkey's ethnic makeup, please also refer to [section 1.1.2](#) of this compilation.

Minority Rights Group International (MRG) notes in June 2018 on the Turkey country page of its World Directory of Minorities and Indigenous Peoples that the main minorities and indigenous peoples in Turkey are Caucasians, Kurds, Laz, Roma, Turks and Yezidis (MRG, last updated June 2018c). The same source further explains:

“Turkey continues to accept only three non-Muslim groups as minorities: Armenians, Rum Orthodox Christians (Greeks) and Jews. This means that other non-Muslim groups and ethnic minorities, such as Alevis, Assyrians, Circassians, Kurds, Laz and Roma, are not officially recognized, limiting the exercise of some political and cultural rights by these groups. [...] Minorities who differ from the majority on the basis of their ethnicity, religious affiliation or mother tongue remain unacknowledged in the eyes of the law. The number of individuals belonging to various minority groups in Turkey is unknown since the state does not ask citizens about their ethnic, religious or other origin in censuses.” (MRG, last updated June 2018c)

In the subsection ethnic and linguistic minorities MRG mentions Caucasians, Kurds, Laz, Roma and adds: “[v]arious other ethnic minorities living in small and undetermined numbers around the country are Arabs (Alevi, Sunni and Christian), Bulgarians, Bosnians, Pomacs and Albanians.” (MRG, last updated June 2018c)

MRG also provides quantitative estimates with regard to the different ethnic minorities. It mentions, however, that they “should be read with caution; they are mostly provided by the minorities themselves and are not confirmed by statistical research.” Concerning Caucasians, MRG refers to the Federation of Caucasian Associations, according to which 3 million self-identify as Caucasian. MRG adds that “[n]inety per cent of Caucasians in Turkey are Circassian, while the majority of the remaining 10 per cent is Abkhaz. All Caucasians are Muslim. [...] Caucasians live in 15 provinces in north-west, central and southern Turkey.” The number of Laz is “estimated to be between 750,000 and 1.5 million.” According to MRG, the Laz “converted to Sunni Islam during the fifteenth century” and the majority of them “have migrated to urban cities in western Turkey in the last 30 years.” With regard to Roma MRG notes that “they live all across the country and, in terms of absolute numbers, are not concentrated in any particular region.” The same source continues that “[a] recent study shows that there are around 2 million Roma in Turkey. According to one researcher, who has identified 70 Roma neighbourhoods in Istanbul alone, the real number may be as high as 5 million [...]” (MRG, last updated June 2018c)

According to the USDOS March 2020 report “[t]he constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Apostolic Christians, Jews, and Greek Orthodox Christians.” The report goes on to explain that in 2019 “[o]ther national, religious, or ethnic minorities, including Assyrians, Jaferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz,

were not permitted to exercise their linguistic, religious, and cultural rights fully” (USDOS, 11 March 2020, section 6). Bertelsmann Stiftung similarly notes that “[a]ccording to article 66 of the Turkish constitution, ‘everyone bound to the Turkish state through the bond of citizenship is a Turk.’ Turkish nationality is thus based on a modern constitutional citizenship and not on ethnicity” (Bertelsmann Stiftung, 2020, p. 7). The report adds that “despite the fact that all citizens are entitled to the same civil rights, and in spite of any discrimination based on cultural, religious or ethnic being outlawed, there remain widespread negative attitudes toward minority groups” (Bertelsmann Stiftung, 2020, p. 7).

The Friedrich Naumann Foundation for Freedom (FNST), a German political foundation affiliated with the Free Democratic Party (FDP), in its biweekly news briefing covering 20 May to 2 June 2020 refers to a report published by the NGO Checks and Balances Network. The report is based on a long-time study concerning attitudes towards democracy, the rule of law and other societal issues. For this study, more than 250,000 respondents participated in surveys that have been conducted by the pollster Konda since 2010. According to the report almost all respondents agreed with the general statement that all citizens should be treated equally, regardless of religion, gender or origin. But the situation is different in daily life, FNST explains, factors such as origin or religion play an important role. More than a third of the respondents believe that the Muslim faith and self-identification as a “Turk” are necessary conditions for Turkish citizenship. In 2014, half of the population was still of the opinion that the majority population could abolish minority rights. Nowadays, only one in three still holds this view. According to the authors of the study, this indicates that the principle of the right to equal citizenship is gaining acceptance in Turkey. But societal divisions have an impact on private life, FNST adds. Almost half of the citizens would disapprove of their children marrying a partner of another denomination or minority. (FNST, June 2020, p. 5)

The full report by the NGO Checks and Balances Network in Turkish language can be accessed via the following link:

- Denge ve Denetleme Ağı: Türkiye’de Demokrasi Talebi Raporu, 22 May 2020
http://www.birarada.org/upload/Node/27728/files/Turkiye_nin_Demokrasi_Talebi_Raporu_22052020_.pdf

The USDOS in its March 2020 human rights report covering 2019 notes with regard to the treatment of minorities in Turkey:

“The law allows citizens to open private institutions to provide education in languages and dialects they traditionally use in their daily lives, on the condition that schools are subject to the law and inspected by the Ministry of National Education. [...] The law also allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language; this right was not protected in practice.

The law restricts the use of languages other than Turkish in government and public services. In June authorities in some districts of Istanbul began enforcing a new regulation that requires 75 percent of signage be in Turkish and removed signs in Arabic.” (USDOS, 11 March 2020, section 6)

The USDOS further mentions that discrimination in employment and occupation in 2019 occurred on the basis of ethnicity, among others. (USDOS, 11 March 2020, section 7d)

Freedom House notes in its March 2020 annual report on political rights and civil liberties in 2019 that “[a]lthough Turkish law guarantees equal treatment, women as well as ethnic and religious minority groups suffer varying degrees of discrimination” (Freedom House, 4 March 2020, section F4). The report further mentions that “[w]hile religious and ethnic minorities hold some seats in the parliament, particularly within the CHP [Republican People’s Party] and HDP [People’s Democratic Party], the government’s crackdown on opposition parties has seriously harmed political rights and electoral opportunities for Kurds and other minorities” (Freedom House, 4 March 2020, section B4).

Bertelsmann Stiftung states in 2020:

“Progress has been made in combating discrimination on the basis of racial or ethnic origin, religion or belief, disability, age, and sexual orientation. However, there is still ample room for improvement. Although written anti-discrimination regulations do exist, members of religious and ethnic minorities continue to be excluded from positions in the civil service and army.” (Bertelsmann Stiftung, 2020, p. 23)

“Hate speeches and threats targeting religious or ethnic minorities remain a serious problem.” (Bertelsmann Stiftung, 2020, p. 7)

“Surveys point to a high level of tolerance and solidarity among Turkish population. However, high level of trust and tolerance among the population decreases considerably vis-à-vis LGBT+ groups, ethnic minorities and non-Muslims. 53.8% of society is unwilling to live in the same neighborhood as an LGBT+ person. Syrians (refugees), Armenians and other non-Muslim ethnic groups are also among the least trusted neighbors.” (Bertelsmann Stiftung, 2020, p. 15)

ASULIS Discourse, Dialogue, Democracy Laboratory was founded under the Istanbul-based NGO Hrant Dink Foundation and describes itself as a “social sciences laboratory in Turkey that struggles against discrimination, works on discourse studies and supports the efforts carried out in this field” (ASULIS Discourse, Dialogue, Democracy Laboratory, undated). ASULIS, among other things, carries out the Media Watch on Hate Speech Project of the Hrant Dink Foundation. According to the summary of an analysis of national and local newspapers between May and August 2019, in 1299 analysed columns and news articles 1575 hate speech items were found that targeted 46 national, ethnic and religious groups. The most targeted groups were Syrians, Greeks, Jews, and Armenians. (ASULIS Discourse, Dialogue, Democracy Laboratory, November 2019)

As stated above in the section on freedom of religion, Al-Monitor states in a June 2020 article that “[e]thnic and religious minorities in Turkey are on edge after a series of threats and attacks, with both government officials and their critics warning society’s most vulnerable are being targeted to foment strife.” The same source continues that “Kurds, Christians and others have all faced intimidation or outright violence in recent weeks in what appear to be mostly

unrelated incidents. Yet they coincide with growing economic uncertainty and political tensions wrought in part by the coronavirus pandemic [...].” (Al-Monitor, 2 June 2020)

The European Commission’s May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 provides the following information on the treatment of ethnic minorities:

“Hate speech and threats directed against minorities remain a serious problem. This includes hate speech in the media targeting national, ethnic and religious groups. [...] Furthermore, school textbooks need to be revised to delete remnants of discriminatory references. [...] State subsidies for minority schools have also fallen considerably. However, discussions between the Government and representatives of minorities have continued. [...] Regarding minorities, full respect for and protection of language, religion, culture and fundamental rights in accordance with European standards have yet to be fully achieved. [...]

On cultural rights, the Government has not legalised the provision of public services in languages other than Turkish. Legal restrictions on mother-tongue education in primary and secondary schools remain” (European Commission, 29 May 2019, pp. 39-40)

8.1 Treatment of the Kurdish minority

For background information on Kurds, please also refer to [section 1.1.2](#) of this compilation. For information on the conflict between the government and the PKK, please refer to [section 4.4.1](#) of this compilation.

The USDOS in its March 2020 report provides the following general information on the treatment of the Kurdish minority in Turkey:

“More than 15 million citizens were estimated to be of Kurdish origin and spoke Kurdish dialects. Security force efforts against the PKK disproportionately affected Kurdish communities in rural areas throughout much of the year. Some predominantly Kurdish communities experienced government-imposed curfews, generally in connection with government security operations aimed at clearing areas of PKK terrorists [...].

Kurdish and pro-Kurdish civil society organizations and political parties continued to experience problems exercising freedoms of assembly and association [...]. Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 and 2017 after the coup attempt remained shut. [...]

Some universities offered elective Kurdish language courses, and two universities had Kurdish language departments, although several instructors in these departments were among the thousands of university personnel fired under official decrees, leaving the programs unstaffed. [...] Although the government officially allows the use of Kurdish in private education and in public discourse, it did not extend permission for Kurdish-language instruction to public education.” (USDOS, 11 March 2020, section 6)

According to the Bertelsmann Stiftung, “[e]mergency decrees under the state of emergency curtailed the cultural rights of Kurds” (Bertelsmann Stiftung, 2020, p. 7). The report further explains that “[a]lthough written anti-discrimination regulations do exist, members of religious and ethnic minorities continue to be excluded from positions in the civil service and army. The Kurds especially, are discriminated in socioeconomic terms, and have less access to education and the labor market” (Bertelsmann Stiftung, 2020, p. 23).

Freedom House notes in its March 2020 annual report on political rights and civil liberties in 2019 that “[t]he conflict with the PKK has been used to justify discriminatory measures against Kurds, including the prohibition of Kurdish festivals for security reasons and the reversal of Kurdish municipal officials’ efforts to promote their language and culture.” The report adds that “[m]any Kurdish-language schools and cultural organizations have been shut down by the government since 2015.” (Freedom House, 4 March 2020, section F4)

The European Commission’s May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 provides the following information on the treatment of Kurds:

“Optional courses in Kurdish continue in public state schools, as do university programmes in Kurdish, Arabic, Syriac and Zaza. Particular restrictions exist on Kurdish language and literature: there are reports about the dismissal of Kurdish academics and lecturers, partly facing terrorism-related investigations, the closure of Kurdish language NGOs and institutions, pressure on Kurdish media, and bans on Kurdish books [...]. In the south-east, several commemorative and literary monuments marking Kurdish personalities, as well as events and bilingual street signs, were removed by appointed trustees and authorities.” (European Commission, 29 May 2019, p. 40)

The Research Directorate of the Immigration and Refugee Board of Canada (IRB), an independent administrative tribunal responsible for making decisions on immigration and refugee matters, in January 2020 published a query response on the situation of Kurds in Turkey covering the period July 2018 to December 2019. Based on different sources the document first gives a brief overview on the numbers of Kurds living in Turkey, areas mainly populated by Kurds and their religious affiliation. It also touches upon the visibility of Kurds in Turkey and their situation in Istanbul, Ankara and Izmir. The query response also deals with the treatment of Kurds by the authorities and the society. It further gives a comprehensive insight into the treatment of supporters and perceived supporters of the HDP as well as on the situation of Alevi Kurds.

The query response can be accessed via the following link:

- IRB – Immigration and Refugee Board of Canada: Turkey: Situation of Kurds, including in Istanbul, Ankara, and Izmir; situation of supporters or perceived supporters of the Peoples’ Democratic Party (Halkların Demokratik Partisi, HDP); situation of Alevi Kurds (July 2018-December 2019) [TUR106385.E], 7 January 2020
<https://www.ecoi.net/en/document/2025617.html>

The UK Home Office in October 2019 published a report on a Fact-Finding Mission to Turkey conducted between 17 and 21 June 2019. The report covers the Kurdish population, the HDP and the PKK. The report provides a description of the HDP and the PKK and goes into state

actions against HDP members and supporters as well as PKK members and supporters. In addition, the report describes the Kurdish population in Turkey and deals with, inter alia, its access to education, employment and medical care.

The report can be accessed via the following link:

- UK Home Office: Report of a Home Office Fact-Finding Mission Turkey: Kurds, the HDP and the PKK; Conducted 17 June to 21 June 2019, 1 October 2019

https://www.ecoi.net/en/file/local/2020297/TURKEY_FFM_REPORT_2019.odt

The Danish Immigration Service (DIS), an agency within the Danish Ministry of Immigration and Integration, in September 2019 published a report on Kurds in Turkey. The report starts with general background information on Kurds. It further deals with the security situation in the Kurdish areas and describes Kurdish political parties and their association with the PKK. The report also goes into Kurdish political activism and civil society activities. It further touches upon the consequences of membership in or support for the PKK and addresses military service for Kurds in the Turkish army.

The report in Danish language can be accessed via the following link:

- DIS – Danish Immigration Service: Tyrkiet: Sikkerhedssituationen i de kurdiske områder, politisk aktivisme og værnepligt for kurdere, September 2019

https://www.ecoi.net/en/file/local/2017022/COI-notat_tyrkiet_sept_2019.pdf

8.1.1 Recent developments

DW in October 2019 published an article according to which violent hate crimes against Kurds in Turkey are on the rise. The article mentions cases of 2018 and 2019 involving an elderly Kurdish man who was attacked in a hospital, a man and his son gunned down on the street and a man beaten and shot by six people, all allegedly attacked for speaking Kurdish. The article quotes Eren Keskin, the co-director of the Turkish Human Rights Association (IHD) as saying:

“Hate speech and racism across Turkish society provide a breeding ground for these brutal attacks, said Eren Keskin, the rights group's co-director. Attacks are rising, she said, because the state is not consistently prosecuting the perpetrators of such violence. Keskin says that the societal oppression under Turkish President Recep Tayyip Erdogan's ruling Justice and Development party and the rise in hate speech and violent attacks cannot be separated. ‘Kurds are attacked so often, women are subjected to such violence, and there is so much hatred on social media. Because they [the perpetrators] know the state is behind them. They feel so safe — they know that nothing will happen to them. Because there is no sanction by the state,’ the human rights expert told DW.

Yet anti-Kurdish sentiment is nothing new, she underlined. In the 1990s, the state used force against Kurds. It was more opaque then, she said — whereas now the violence is carried out in broad daylight.” (DW, 22 October 2019)

The Guardian in June 2020 reports on the killing of a Kurdish man in Ankara and subsequent discussions of the treatment of the Kurdish minority:

“The murder of a 20-year-old Kurdish man in Ankara has launched a wave of accusations of discrimination in Turkey over the mistreatment of the ethnic minority. Barış Çakan was

visiting a park with a friend in Ankara's Etimesgut neighbourhood on Sunday night when he asked three men to turn down the volume of the music playing from their car during the evening call to prayer. The friend told police that an argument ensued and Çakan was stabbed in the heart and killed, according to a statement from the Ankara governor's office on Monday. Three suspects were arrested. Initial news reports quoted a family member as saying that Çakan had been attacked because he had been listening to Kurdish-language music. While Çakan's father said in later interviews that the assault was not triggered by Kurdish music, the racial overtones of the killing have led to an outpouring of anger on social media, particularly after a friend and another relative stepped forward on Tuesday to say the family had been pressured to cover up the reason for the fight. [...]

Comments from Interior Ministry spokesperson, İsmail Çatakli, who said that the crime was not racially motivated, and that focusing on the racial dynamic is the work of 'provocateurs', have also led to allegations of state hypocrisy over the treatment of Turkey's Kurdish population." (The Guardian, 2 June 2020)

8.1.2 Kurdish media organisations, rights defenders and politicians

For information on the HDP and the alleged association of the party with the PKK, please see [section 2.4](#) of this compilation. For general information on the treatment of the political opposition, please refer to [section 7.1.1](#) of this compilation. For information on the treatment of Kurdish-affiliated politicians and organisations, among them media organisations, please also see [section 4.1.7](#) of this compilation.

Media Organisations

The USDOS in March 2020 provides the following information on Kurdish-language media:

"The government often categorized imprisoned journalists from Kurdish-language outlets or alleged pro-Gülen publications as 'terrorists,' alleging ties to the PKK and the Gülen movement. [...] Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees. [...] Journalists affiliated or formerly affiliated with pro-Kurdish outlets faced significant government pressure, including incarceration. The government routinely denied press accreditation to Turkish citizens working for international outlets for any association (including volunteer work) with Kurdish-language outlets." (USDOS, 11 March 2020, section 2a)

HRW mentions in its annual report on the human rights situation in 2019 that "[j]ournalists working for Kurdish media in Turkey continue to be disproportionately targeted and there are severe restrictions on critical reporting from the southeast of the country" (HRW, 14 January 2020a). The European Commission's May 2019 report on Turkey mentions that "[t]he pressures on Kurdish media and those reporting Kurdish issues continued through court cases, detentions and arrests of journalists" (European Commission, 29 May 2019, p. 34).

openDemocracy, “an independent global media organisation” (openDemocracy, undated), in an April 2020 article mentions the cases of the Kurdish journalists Nurcan Baysal and Rusen Takva in connection with their coverage of the spread of COVID-19 in Turkey:

“While coronavirus statistics from Turkey’s ministry of health appear to show that the Kurdish-majority provinces in the country’s southeast do not have very many cases so far, the numbers are hardly convincing. Many of these provinces share a border with hard-hit Iran, and the Iranian province of Kurdistan on the Turkish border reportedly has the highest number of COVID-19 fatalities in the entire country.

Given Erdogan government’s ongoing crackdown on independent media in general, and pro-Kurdish outlets in specific, there is little hope for accurate coverage of the pandemic’s spread among Turkey’s Kurdish citizens. When award-winning Kurdish activist and journalist Nurcan Baysal wrote about the ‘coronavirus risk in prisons’, Turkish prosecutors detained and interrogated her on March 30. The next day, Turkish authorities also launched an investigation against Rusen Takva, a Kurdish journalist working in the province of Van on the Iranian border, for ‘creating fear and panic among the public’ with his coronavirus coverage.” (openDemocracy, 28 April 2020)

ARTICLE 19, an international human rights NGO promoting freedom of expression and freedom of information worldwide, in June 2020 published a joint NGO statement calling for the release of the Kurdish journalist Nedim Türfent. According to the article “Türfent, who was predominantly reporting on the Kurdish issues, was detained on May 12, 2016, shortly after reporting on Turkish special police forces’ ill-treatment of around 40 Turkish and Kurdish workers” (Article 19 et al., 15 June 2020). The report further notes:

“In video footage taken by Türfent and published by the now-shuttered pro-Kurdish Dicle News Agency, a police officer was seen shouting to the workers: ‘You will see the power of Turks! What did this state do to you?’ apparently alleging that the workers have links to the outlawed Kurdistan Workers Party (PKK). Right after the release of the footage, Türfent began receiving death threats from the police in the form of funeral photos. An online harassment campaign was launched against him in April 2016 including death threats and insults and anonymous or bot accounts asking about his whereabouts. One day after his arrest on May 13, 2016, Türfent was charged with ‘membership of a terrorist organization’.” (Article 19 et al., 15 June 2020)

Rights defenders

Al-Monitor in March 2020 reports on the detention of at least nine lawyers accused of aiding and abetting the PKK in the provinces of Urfa and Diyarbakir:

“At least nine lawyers were detained on terror charges in early morning raids in the mainly Kurdish provinces of Urfa and Diyarbakir today, part of an ongoing campaign of repression targeting human rights defenders, said Abdullah Oncel, the president of the Urfa Bar Association. Seven of the lawyers were detained in Urfa and two others in Diyarbakir. Three others — all from Diyarbakir — are being sought, Oncel told Al-Monitor. Several of the lawyers’ offices were ransacked by police and their homes raided, he added. Bunyamin

Seker, co-chair of the Jurists for Freedom Association, said a fourth lawyer from Sirnak, a heavily Kurdish province on the Iraqi border, was also being sought in connection with the case that is being overseen by the chief prosecutor of Urfa.

‘We have been unable to find out the details or the exact reasoning of this operation but it’s obvious to us that with respect to lawyers, it’s to do with their work on abuses, particularly those that occur inside prison,’ he told Al-Monitor. Another 12 individuals, none of them lawyers, are also believed to be facing charges in the case but their identities remain unknown and it remains unclear whether any have been detained, Seker said.

A secrecy order has been slapped on the investigation. The lawyers are thought to be accused of aiding and abetting the outlawed Kurdistan Workers Party (PKK), a rebel group that is waging an armed campaign for political autonomy and is classified as a terror group by Turkey, the EU and the United States. The charge is liberally dispensed to lock up anyone who demands greater rights for the country’s 14 million or so Kurds. [...]

Oncel denied any of the detained lawyers were connected with the PKK. ‘These are men and women dedicated to defending human rights and recording abuses. They are a constant thorn in the side of authorities who want to cover them up,’ he said. Torture under detention including sexual abuse, beatings and electric shocks has been on the rise since the failed July 2016 coup, rights groups say. One of the detained lawyers, Sevda Celikol Bingol, was among a group of 11 lawyers who documented the cases of some 54 men, women and children who were rounded up in Urfa’s Halfeti district and tortured after a policeman died in a clash there with PKK rebels.” (Al-Monitor, 12 March 2020)

The Observatory for the Protection of Human Rights Defenders, a partnership of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in June 2020 reports on the continued judicial harassment of Eren Keskin, a Kurdish human rights lawyer and co-president of the Turkish Human Rights Association (IHD)

“According to the information received, Ms. Eren Keskin has been summoned by the Prosecutor of Istanbul to appear on June 12, 2020 at 2pm Turkey time, on allegations of ‘terrorist propaganda’ in connection to tweets she published in 2015 concerning the curfews in the South-East of the country as well as the Kurdish question. [...]

Background information:

From 2013 to 2016, Ms. Eren Keskin held the title of editor-in-chief for Özgür Gündem (‘Free Agenda’) and also joined the ‘co-editor-in-chief’ campaign, which was organised between May and August 2016, to support the imprisoned editorial staff of the newspaper. Özgür Gündem newspaper was shut down by the Emergency Decree no. 675 on October 29, 2016 over ‘terrorist propaganda’ allegations. In the aftermath of the solidarity campaign, criminal investigations were launched against 49 people, who held the title of co-editor-in-chief for Özgür Gündem, and criminal cases were launched against 38 of them. Many columnists of the newspaper also face criminal cases for their articles published in the newspaper.

A total of 143 cases, some of which were later combined, have been lodged against Eren Keskin in relation to her editorship in the newspaper. In addition, the case known as the Özgür Gündem main trial started in December 2016, in which five advisory board members, as well as four editors-in-chief of the newspaper, have been facing charges for 'disrupting the unity of the state', 'incitement to commit crime', 'membership to a terrorist organisation', 'terrorist propaganda' and 'publishing and spreading statements of terrorist organisations' in relation to articles published in Özgür Gündem. [...] On January 13, 2020, the 15th hearing of the main trial in Özgür Gündem newspaper case was held before the Istanbul 23rd Heavy Penal Court. The prosecutor asked Ms. Eren Keskin and other defendants to be convicted of 'membership to a terrorist organisation' (Article 324/2 of the Criminal Code and Article 5/1 of the Anti-Terror Law No. 3713). The prosecutor alleged that Ms. Eren Keskin promoted the objectives of the terrorist organisation through her articles published in the newspaper and other articles published during her chief editorship. Three defendants were acquitted in that case, while Ms. Eren Keskin's case was separated along with other defendants.

To date, Ms. Keskin was sentenced to a total of 17.5 years in prison and over 400,000 TL (around 60,000 Euros) in fines." (FIDH/OMCT, 12 June 2020)

The German Press Agency (Deutsche Presse-Agentur, dpa) in June 2020 reports on detentions warrants issued for 54 people and the detention of 42 people, mainly in Diyarbakir, for their alleged links to PKK:

"Turkish authorities issued detention warrants on Friday for 64 people, including sacked mayors from a pro-Kurdish party, for alleged links to a terrorist group. Security forces fanned out across the south-eastern and mainly Kurdish province of Diyarbakir, as well as other areas, including Istanbul, state news agency Anadolu reported. Forty-two people were detained for their suspected links to the Kurdistan Workers' Party (PKK), a designated terrorist group that has waged a decades-long insurgency against the Turkish state. Among those sought were former mayors from the pro-Kurdish Peoples' Democratic Party (HDP), a legal political party who Ankara accuses of having ties to the PKK. The warrants also included provincial and district administrators from the HDP. [...] Last week, police disrupted peaceful protest marches by the HDP and its supporters in different parts of the country, which were aimed at drawing attention to the government's systematic crackdown on the party, and on the opposition in general." (dpa, 26 June 2020)

Regarding the same incident the Observatory for the Protection of Human Rights Defenders, a partnership of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), notes the following in June 2020, mentioning the detention of several human rights defenders:

"The Observatory has been informed by reliable sources about the arbitrary detention of Ms. Rojda Barış, Executive of Rosa Women's Association, Ayten Tekeş, member of the general assembly of the Confederation of Public Sector Employees Unions, Makbule Özbek, member of Diyarbakir Peace Mothers' Assembly, Arin Zümrüt, board member of Diyarbakir branch Chamber of Mechanical Engineers, and Jiyan Taş, member of Rosa Women's Association, as well as the judicial harassment against Ms. Ayşe Kara, journalist and

member of Free Women's Movement (TJA - Tevgera Jinen Azad) and Messrs. Ferhat Erkuş, member of Diyarbakır Medical Association, Azad Can, member of the Turkish Medical Association's student branch, and Berdan Acun, lawyer and board member of Jurists for Freedom.

According to the information received, on June 26, 2020, 45 people, including Mses. Rojda Barış, Ayten Tekeş, Arin Zümrüt, Makbule Özbek and Jiyan Taş and Messrs. Berdan Acun, Ferhat Erkuş and Azad Can, as well as municipal council members, mayors and executives from the Peoples' Democratic Party (HDP), were taken into police custody in Diyarbakır within the scope of an investigation launched by the Prosecutors' Office in Diyarbakır. This investigation is based on information and documents obtained during the raid of the Democratic Society Congress in October 2018. Initially, arrest warrants had been issued for 64 people, but as of issuing this urgent appeal, only 45 of them had been executed.

On June 28, 2020, the Prosecutor requested the detention of 14 people arrested and the release of two under judicial control. On the same day, the court ruled for the detention of eight of them, including Mses. Rojda Barış, Ayten Tekeş and Arin Zümrüt, under accusations of 'membership to a terrorist organisation'. The other eight, including Mr. Berdan Acun, were released under judicial control.

On June 29, 2020, the remaining 29 were referred to various Peace Judgeships in Diyarbakır and the Prosecutor requested the release of nine under judicial control, including Messrs. Ferhat Erkuş and Azad Can, and the detention of 20, including Mses. Jiyan Taş, Ayşe Kara and 70-year-old Makbule Özbek. The judges confirmed the release of nine under judicial control, including for Messrs. Ferhat Erkuş and Azad Can. Concerning the other 20, whose detention was requested, 15 were detained on the accusation of 'membership to a terrorist organisation', including Mses. Jiyan Taş and Makbule Özbek, and five were released under judicial control by judges' decisions, including Ms. Ayşe Kara. The detained are being held in Diyarbakır Female Prison and Diyarbakır Type D Male Prison.

During their interrogation at the Anti-Terror Branch in Diyarbakır and at the courts, the above mentioned human rights defenders were questioned about their participations in press statements, events and assemblies, including the women's gathering on March 8, 2020 and events against gender based violence. They were not questioned by the Prosecutor although the Prosecutor had requested the detention of some. The investigation against all 45 by the Prosecutors' Office is still pending, and a decision whether to press official charges or not, will be made in the upcoming period. The details of the investigation remain undisclosed as there is a restraining order on the case." (FIDH/OMCT, 30 June 2020)

A July 2020 Al-Monitor article quotes Ayşe Acar Basaran, HDP lawmaker and spokeswoman for the HDP's Women's Council as saying "that all women's organizations have been shut down since the July 15, 2016, coup attempt." Basaran goes on to say:

"When the government ended the peace process and intensified its aggressive security policies women became the biggest victims. Now they are arresting members of the two remaining women's associations — Rosa Women's Association and TJA-Free Women's

Movement. The charges against the members include attending International Women's Day on March 8, promoting peace, searching for missing women and seeking justice for female victims of domestic violence. Women — particularly those in the Kurdish women's movement — pose a direct challenge to the AKP's wish to monopolize power, because they are so organized [...]" (Al-Monitor, 8 July 2020)

Politicians

Al-Monitor in July 2020 published an article on the growing number of complaints of torture in the southeast of Turkey, especially of Kurdish women. The article mentions the case of Sevil Rojbin Cetin, "an activist in women's movements and a former Peoples' Democratic Party (HDP) mayor, elected in 2014 and replaced by a government appointee in 2016":

"Picture this: A woman is home alone in Diyarbakir province in Turkey's Kurdish-majority southeast. At 5 a.m., 100 policemen from counterterrorism and special forces units storm the apartment, instructing the neighbors to stay inside and not communicate with anyone. Then they sledgehammer the door and unleash two police dogs to attack Sevil Rojbin Cetin. But that is only the beginning. [...] Cetin was interrogated for 3½ hours in her apartment while her legs were bleeding from multiple dog bites. The apartment was turned upside down, while she was blindfolded and beaten.

She was stripped half naked with her hands tied, while photos were taken of her. The physical and sexual torture was coupled with verbal abuses; a gun was held to her head. 'At one point she was taken to the balcony and the officer told her, 'If your apartment was on the 5th floor, you would have jumped by now and we would not have to deal with you,' said Meral Danis Bestas, a pro-Kurdish HDP lawmaker.

Cetin's Attorney Gulistan Ates, who took photos of her injuries after the ordeal and shared them with the press, was called to the police station and an investigation has been launched against him." (Al-Monitor, 8 July 2020)

The article also quotes Ayse Acar Basaran, HDP lawmaker and spokeswoman for the HDP's Women's Council as saying that "[s]ince July 2015, we have had over 16,000 members of our party detained by the security forces. About 4,000 are in prison." (Al-Monitor, 8 July 2020)

Reuters reports in June 2020 on a decision by Turkey's Constitutional Court that the lengthy jailing of Selahattin Demirtaş violated his rights:

"Turkey's Constitutional Court has ruled that the lengthy jailing of a former head of Turkey's main pro-Kurdish party violated his rights, a decision published on Friday showed, but he was not expected to be released due to a separate investigation. Selahattin Demirtas, one of Turkey's best known politicians, has been in jail since November 2016 on terrorism-related charges. He faces a sentence of up to 142 years in jail if found guilty in the main case against him. The court's decision said his detention had exceeded a reasonable period and his right to freedom had been violated, ordering the payment of compensation. However, media reports said the ruling would not lead to his release due to a separate investigation and arrest order." (Reuters, 19 June 2020)

8.2 Treatment of other minorities

Please note that there is an overlap with the section on religious minorities, as many ethnic minorities are also religious minorities. This section is therefore to be read in conjunction with [section 7.3](#) of this compilation.

The USDOS in its March 2020 human rights report covering 2019 provides the following information on the treatment of Roma in Turkey:

“Romani communities reported being subjected to disproportionate police violence and housing loss due to urban transformation projects that extended into their traditional areas of residence. Members of the Romani community also reported they faced problems with access to education, housing, health care, and employment. Roma reported difficulty in utilizing government offers to subsidize rent on apartments due to discriminatory rental practices. Unofficial estimates indicated more than 90 percent of Roma were unemployed, although many worked in jobs in the informal economy. In line with a national Romani strategy adopted by the cabinet in 2016, the government carried out a number of pilot projects to enhance social inclusion of Romani citizens, including vocational courses offered by the government’s employment agency, IsKur. Roma advocates complained there was little concrete advancement for Roma. They also expressed concern that NGOs closed during the state of emergency that offered literacy courses to Roma remained shut or continued to face severe restrictions.” (USDOS, 11 March 2020, section 6)

The European Commission’s May 2019 report on Turkey covering the period from 1 March 2018 to 1 March 2019 also refers to the treatment of Roma:

“Following the June parliamentary election, there are now two Roma MPs. Roma in general live in very poor housing conditions, often lack basic public services and are reliant on benefits. Urban renewal projects continue to primarily affect Roma settlements, forcibly displacing families. In the field of education, Roma children experience additional challenges in accessing quality education, and schools in Roma neighbourhoods are often poorly resourced. Inadequate access to education and high drop-out rates persist, especially at lower and upper secondary levels. Participation in pre-primary education remains very low. It is difficult for Roma citizens to find long-term formal employment. The employment rate of Roma citizens is around 31 percent.” (European Commission, 29 May 2019, p. 40)

No information could be found on the treatment of Caucasians and Laz mentioned as ethnic minorities in Turkey by MRG (MRG, last updated June 2018c).

The most recent concluding observations of the Committee on the Elimination of Racial Discrimination (CERD) were published in January 2016 and can be accessed via the following link:

- CERD – UN Committee on the Elimination of Racial Discrimination: Concluding observations on the fourth to sixth periodic reports of Turkey [CERD/C/TUR/C/CO/4-6], 11 January 2016 https://www.ecoi.net/en/file/local/1184890/1930_1465552297_g1600350.pdf

9 Treatment of the Gülen movement

9.1 Background

According to a July 2016 article by BBC News, the Gülen movement is “[a] well-organised community of people - not a political party - named after the US-based Islamic cleric Fethullah Gulen.” (BBC News, 21 July 2016)

A brief summary of the history of the Gülen movement, also known as Hizmet (Turkish for “service”) movement (IRB, 6 January 2020) or Cemaat (Turkish for “community”) is provided in a December 2016 commentary by the Warsaw-based Centre for Eastern Studies (Ośrodek Studiów Wschodnich, OSW), an independent public research institution analysing socio-political and economic processes in Central and Eastern Europe:

“An informal religious movement centred around a Muslim preacher, Fethullah Gülen (b. 1941). Its roots date back to the 1970’s. The teachings of its leader are based on the tradition of Turkish Sufism. [...] The movement’s membership structure is informal and based on loyalty to the leader and subordination to those members who have a more prominent place in the hierarchy. Though [the] movement has no official structure it operates in a coordinated manner. Its members are obliged to transfer 10% of their income for the benefit of the community. The supporters are mainly recruited from the lowest classes of society. The movement enables them to get educated and then find a job in business or in public institutions. In practice, Fethullah Gülen is a figure overseeing an entire business and education empire with a global reach. Its branches operate in more than 180 countries across the world (including African countries, former Soviet republics, Poland, the USA). From 2001 until 2013, Cemaat functioned in alliance with the AKP as an instrument for building Turkish influence worldwide. The most spectacular example of its activity was its cooperation with the government over the issue of neutralising the influence of the army within the Turkish state. The years 2008–2012 saw court trials involving the cases of Ergenekon and Balyoz, in which 254 officers of the Turkish army were expelled from military service and 325 were sentenced to many years in prison, similar to businessmen and civil servants. In 2016 the Supreme Court considered these two trials to be show trials and the supporting evidence was found to be fabricated. The rift between the movement and the government happened around 2013, caused by mounting frustration among Gülen’s supporters triggered by the ever stronger position of President Erdoğan in Turkish politics. Its culmination was the corruption scandal of December 2013. Since then, the authorities have viewed the movement as a so-called parallel state. This is a reference to the concept of a ‘deep state’ popular in Turkish politics since at least the times of the Cold War. It involves an informal structure spreading across politics, the military, business and the criminal world, which in practice wields a major influence on the politics of the Kemalist republic. Since the emergence of the scandal, the authorities have been carrying out a crackdown on the movement’s members and supporters in the media sector, in business and in the state apparatus. A few weeks before the July coup the supreme command of the armed forces reportedly notified the authorities of several hundred officers which it had identified as members of the movement.” (OSW, 7 December 2016, p. 8)

DW states in a July 2016 article that “[t]he Gulen movement presents itself as a voice of Sufi Islamic moderation and tolerance in a world with competing ideologies from the likes of the so-called ‘Islamic State’ and al-Qaeda.” The source in addition quotes “a journalist who used to write for the Gulenist ‘Zaman’ before being kicked out of Turkey”, according to whom the movement “is a loose network of individuals and institutions seeking to seize opportunities to promote their ideals through education and dialogue. They believe it is good for co-existence of nations, ethnic and religious groups and it is their life mission to promote their culture to others”. DW adds that “[t]hose claims run up against many skeptics who point to major contradictions between what the movement says and how it has behaved in the past” noting that “[i]ts growth from a small group of followers to a global movement with vast resources and power has spawn concern it has far greater ambitions” (DW, 27 July 2016). Concerning the aims of the movement, OSW even concludes:

“Officially, the movement promotes the ideas of tolerance, interreligious dialogue and respect for the rules of liberal democracy. Unofficially, its operation aims at educating new Muslim elites to seize power after infiltrating the most important institutions, and then triggering the political and cultural transformation of Turkish society.” (OSW, 7 December 2016, p. 8)

The Oxford Research Encyclopedia of Politics, a digital encyclopaedia by Oxford University press that provides collections of summaries on a range of topics, in April 2019 published a comprehensive article by Etga Ugur about the Gülen movement. The article, among other aspects, covers the beginnings of the movement, its philosophy, its organisation and activities as well as its politics:

- Ugur, Etga: Religious Frames: The Gülen Movement, 26 April 2019 (published by Oxford Research Encyclopedia of Politics)
<https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-1345#acrefore-9780190228637-e-1345-div1-3>

An Al-Monitor article of April 2016 similarly gives an overview of the history of the Gülen movement, from its beginnings in Turkey, the opening of schools by the movement, its expansion into the business world, Fethullah Gülen’s exile to the U.S., the movement’s relations with Erdogan and the AKP and finally the breach between Erdogan and the Gülen movement:

- Al-Monitor: Everything you've ever wanted to know about Fethullah Gulen, Turkey's most controversial cleric, 19 April 2016
<https://www.al-monitor.com/pulse/originals/2016/04/turkey-fethullah-gulen-cleric-opposition-erdogan-akp.html>

The Gülen movement is now officially known in Turkey as Fethullahist Terrorist Organisation (Foreign Affairs, 29 January 2018) (Fethullahçı Terör Örgütü, FETÖ) (Die Zeit, 22 February 2019). According to a 2019 report by Human Rights Watch the Gülen movement was officially labeled a terrorist organisation on 26 May 2016 following the breach with the ruling AKP:

“Countless indictments against people accused of being associated with the Gülen movement provide a chronology showing how, after the movement broke with the ruling Justice and Development Party (AKP), the Turkish government’s approach to it evolved

from viewing the group as a ‘threat to national security’ and an ‘illegal’ organization to be combatted by administrative and criminal investigations, to declaring it a terrorist organization. The Gülen movement was first officially termed a terrorist organization by Turkey’s National Security Council, chaired by President Erdoğan, on May 26, 2016. On June 16, 2016 the Erzincan Heavy Penal Court pronounced the movement a terrorist organization. In June 2017 the Court of Cassation upheld a decision to convict two judges for membership of FETÖ as an armed terrorist organization, providing appellate court authority upholding the definition of the Gülen movement as a terrorist organization. The designation of the Gülen movement as a terrorist organization by the government and later the top court has enabled the mass arrests and prosecutions that followed. [...] Concerning the characterization of individuals affiliated with the Gülen movement as terrorists, the logic is [...] flawed because, at the time the individual engaged in the pattern of affiliation, the Gülen movement had not been outlawed and in general there is no evidence in indictments examined that the activities engaged in at the time they took place amounted to actual criminal activity. While President Erdoğan and his government clearly expressed antipathy towards the group in the period 2014-16 and made it clear to the public that they regarded it as highly undesirable to be associated with it, it is not credible, nor in any way legally sustainable, to argue that any follower of the Gülen movement could or should have foreseen their association with the movement would at a future date constitute criminal, let alone terrorist, activity.” (HRW, 10 April 2019, p. 12-15)

The Research Directorate of the Immigration and Refugee Board of Canada (IRB), an independent administrative tribunal responsible for making decisions on immigration and refugee matter, in January 2020 published a query response on the Gülen movement. Based on different sources the document gives a comprehensive insight into the movement, for example its foundation and core beliefs as well as the relationship with Recep Tayyip Erdoğan and the deterioration of thereof. It also touches upon the Turkish government designating the Gülen movement as a terrorist organisation and declaring it responsible for the 2016 coup attempt. It further deals with the repercussions of the coup attempt for the movement and provides information on the situation and treatment of followers or perceived followers (closure of Gülen-associated institutions, dismissals, cancellation of passports arrests and detention, forced disappearances) in the time period of July 2018 until December 2019.

The response to information request can be found here:

- IRB – Immigration and Refugee Board of Canada: Turkey: The Hizmet movement, also known as the Gülen movement, including situation and treatment of followers or perceived followers; how members of the Hizmet movement are identified, including how persons or organizations might be perceived as belonging to the movement (July 2018-December 2019) [TUR106389.E], 6 January 2020

<https://www.ecoi.net/en/document/2025216.html>

On the present situation of the Gülen movement the Turkish online-news site Ahval in February 2020 states:

“The movement has evaporated within Turkey, while outside Turkey its operations have mostly moved underground, to avoid attention from Turkish authorities. Analysts say the

movement now faces extinction if it fails to be accountable and adapt.” (Ahval, 15 February 2020)

The same article continues by explaining the future perspectives of the movement, quoting Ismail Sezgin, director of the London-based Centre for Hizmet Studies. The centre according to the about section of its website “was founded by a group of individuals who have both researched Hizmet at a Doctoral level and who are personally inspired by Hizmet’s teaching and praxis” (Centre for Hizmet Studies, undated):

“Sezgin saw three actors plotting for the post-Gülen future. The first is Gülen himself, who Sezgin said had over the past half century had slowly shifted from being a micromanager to barely managing at all. [...] ‘To resolve this crisis sooner, he could have used some of the tools available to him ... I think he wants people to get used to this,’ said Sezgin, adding that Gülen’s hope is that after he dies members are empowered enough to make their own decisions and build a strong system. The second player is the movement’s senior leadership, who have been jockeying for power and positioning for years. Sezgin said they would likely call for a coalition of senior leaders to take over after Gülen’s death. The third actor is Turkey, which even as it has worked to destroy the movement, has also sought to usurp its leadership. Sezgin believes Erdoğan intends to use the movement’s remaining domestic and international infrastructure and influence for his own ends. ‘The state is persecuting some movement members and allowing others to come into more senior membership positions,’ he said, pointing to presumed coup ringleader Adil Öksüz, who some believe was working for Turkish intelligence. ‘They have a plan for who and what sort of system will take over the movement after Gülen.’” (Ahval, 15 February 2020)

For more information on the persecution of members of the Gülen movement please see [section 3.1](#), [section 3.2](#) and [section 4.1](#) of this compilation.

For information on continued arrests of members of the Gülen movement please see the June 2020 query response of the Norwegian Country of Origin Information Centre Landinfo, which is available in Norwegian:

- Landinfo: Tyrkia: Fortsatte reaksjoner mot Gülen-bevegelsen, 11 June 2020
<https://landinfo.no/wp-content/uploads/2020/06/Respons-Tyrkia-Fortsatte-reaksjoner-mot-G%C3%BClen-bevegelsen-11062020.pdf>

9.2 The Gülen movement abroad

OSW in the above-quoted publication with referral to other sources states that the estimated number of Gülen supporters abroad is higher than in Turkey itself:

“[...] the number of active members [of the Gülen movement] across the world is estimated at 3-6 million, including around 1 million in Turkey alone.” (OSW, 7 December 2016, p. 2)

Al-Monitor in its above-mentioned article of 19 April 2016 notes that the movement has been active internationally since 1991 and operates schools in 150 countries:

“In 1991, a group of Gulenist businessmen established their first international school in Azerbaijan [...]. Schools in former Soviet republics and even in non-Muslim countries such

as Mexico and Japan mushroomed. [...] Schools set up in his name have spread across 150 countries.” (Al-Monitor, 19 April 2016)

According to DW, in 2016 thousands of schools affiliated with the Gülen movement operated in Africa, Central Asia, the U.S. and Europe (DW, 27 July 2016). The Turkish online news-site Ahval in October 2019 reports that before the crackdown Gülen’s schools operated in 160 countries and that the Turkish government put pressure on the respective foreign governments to close those schools (Ahval, 19 October 2019).

The Asylum Research Consultancy (ARC), in a November 2017 update of its 2016 Turkey country report has collected information on the close-down of Gülen-affiliated schools abroad as well as on the treatment of perceived or actual members or associates of the Gülen movement living abroad country-by-country up to 11 September 2017:

- ARC – Asylum Research Centre: Turkey Country Report – Update November 2017 [3rd edition], 21 November 2017, pp. 192-212
https://www.ecoi.net/en/file/local/1418404/1226_1511364755_5a1313bf4.pdf

In January 2020 Ahval mentions that “Turkey has forced the closure of hundreds of Gülen schools and businesses around the world and pressured foreign governments, mainly African and former Soviet states, to hand over more than 80 Turkish citizens with links to Gülen” (Ahval, 27 January 2020). In a February 2020 article, the Swiss daily newspaper Neue Zürcher Zeitung (NZZ) reports that the closing of the schools poses serious challenges for the Gülen movement, as they play an important role in funding and the recruitment of new followers. In order to avoid Turkey’s access, many schools no longer declare themselves as Turkish schools, but as local institutions. Through a mixture of political pressure and economic incentives Turkey has tried to persuade the host countries to hand over Gülen-affiliated schools, dormitories and universities to the governmental Maarif Foundation (NZZ, 14 February 2020). The Maarif Foundation, a non-profit institution subordinate to the Turkish Ministry of Education, in July 2019 operated schools in 33 countries, mostly in the Balkans and Africa (Daily Sabah, 8 July 2019). Whenever the Turkish government’s interventions do not prove successful in closing the Gülen schools, it strives to open its own schools through the Turkish Maarif Foundation. So far the Maarif Foundation has taken over almost 220 former Gülen institutions and has opened approximately one hundred schools itself (NZZ, 14 February 2020).

Apart from closing down institutions affiliated with the Gülen movement, the Turkish government intervened with foreign governments concerning the extradition of actual or perceived members of the movement to Turkey (ARC, 21 November 2017, p. 196; p. 198; p. 201; IRB, 6 January 2020).

The Stockholm Center for Freedom (SCF) in January 2020 published an article about the deportation of a Gülen follower subsequent to a Turkish extradition request and reports:

“Turkey had previously been able to bring Gülen-affiliated individuals back home without official extradition processes in Kosovo and Moldova. Turkish officials claim more than 100 Gülen followers have been brought back to the country since a failed 2016 coup.” (SCF, 2 January 2020)

The Netherlands' Ministry of Foreign Affairs in its October 2019 report on Turkey summarises information gathered of various sources on the situation concerning extraditions and the intelligence service's involvement:

"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. Turkey [...] is exerting pressure worldwide to close institutions affiliated with the Gülen movement. The Turkish government also asked governments of other countries to extradite alleged Gülenists. Many of those affected are teachers. 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. 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. Moldova also extradited alleged Gülenists to Turkey through cooperation between the security services of the two countries, and without legal proceedings. 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." (Netherlands Ministry of Foreign Affairs, October 2019, p. 35-36)

The New York Times reported in April 2018 that the then Turkish deputy prime minister Bekir Bozdag "told the Haberturk television news channel that [...] Turkish intelligence agents had 'bundled up and brought back 80 FETO members in 18 countries.'" (NYT, 5 April 2018)

According to a news article by the Nordic Research and Monitoring Network (Nordic Monitor), which describes itself as a non-profit organisation that aims to raise awareness on radical and violent extremist trends in Europe and beyond, Turkish diplomats have been instructed by the Turkish government to spy on businessmen critical to Erdoğan on foreign soil. The Turkish Ambassador to Uganda in an Interview in March 2020 with Anadolu told the state-run news agency that the Turkish Embassy in Uganda collaborates with Ugandan security in observing businesses, medical personnel, humanitarian volunteers and educators, who are believed to be followers of the Gülen movement:

"An interview given by Turkish Ambassador to Uganda Kerem Alp to the state-run Anadolu news agency confirms how Turkish diplomats collect information on the business activities of critics of President Recep Tayyip Erdoğan living abroad and profile their companies as if they were part of a terrorist organization. In his March 2, 2020 interview, Ambassador Alp stressed that 'the Turkish Embassy is collaborating with Ugandan security officials in monitoring businesses run by FETO members.' Alp admitted that the embassy in Kampala was working with those officials to collect information about companies registered in Uganda and their owners. Alp also revealed that the embassy is gathering information on

medical staff, educators and humanitarian volunteers who are working for Ugandan institutions. ‘There were some FETO followers who had sought to hide in Uganda and were working in schools or hospitals. ... They have been disguising themselves as humanitarian workers,’ he told the news agency. [...] Ambassador Alp’s interview came just two weeks after remarks made by Turkish Foreign Minister Mevlüt Çavuşoğlu confirming clandestine spying operations by Turkish diplomats on foreign soil. Çavuşoğlu said Turkish diplomats assigned to embassies and consulates have officially been instructed by the government to conduct such activities abroad.” (Nordic Monitor, 20 March 2020)

Nordic Monitor already in July 2019 published an article about spying activities of Turkish diplomats abroad, that time in the U.S. The non-profit organisation according to this article obtained secret documents that revealed the spying on several organisations and critics of the Turkish government, among those a cultural organisation that was suspected to generate “sympathy for the Gülen movement in American society” and “the Golden Generation Workshop and Retreat Center, a Pennsylvania-based organization, [which] is home to Fethullah Gülen” (Nordic Monitor, 27 July 2019). The article continues on spying activities in 92 foreign countries:

“Nordic Monitor previously published a report disclosing how Turkish embassies and consular officials engaged in spying on government critics in 92 foreign countries as part of profiling and espionage activities that at times amounted to a systematic and deliberate campaign of refugee spying. A document found in papers released by the Ankara 4th High Criminal Court on January 16, 2019 in case No. 2016/238 indicated that the Turkish Foreign Ministry had compiled a long list of foreign entities that were owned and/or operated by people who were seen as close to the Gülen movement.” (Nordic Monitor, 27 July 2019)

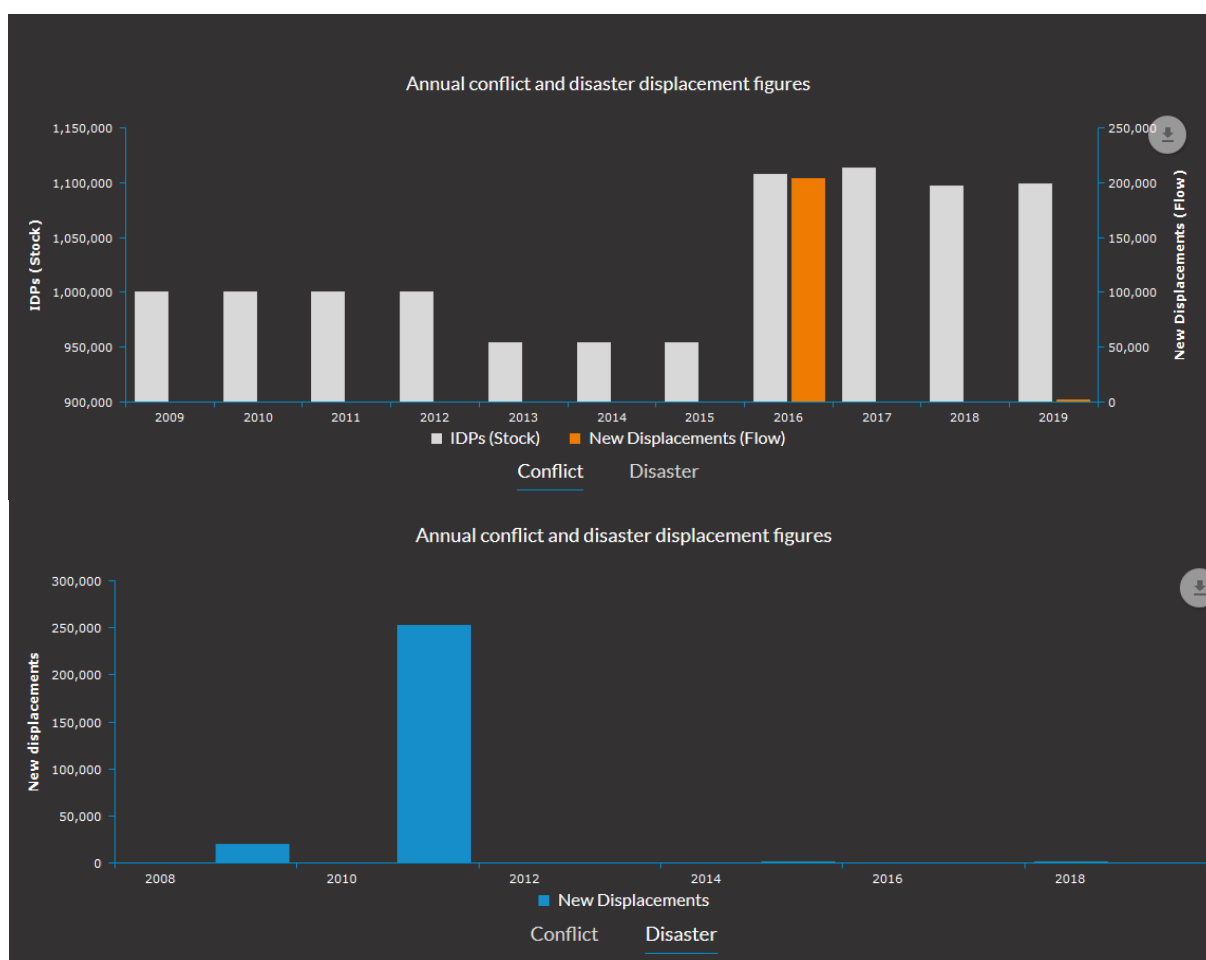
Another measure taken against perceived Gülen movement members living abroad is connected with decree law No. 680 of 6 January 2017. This decree entitles the authorities to revoke citizenship of individuals under investigation who remain abroad (OHCHR, March 2018, p. 23). Hürriyet in a November 2019 article reports that the Turkish Minister of Interior, Süleyman Soylu, announced to submit a list with the names of 211 people, including Fethullah Gülen, to the Presidency, with the aim to deprive them of Turkish citizenship (Hürriyet, 22 November 2019).

10 Internal displacement and refugees

10.1 Internal displacement

According to the Internal Displacement Monitoring Center (IDMC), an international non-governmental organisation based in Geneva, which advocates a better protection of and a more effective support for Internally Displaced Persons (IDPs), as of 31 December 2019 a total of 1,099,000 people were living in internal displacement due to conflict and violence, while 100 people were living in internal displacement because of disasters. During the year 2019 2,000 new displacements due to conflict and violence took place²³. As shown in the infographic below, the latest major occurrence of new internal displacements due to conflict or violence happened in 2016, when more than 200,000 persons were displaced (IDMC, 31 December 2019). In 2011 an earthquake in the Van region in the east of Turkey was the cause for the displacement of more than 250,000 people (UNHCR, June 2012, p. 5).

IDMC provides the following infographics on displacements for reasons of conflict and disaster in Turkey:



Source: [IDMC, 31 December 2019](#)

²³ IDMC on its Website gives the following information on the number of new displacements due to conflict or violence: "This corresponds to new instances of internal displacement that occurred in 2019. This refers to a number of movements, and not people, as individuals can be displaced several times, and the data we collect does not always reflect this." (IDMC, 31 December 2019)

In a May 2019 publication IDMC gives a brief overview of the history of Turkish internal displacements since the 1980s:

“The majority of IDPs in Turkey originally became displaced due to the Turkish-Kurdish war in the 1990s. From 1986 to 2005, between 954,000 and 1.2 million people were internally displaced, according to a 2006 study conducted by Hacettepe University, commissioned by the Government of Turkey. Since then, further displacement was triggered by security operations in 2015 and during the state of emergency which was declared following the attempted coup of 15 July 2016 and which lasted until July 2018. During curfews established as part of the state of emergency, security operations were conducted by the army in several Kurdish-majority cities in the south-east of Turkey. As a result, several neighborhoods were reported to be severely damaged or completely destroyed in cities such as Suriçi, Nusaybin (Mardin), Cirze, Sur, Idil, Yuksekova, Derik, Dargeçit and Şırnak. Curfews also limited access to areas where hundreds of thousands of people were internally displaced. Information could only be found about estimated housing destruction, which was used as proxy to estimate forced displacement. There is very little contextual information available, including on living conditions in these areas. In addition, no information has been provided on housing destruction or displacement after 2015. According to the Ministry of Housing Development Administration (TOKI), destroyed houses are being rebuilt in the cities of Silopi and Şırnak, as well as, Mandarin, Idil and Cizre. However, independent observers do not have access to the areas and in the absence of baseline assessments, it is difficult to estimate the current scale of displacement, return attempts as well as the needs of IDPs.” (IDMC, May 2019, p. 1)

Anti-terror operations conducted by the Turkish government since 2015 in the south-east of Turkey in response to operations allegedly carried out by the PKK in the region, resulted in mass displacement and destruction of homes of survivors (OHCHR, February 2017, p. 5). According to a February 2017 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the human rights situation in South-East Turkey, covering the period July 2015 to December 2016, during these operations “[o]ver 355,000 South-East Turkey residents, mainly citizens of Kurdish origin, were displaced” (OHCHR, February 2017, p. 5). The Department of Foreign Affairs and Trade of the Australian Government (DFAT) in an October 2018 country information report on Turkey states:

“The conflict has caused significant displacement: between July 2015 and July 2017, approximately 100,000 people lost their homes and up to 400,000 people reportedly moved to neighbouring suburbs, towns and villages, or to other regions within Turkey. [...] Many have still not been able to return to their homes. Owners of houses destroyed in the conflict have reported that financial compensation is conditional on them signing declarations that their property was destroyed by ‘terrorist activities’. Many report that the amount of financial compensation offered has been insufficient to find replacement housing” (DFAT, 9 October 2018, p. 21).

The Turkish government in 2016 announced an investment plan for reconstruction of the areas damaged during anti-terror measures in the south-east of the country (European Commission, 29 May 2019, p. 17). The European Commission in its May 2019 report on Turkey assessed:

“Despite some reconstruction, only few internally displaced persons have received compensation. [...] The Government’s investment plan [...] led to the ongoing construction of many dwellings. The compensation process and distribution criteria of housing for internally displaced persons are not transparent. [...] There has been limited progress on the situation of internally displaced persons (IDPs) resulting from the violence in the south-east, and a small percentage of IDPs have been offered new housing.” (European Commission, 29 May 2019, p. 6, p. 17, p. 19)

The May 2019 Turkey report of the European Commission also mentions that urban renewal projects affect Roma settlements and lead to the displacement of Roma families (European Commission, 29 May 2019, p. 7). Minority Rights Group also describes that in their history “Roma have also suffered frequent displacement and homelessness as a result of forced eviction and expropriation of property by the state” (MRG, last updated June 2018d), but does not provide information about when those displacements occurred.

10.2 Refugees in Turkey

Turkey is a signatory to the 1951 Geneva Convention Relating to the Status of Refugees since 30 March 1962 and accessed its 1967 Additional Protocol on 31 July 1968 (Respond, May 2018, p. 657). Turkey maintains a geographical limitation to the Geneva Convention and “only applies it to refugees originating from European countries” (ECRE, April 2020, p. 19).

With the Law on Foreigners and International Protection (LFIP) Turkey in April 2013 established “a dedicated legal framework for asylum in Turkey and affirms Turkey’s obligations towards all persons in need of international protection, regardless of country of origin” (ECRE, April 2020, p. 19).

The responsible state agency for migration and asylum matters²⁴ is the Directorate General of Migration Management (DGMM) (ECRE, April 2020, p. 19), which was established under the Ministry of Interior (DGMM, undated (a)). The DGMM’s duties, among others, are to combat irregular migration (DGMM, undated (b)) and to carry out tasks and procedures related to international protection and temporary protection (DGMM, undated (c)).

The Turkish asylum system distinguishes four categories of refugees: the first based on the definition of the Geneva Convention relating to the Status of Refugees (with the geographical limitation), second those with conditional refugee status, third beneficiaries of subsidiary protection and fourth beneficiaries of temporary protection (see [section 10.2.1](#) below). For the purpose of this report the term refugee is used for all these categories.

²⁴ Before 10 September 2018 UNHCR registered applications for international protection in Turkey and carried out refugee status determination. But “[a]s of 10 September 2018, UNHCR stopped registering and making referrals of foreigners wishing to apply for international protection in Turkey. As of 10 September 2018, UNHCR stopped carrying out mandate Refugee Status Determination procedures.” (UNHCR, undated)

10.2.1 Turkey's dual asylum system: temporary protection and international protection

The Turkish asylum system has a dual structure, distinguishing between refugees from Syria and refugees from other countries. While refugees from Syria as a group fall under a temporary protection regime, others apply for international protection (ECRE, April 2020, p. 19). The legal background of international protection and temporary protection are on the one hand the Law on Foreigners and International Protection (LFIP) and on the other hand the Temporary Protection Regulation (TPR). Both were put into force in 2014 (Respond, February 2020b, p. 11).

The LFIP with the latest amendments of 24 December 2019 is available in Turkish language via the following link:

- Law on Foreigners and International Protection, Law no 6458, 4 April 2013, as amended on 24 December 2019
<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6458&MevzuatTur=1&MevzuatTertip=5>

An unofficial English translation of the LFIP, as amended on 29 October 2016 is available via the following link:

- Law on Foreigners and International Protection, Law no 6458, 4 April 2013, as amended on 29 October 2016
<https://www.refworld.org/docid/5a1d828f4.html>

The Temporary Protection Regulation with the latest amendments of 25 December 2019 is available via the following link:

- Temporary Protection Regulation, 22 October 2014
<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=20146883&MevzuatTur=21&MevzuatTertip=5>

An unofficial English translation of the Temporary Protection Regulation as of 22 October 2014 is available via the following link:

- Temporary Protection Regulation, 22 October 2014
<https://www.refworld.org/docid/56572fd74.html>

The European Council on Refugees and Exiles (ECRE), an umbrella organisation of European NGOs, in April 2020 published a comprehensive report on the Turkish asylum procedure, addressing both the status of temporary protection as well as the status of international protection. It deals extensively with the status procedures, reception conditions and the humanitarian situation of beneficiaries of temporary protection and international protection. The report contains information up to 31 December 2019.

- ECRE – European Council on Refugees and Exiles: Country Report: Turkey, April 2020
https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2019update.pdf

On the status of temporary protection, for which only refugees from Syria are eligible, this April 2020 report notes:

“For refugees from Syria Turkey implements a temporary protection regime, which grants beneficiaries a right of legal stay as well as some level of access to basic rights and services.

The temporary protection status is acquired on a prima facie, group basis, to Syrian nationals and stateless Palestinians originating from Syria.” (ECRE, April 2020, p. 19)

The same source continues on the purpose of temporary protection and its application:

“Temporary protection within the scope of Article 91 LFIP [Law on Foreigners and International Protection] is a discretionary measure that may be deployed in situations of mass influx of refugees where individual processing of international protection needs is impractical due to high numbers. As such, temporary protection under the TPR [Temporary Protection Regulation] is not defined as a form of international protection but a complementary measure used in situations where individual international protection eligibility processing is deemed impractical. The application of the Temporary protection regime is to be declared by a decision of the Presidency. [...] The temporary protection approach is meant to categorically apply to and benefit all persons falling within the scope of beneficiaries formulated by the host Government, without any personalised assessment of international protection needs. [...] [P]ersons who have arrived from Syria from 28 April 2011 or later are to be exclusively processed within the framework of the temporary protection regime. As such, they shall be barred from making a separate international protection application. [...] Any persons who had arrived in Turkey prior to 28 April 2011 and had already made an application for international protection were given the option of choosing whether they wished to remain within the international protection procedure framework or benefit from temporary protection.” (ECRE, April 2020, pp. 120-122)

The temporary protection status grants “legal stay in Turkey [...], protection from punishment for illegal entry or presence and protection from refoulement” (ECRE, April 2020, p. 133).

With regard to international protection the April 2020 ECRE country report on Turkey explains that the LFIP provides three types of international protection status, namely international protection, conditional refugee status and subsidiary protection:

“1. Persons who fall within the refugee definition [...] of the 1951 Convention and come from a ‘European country of origin’ qualify for refugee status under LFIP [Law on Foreigners and International Protection], in full acknowledgment of Turkey’s obligations under the 1951 Convention. The Turkish legal status of refugee under LFIP should afford rights and entitlements in accordance with the requirements of the 1951 Convention, including the prospect of long-term legal integration in Turkey. Only three persons had been recognised as refugees as of January 2018, although a March 2018 report of the Grand National Assembly referred to 70 persons with refugee status. There was no official data in 2019.

2. Persons who fall within the refugee definition in Article of the 1951 Convention but come from a so-called ‘non-European country of origin’, are instead offered conditional refugee status under LFIP. Conditional refugee status is a Turkish legal concept introduced by the LFIP for the purpose of differentiating in treatment between 1951 Convention-type refugees originating from ‘non-European’ states and those originating from ‘European’ states. The status of conditional refugee affords to beneficiaries a set of rights and entitlements lesser to that granted to refugee status holders and to subsidiary protection holders in some respects. Most importantly, conditional refugees are not offered the

prospect of long-term legal integration in Turkey and are excluded from Family Reunification rights.

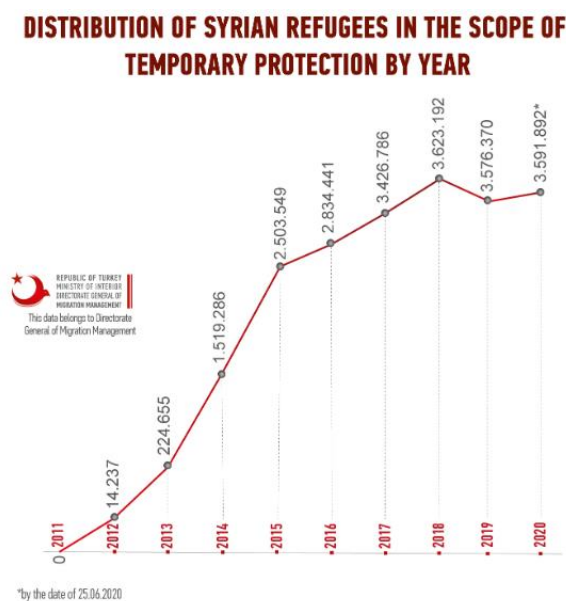
3. Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but would however be subjected to death penalty or torture in country of origin if returned, or would be at ‘individualised risk of indiscriminate violence’ due to situations or war or internal armed conflict, qualify for subsidiary protection status under LFIP. The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive. Similar to the conditional refugee status holders, subsidiary protection beneficiaries receive a lesser set of rights and entitlements as compared to refugee status holders and are barred from long-term legal integration in Turkey. Notably however, unlike conditional refugees, subsidiary protection beneficiaries are granted family reunification rights in Turkey.” (ECRE, April 2020, p. 109)

10.2.2 Numbers and statistics

As of 28 April 2020, Turkey hosts four million refugees and asylum seekers, “including almost 3.6 million Syrian nationals and close to 330,000 registered refugees and asylum-seekers of other nationalities” (UNHCR, April 2020, p. 1), mostly originating from Iraq, Afghanistan, Iran and Somalia (ECRE, April 2020, p. 19).

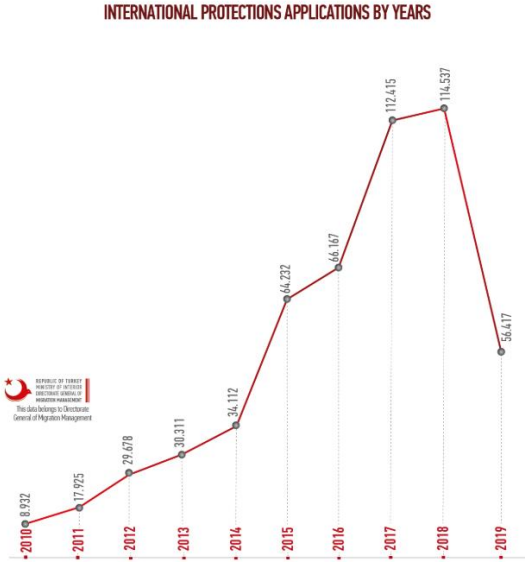
According to a September 2019 report of Konrad Adenauer Stiftung (KAS) on Syrians and other refugees in Turkey, at least 54% of the approximately 6.6 million Syrian refugees stay in Turkey. Due to the influx of mostly Syrian refugees “[s]ince 2014, Turkey has thus become the country that hosts the highest number of refugees in the world. Notably, in 2011 prior to the outbreak of the Syrian Crisis, the number of foreigners under international protection in Turkey was merely 58,000” (KAS, September 2019, p. 2).

On its Website the DGMM provides statistics on the number of Syrian refugees with temporary protection status. 3,591,892 refugees from Syria held temporary protection status as of 25 June 2020:

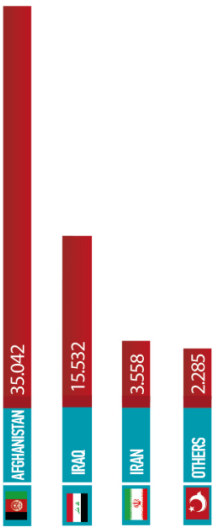


Source: [DGMM, 25 June 2020](#)

According to the DGMM statistics, 114,537 applications for international protection have been registered in 2018 and 56,417 in 2019. The breakdown of applicants by nationality shows that the largest group of applicants is from Afghanistan, followed by applicants from Iraq:



**DISTRIBUTION BY THE FOREIGNERS NATIONALITIES
THOSE WHO HAVE APPLIED FOR INTERNATIONAL
PROTECTION IN 2019**

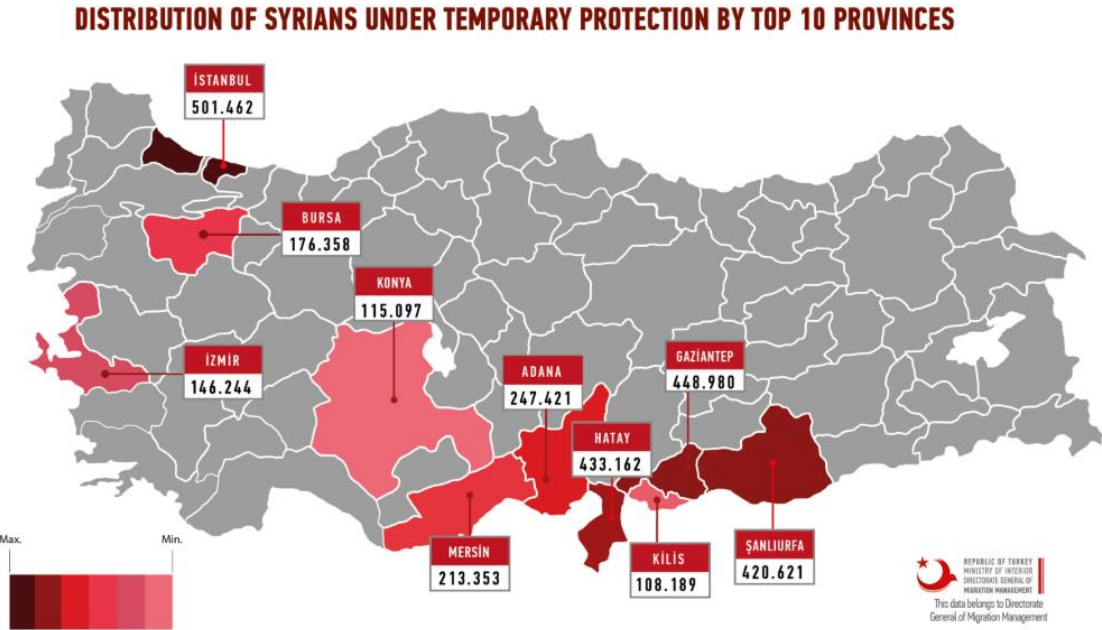


Source: [DGMM, undated \(d\)](#)

Numbers of people granted international protection are not provided on the website of DGMM, but the Human Rights Association (IHD) in a May 2020 report covering the year 2019 states that according to the Ministry of Interior 337,000 persons are under international protection (IHD, May 2020, p. 30).

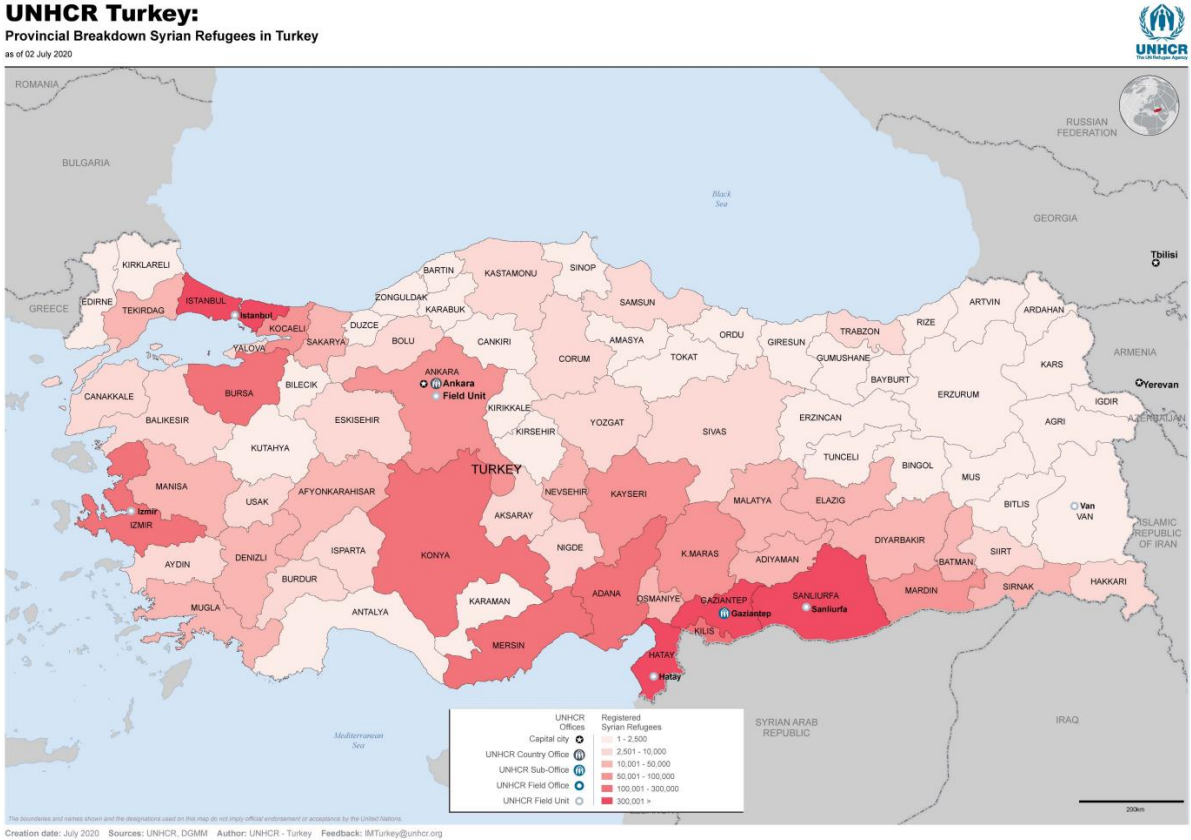
Four of the 81 Turkish provinces, namely Istanbul, Şanlıurfa, Hatay and Gaziantep, in 2019 hosted more than half of the approximately 3.6 million Syrian refugees (ECRE, April 2020, p. 143).

More current numbers provided by DGMM show that as of 25 June 2020 501,462 Syrians under temporary protection reside in Istanbul, followed by Gaziantep that hosts 448,980 Syrians under temporary protection:



Source: [DGMM, 25 June 2020](#)

UNHCR in July 2020 published a map that depicts the number of Syrian refugees by residence in all of Turkey's provinces:



Source: [UNHCR, July 2020](#)

10.2.3 Treatment of Syrian refugees in Turkey

KAS in its above-mentioned September 2019 report with regard to Syrian refugees' residence documents explains that in addition to the temporary protection status, other status for Syrians exist as well, though in much smaller numbers. KAS distinguishes between four groups of Syrian refugees:

“The first and largest group comprises of those who sought refuge in Turkey after April 2011 and who were issued ‘temporary protection’ status by the DGMM having taken their ‘biometric’ records and whose number has climbed up to 3,643,870 as of late August 2019. The second group is comprised of 99,643 people who came to Turkey before 2011 and stay here with a ‘residence permit’. The third group is comprised of around 50,000 Syrians who came to Turkey before 2011 who have, however, not been registered yet. The 92,280 Syrians who, as of 1 August 2019, have become citizens of Turkey in the last two years can be included as a fourth category.” (KAS, September 2019, p. 4)

The current numbers of beneficiaries of temporary protection are available on the website of the DGMM:

- DGMM – Directorate General of Migration Management: Temporary Protection, 25 June 2020

<https://en.goc.gov.tr/temporary-protection27>

With regard to registration under temporary protection, the Turkey 2019 Report of the European Commission explains:

“Syrians may register in any of Turkey’s 81 provinces, but must then stay in that province. Registration was temporarily suspended in some provinces during 2018.” (European Commission, 29 May 2019, p. 48)

On access to registration in 2018 and 2019 the April 2020 ECRE country report states:

“The PDMM [Provincial Directorate for Migration Management] are formally in charge of registering temporary protection beneficiaries. However, in 2018, PDMM in large provinces such as Istanbul, Hatay and Mardin de facto stopped registering and granting documents to newly arriving Syrian refugees, with the exception of vulnerable cases. Others such as Şanlıurfa continue to register temporary protection beneficiaries, although they have stopped registering international protection applicants. The registration process of Syrians has not been smooth in 2019. Vulnerable groups had priority in registration procedures but the number of Syrians who did not receive ID documents increased in 2019.” (ECRE, April 2020, p. 128)

Humanitarian Situation of Syrian Refugees in Turkey

Housing and freedom of movement

Beneficiaries of temporary protection do not have a right to government-provided shelter, but DGMM is authorised to build camps for their accommodation (ECRE, April 2020, p. 142). In February 2020 less than 2% of the total population of temporary protection beneficiaries were

accommodated in temporary accommodation centres, while the large majority (3,529,239) resided outside the camps (ECRE, April 2020, p. 18). The DGMM is legally authorised “to determine whether a temporary protection beneficiary shall be referred to one of the existing camps or allowed to reside outside the camps on their own means in a province determined by the Ministry of Interior Affairs” (ECRE, April 2020, p. 18).

As of 25 June 2020, 62,653 Syrian refugees resided in seven shelters, located in five provinces (DGMM, 25 June 2020) in the larger Syria border region (ECRE, April 2020, p. 143):

**DISTRIBUTION OF SYRIAN REFUGEES IN THE SCOPE OF
TEMPORARY PROTECTION ACCORDING TO SHELTER CENTERS
(7 SHELTER CENTERS IN 5 PROVINCE)**

PROVINCE	NAME OF TEMPORARY SHELTER CENTERS	TOTAL TEMPORARY SHELTER CENTERS	GRAND TOTAL
ADANA (1)	Sarıçam	21.085	21.085
KİLİS (1)	Elbeyli	8.558	8.558
KAHRAMANMARAŞ (1)	Merkez	10.826	10.826
HATAY (3)	Altınözü	2.669	10.480
	Yayladağı	3.890	
	Apaydın	3.921	
OSMANİYE (1)	Cevdetiye	11.704	11.704
Total		62.653	
NUMBER OF SYRIAN REFUGEES THAT NOT IN THE SCOPE OF SHELTER CENTERS		3.529.239	

*by the date of 25.06.2020



Source: [DGMM, 25 June 2020](#)

Ayhan Kaya, professor of Politics at the Department of International Relations of Istanbul’s Bilgi University, in February 2020 wrote a working paper on reception conditions in Turkey, which was published within the scope of the Respond project that studies the multilevel governance of migration in 11 countries (Respond, undated). The research for this paper included interviews with key-informants like NGO representatives and migrants. About challenges for Syrian refugees in the area of housing, this Respond report found the following:

“Affordable accommodation for Syrian refugees is one of the most important challenges, given that now almost all Syrians under temporary protection have become urban refugees. [...] The average size of a Syrian refugee family is just above 5 people, with an average of 2 families in each household. Housing and living costs are higher for Syrian refugees due to abuse by landlords, and generally higher in Istanbul than in other parts of the country, resulting in multiple families living under the same roof. [...] Many families live in abject poverty, often in unsanitary, even dangerous, housing conditions. The interviews conducted in Istanbul, İzmir and Şanlıurfa demonstrate that the majority of our interlocutors have tremendous difficulties in finding private housing. Higher rents, stereotypes, discrimination, racism, and difficult housing conditions were repeatedly expressed by the interlocutors. [...] The interviews also demonstrate that informal

settlement such as staying with friends, and/or in squats is also a common practice among Syrians. It is also a common practice, especially in Istanbul, for some landlords to offer their make-shift shops, stores and workshops for rent in a rather more exploitative way.” (Respond, February 2020b, pp. 46-47)

Concerning residence and freedom of movement, ECRE in its above-quoted April 2020 report states that, by legal provisions of the Temporary Protection Regulation, beneficiaries of temporary protection “are ‘obliged to comply with administrative requirements, failure of which will result in administrative sanctions’. Among other requirements, they may be ‘obliged to reside in the assigned province, temporary accommodation centre or other location’ and comply with ‘reporting requirements as determined by provincial Governorates’.” (ECRE, April 2020, p. 138)

The same source continues concerning the issue of freedom of movement:

“This [Temporary Protection Regulation] provision clearly authorises DGMM [Directorate General for Migration Management] to limit freedom of movement of temporary protection beneficiaries to a particular province, a particular camp or another location. However, it was not until August 2015 that Turkish Government authorities imposed a dedicated instruction to introduce controls and limitations on the movement of Syrians within Turkey. On 29 August 2015, an unpublished DGMM Circular ordered the institution of a range of measures by provincial authorities to control and prevent the movement of Syrians inside Turkey. Its existence became known when security agencies particularly in the southern provinces began to act on this instruction and started intercepting Syrians seeking to travel to western regions of the country. It appears that the impetus behind this measure was to halt the growing irregular sea crossings of Syrian nationals to Greek islands along the Aegean coast. Following the EU-Turkey statement, movement restrictions have been enforced more strictly vis-à-vis temporary protection beneficiaries. Obtaining permission to travel outside the designated province has become more difficult, while routine unannounced checks in the registered addresses of beneficiaries have also increased.” (ECRE, April 2020, pp. 138-139)

Employment and Social Welfare

A policy brief by the Respond project about reception and integration of Syrian refugees in Turkey of February 2020 portrays the situation of Syrians with regard to the labour market as follows:

“Under temporary protection, refugees do not have the right to work without obtaining a hard-to-get work permit. Before the enactment of Law 8375 in January 2016, which allowed Syrians under temporary protection to have work permits only under certain conditions and with certain restrictions, there were only 7,351 work permits issued to Syrians. They were mostly issued to those who started a business. The number of Syrians who received work permits in 2019 was around 65,000. This is still a low number compared to the total number of Syrians in Turkey who have no way to support themselves besides working and who are provided just a small amount of cash-transfer- the Emergency Social Safety Net (ESSN) [...] Without easy legal channels to access the labour market, the informal

sector becomes the only option for most individuals to earn a living. Jobs are mostly found in the textile, construction, service and agricultural sectors. Wages for Syrians are generally reported to be only half of the minimum legal salary and some participants reported making as little as 30 TL a day. It should be mentioned of course that none of these jobs provide job security, occupational safety, or social security benefits.” (Respond, February 2020a, p. 2)

SWP in a February 2020 comment on changing attitudes and fortunes of Syrian refugees in Turkey draws the following picture of the integration of Syrian refugees into the - mostly informal labor - market:

“One of the most important factors easing the integration of Syrians into the Turkish economy is the structural lack of transparency of the process. Approximately one third of the Turkish economy is deemed non-registered or described as a shadow economy. This shadow economy allows Syrians to find work quickly without having to obtain official work permits, to set up small businesses, and to make a living without having to navigate bureaucratic processes and pay high fees to obtain work permits. Given that a sizeable part of the Turkish economy functions behind the curtain of illegitimacy, it appears that Syrian refugees have found breathing space within this shadow economy. However, the informal nature of Syrian employment also comes with considerable problems. Syrians compete with locals for low-income jobs in Turkey’s tight job market and are frequently asked to work 3–4 hours more than their Turkish counterparts – often for less income. The current situation pits different ethnic and social groups against each other, and thus allows Turkish industry to reap the benefits of cheap labor.” (SWP, February 2020, p. 4)

The Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM), a non-profit organisation assisting refugees and asylum-seekers in Turkey, in May 2020 published an analysis report on the impacts of the Covid-19 outbreak on refugees in Turkey. According to this report almost 90 percent of 184 refugees surveyed by SGDD-ASAM with regard to access to means of livelihood did not have a job in April 2020. Before the Corona pandemic the share was 18 percent (SGDD-ASAM, May 2020, p. 14). On the consequences of this development, the report notes:

“[...] the gradual increase in the unemployment rate and the lack of a regular source of income worsen those individuals’ housing and nutritive conditions and make it more difficult for them to cover their mandatory expenses such as rent and utility bills. It has been observed that if the pandemic period lasts longer, persons making a living through daily wage works and various types of assistance will be unable to sustain their livelihoods.” (SGDD-ASAM, May 2020, p. 23)

Cash-assistance

The Emergency Social Safety Net (ESSN) is a humanitarian cash-assistance programme in Turkey with the aim to support vulnerable asylum-seekers and refugees residing outside the camps so that they are able to meet their basic needs like food or clothing (KAS, September 2019, p. 13; European Commission, 30 April 2020, p. 12). The ESSN is funded by the European Union (ECRE,

April 2020, p. 155). As of December 2019, the program provided monthly cash assistance to 1.7 million vulnerable refugees (European Commission, 30 April 2020, p. 12; IFRC, April 2020, p. 1). Almost 90% of ESSN recipients are Syrians (KAS, September 2019, p. 13). The cash assistance is provided through a bank card (IFRC, April 2020, p. 1), the so called Kizilaycard (KAS, September 2019, p. 13). On the eligibility for cash-assistance through the ESSN ECRE in its April 2020 country report the above-cited February 2020 Respond publication provide the following information:

“Families under international or temporary protection and excluded from registered employment are eligible for assistance under ESSN, which extends a monthly allowance of €18 per family member through the Kizilaykart. Applicants for international protection fall within the scope of this programme.” (ECRE, April 2020, p. 155)

“The ESSN program does not include those with formal work permits and those who were granted Turkish citizenship. If applicants meet one of the following demographic criteria, they are eligible to benefit from the social assistance: 1. Single females; 2. Single parents with no other adults in the family and at least one child under 18; 3. Elderly people (above 60) with no other adults in the family (18-59 ages); 4. Families with four or more children; 5. Families with one or more disabled people (they must have a diasability of 40 per cent or more, evidenced by a disability health board report from an authorized state hospital); and 6. Families that have a high number of dependents (children, disabled and elderly).” (Respond, February 2020b, p. 39)

A concise overview of requirements for receiving support from the ESSN as well as information on the application process can be found on the Website of Kizilaykart:

- Kizilaykart, undated
<http://kizilaykart-suy.org/EN/index2.html>

Education

As regards education, ECRE in its April 2020 publication reports:

“Under Turkish law, ‘basic education’ for children consists of 12 years [...]. All children in Turkish jurisdiction, including foreign nationals, have the right to access ‘basic education’ services delivered by public schools. All children registered as temporary protection beneficiaries have the right to be registered at public schools for the purpose of basic education. [...] Public schools in Turkey are free of charge.” (ECRE, April 2020, p. 150)

Children living in one of the camps can either attend a public school or a Temporary Education Centre. Temporary Education Centres were “specifically defined as schools established and run for the purpose of providing educational services to persons arriving in Turkey for a temporary period as part of mass migration” (Respond, February 2020b, p. 48). On the difficulties of Syrian refugees regarding education in Turkey, the ECRE April 2020 report assesses:

“UNICEF estimates as many as 400,000 children out of school. Drop-out rates, particularly at high school level, are linked to factors such as the high level of child labour in the job market, as well as early marriages. [...] Fear of deportation also has an impact on access to

school, affecting around 8,500 children in Bursa, for example. At the same time, the rate of discrimination, prejudice and bullying remains high in public schools, both from fellow pupils and teachers. Refugee children are not offered additional Turkish language classes so as to be able to follow the curriculum effectively. [...] More generally, experts estimate lack of education as a common feature among the Syrian population in Turkey. According to a survey, 33% of respondents reported to be illiterate, while another 13% reported to be literate without having attended school.” (ECRE, April 2020, pp. 151-152)

Health care

Access to health care is provided through Turkey’s General Health Insurance. The ECRE April 2020 country report describes the situation with regard to the accessibility of health care as follows:

“All registered temporary protection beneficiaries, whether residing in the camps or outside the camps, are covered under Turkey’s General Health Insurance (GSS) scheme and have the right to access health care services provided by public health care service providers. The health care services are no longer free of charge following a legal amendment of 25 December 2019 and they have to pay a contribution fee determined by the Ministry of Interior Affairs to access primary and emergency health care services and medicines. This does not apply to vulnerable groups, however. Persons who are eligible for temporary protection but have not yet completed their registration have only access to emergency medical services and health services pertaining to communicable diseases as delivered by primary health care institutions. Temporary protection beneficiaries are only entitled to access health care services in the province where they are registered. However, where appropriate treatment is not available in the province of registration or where deemed necessary for other medical reasons, the person concerned may be referred to another province.” (ECRE, April 2020, p. 156)

The above-mentioned non-profit organisation SGDD-ASAM concerning the Covid-19 pandemic and its impact on refugees assessed in its May 2020 publication:

“In the survey in which a total of 1,162 individuals participated, 83% of the participants indicated that they had sufficient amount of information about the COVID-19 pandemic.” (SGDD-ASAM, May 2020, p. 12)

“In scope of the Sectoral Analysis of the Impacts of COVID-19 Pandemic on Refugees Living in Turkey, a total of 302 individuals with vulnerabilities such as disability, chronic disease, serious health problem or pregnancy/ breastfeeding have provided answers to the Healthcare Sector-related survey questions. At the end of the survey, 40% of the beneficiaries stated that they had felt the need to apply for healthcare services due to various reasons during the pandemic. However, 15% of these persons, who indicated that they had applied to healthcare institutions, noted that they were unable to benefit from the healthcare services. [...]

68% of those who are in need of regular medication indicated that they were unable to acquire their medication.” (SGDD-ASAM, May 2020, pp. 17-18)

Perception of Syrian refugees in Turkey

While KAS in its above-mentioned September 2019 publication describes that despite their high numbers the public accepts Syrian refugees, SWP in its February 2020 comment detects a negative trend in public perception:

“A notable ‘social shock’ arose as the Turkish community came face to face with more than 4.1 million refugees, amounting up to 5% of the population, up from only 58,000 in 2011. However, it is necessary to acknowledge that despite the social shock, concerns that rejection or disturbance would come to the fore, and there would grow a desire for the Syrians to go back, the level of social acceptance in the Turkish community is still extremely high.” (KAS, September 2019, p. 16)

“Turkish society has shown great resilience in absorbing a total number of refugees that now equals the size of Croatia’s population [...]. Turkey has approximately one percent of the world population but, according to Amnesty International, it hosts nearly 15 percent of the global refugee population. It is also one of the largest humanitarian assistance providers in terms of percentage of gross national income. That said, negative public perceptions toward the refugees have grown significantly. Although incidences of violence have been negligible, numerous public opinion polls confirm a stark decline in public support for hosting the refugees. Not surprisingly, Turkish citizens are expressing considerable concern about the future in relation to life with Syrian refugees. This negative trend is compounded by Turkey’s authoritarian political climate, an ongoing economic crisis, the suppression of the rule of law as well as freedom of expression, and the shortcomings of a peculiar presidential system.” (SWP, February 2020, p. 1)

A study published by the Association for Monitoring Equal Rights (Eşit Haklar İçin İzleme Derneği, ESHID) in 2019 on the perception of discrimination in Turkey found that Syrian refugees belong to the groups most commonly discriminated against by Turkish society:

“Two types of discrimination - against the refugees - particularly Syrian refugees- and against the groups that do not conform to heteronormativity due to their gender identities, can be considered as most common forms of discrimination in the society of Turkey. Attitudes against discrimination targeting these two groups do not vary significantly according to ethnic/racial identity belonging and/or class position. The findings obtained by both quantitative and qualitative research techniques clearly show that negative prejudices against both groups are deeply rooted.” (ESHID, 2019, p. 35)

The 2019 Turkey report on sustainable governance indicators 2019 by Bertelsmann Stiftung adds to the matter of resentment:

“Syrian refugees are resented among large segments of the Turkish public. Syrian refugees are viewed as a burden and blamed for the deteriorating quality of public service provision, price increases and rising unemployment. Although the Turkish government has emphasized cultural and religious affinities with Syrian refugees, the public perceives a surprisingly large cultural and social distance.” (Bertelsmann Stiftung, 2019, p. 19)

ECRE in the April 2020 publication mentions reports on tension and violence against Syrians (ECRE, April 2020, p. 145). EASO published a query response on 12 December 2019 to questions regarding treatment of Syrian nationals, documented cases of violence against Syrians in Turkey, media reporting and state protection in case of abuse:

- EASO – European Asylum Support Office: Turkey - 1. Information on societal and state perception / treatment of Syrian nationals under temporary protection in Turkey 1.1 Documented cases of violence against Syrians in Turkey 1.2 Syrians in Turkish media 2. Information on whether protection is available and is granted by the Turkish authorities to Syrian nationals under temporary protection that face societal/state abuse [Q24-2019], 12 December 2019
https://www.ecoi.net/en/file/local/2021291/2019_12_TURKEY_Query_Treatment_Syrians_TP_beneficiaries_Q24.pdf

KAS observes that the issue of Syrian refugees became more prominent in recent local elections:

“During the local elections on 31 March 2019, Syrians in Turkey were discussed much more than the previous elections. After the Government party failed to obtain the desired results in many locations, especially Ankara and Istanbul, the perspective that the ‘reason for failure’ in the elections was the Syrians became prominent. Over the 8 years since the beginning of the refugee crisis, it was the first time that Syrians became such a frequent item on the political agenda. It is expected that this issue will remain highly salient in upcoming elections, as well.” (KAS, September 2019, p. 22)

About the 2019 local elections and Syrian refugees SWP in its February 2020 comment states:

“Turkey’s hegemonic Justice and Development Party (AKP) experienced a historic loss in local elections in 2019. The ruling AKP lost most major cities to the opposition, including Istanbul, Ankara, Antalya, Mersin, and Adana. One of the primary reasons for these losses was the widespread discomfort felt due to the Syrian refugees in Turkey’s urban centers. Recent public opinion polls confirm that Turks see the refugee issue as one of the most important problems facing the country. Syrian refugees are present in almost all Turkish cities, including cities far away from Syria, such as those on the Black Sea coast. Due to the government’s decision to close the camps gradually, the camp population has decreased considerably. Refugees have moved to cities, taking their problems to urban settings with them. This situation has transformed the Syrian refugees into ‘urban refugees,’ as 98 percent of them currently reside in cities. Consequently, even formerly welcoming attitudes by AKP supporters have soured vis-à-vis the refugees. [...] Furthermore, the refugees are overwhelmingly conservative, religious, and sympathetic to President Recep Tayyip Erdoğan’s AKP, which puts them in direct contrast with Turkey’s urban middle-class opposition on values and lifestyle issues.” (SWP, February 2020, p. 2)

Along with increasing resentments within the Turkish population against Syrian refugees, president Erdoğan, according to a September 2019 New York Times (NYT) article, reversed his course concerning Syrian refugees and pushed for resettlement of one million Syrian refugees

in a buffer zone along the Turkish – Syrian border (NYT, 10 September 2019). The article continues with an Erdoğan quote on resettlement:

“‘Our goal is to settle at least one million Syrian brothers and sisters in our country in this safe zone,’ Mr. Erdogan told leaders of his Justice and Development Party in Ankara on Thursday. ‘If needed, with support from our friends, we can build new cities there and make it habitable for our Syrian siblings.’” (NYT, 10 September 2019)

In a February 2019 speech president Erdoğan stated that “Syrians would be ‘sent back’ in a short while [...]. ‘We would like brotherly refugees to return to their home land. We are not expected to keep 3.5 million here forever.’” (KAS, September 2019, p. 22) According to a May 2020 policy brief by the European Council on Foreign Relations (ECFR), an international think-tank that conducts research on European foreign and security policy, the number of Syrians who returned to Syria is not as high as wished for by the Turkish government, and reliable data is hard to come by:

“The problem for Ankara is that Syrians in Turkey do not appear to be moving to the safe zone in large numbers. As the topic of repatriation is highly politicised, publicly available data on these returns is inconsistent. For instance, according to the Turkish Ministry of Defence, nearly 600,000 refugees have moved back to Syria to settle in the three Turkish-controlled areas. Yet other parts of the Turkish government have cited different figures. Foreign Minister Mevlut Cavusoglu has said that 371,000 Syrians have moved to the areas. While the Turkish government hopes, and claims, that the safe zone will eventually host up to two million former refugees who have returned from Turkey, this seems wildly unrealistic. Though it is difficult to assess the exact number of Syrians who have voluntarily returned to their country, the UN High Commissioner for Refugees estimates that a total of 231,928 Syrians voluntarily returned to Syria between 2016 and February 2020. Only 89,000 of those are from the 3.6 million Syrians who originally sought refuge in Turkey during the nine-year conflict. Therefore, contrary to Turkish expectations, most of the Syrians who have entered the safe zone seem to be internally displaced persons, moving from one part of Syria to another.” (ECFR, 28 May 2020)

Human Rights Situation of Syrian Refugees in Turkey

Refoulement and right to asylum

Protection from refoulement for persons under temporary protection is, with exceptions, guaranteed by the Temporary Protection Regulation:

“Article 6 TPR [Temporary Protection Regulation] guarantees protection from refoulement to persons granted temporary protection. However, an exception to this rule was introduced by way of emergency decree in October 2016, providing that a deportation decision ‘may be taken at any time during the international protection proceedings’ against an applicant for reasons of: (i) leadership, membership or support of a terrorist organisation or a benefitoriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations. [...] Deportation decisions were increasingly issued to Syrians on the basis of

the abovementioned provisions in 2018, and 2019, similar to persons seeking international protection in Turkey.” (ECRE, April 2020, p. 134)

As mentioned above, the numbers of refugees who voluntarily returned to Syria are divergent. Moreover, questions about the voluntariness of those returns are a matter of concern for stakeholders. ECRE in its April 2020 country report states the following on voluntary returns to Syria:

“Voluntary return continued to be a prominent issue and concern in the temporary protection system in 2019. [...] The Ministry of Defence has said that around 580,000 Syrians repatriated in 2019 including 380,000 to the Euphrates Shield Zone, 135,000 to the Peace Spring Shield Zone and over 65,000 to the Olive Branch Zone. These statements should be read with caution, however, vis-à-vis the voluntariness of returns to Syria, and re-entry to Turkey of persons who have travelled to Syria.” (ECRE, April 2020, p. 122)

“Many stakeholders have expressed serious concerns on the enforced signing of voluntary return forms in 2019, particularly from detention. This included providing wrong and/or misleading information as well as intimidation.” (ECRE, pp. 17-18)

“In Antakya the number of deportations executed is quite low. Instead, Syrian refugees are forced to sign a voluntary return form. In the case of a deportation decision, individuals are either sent to a third safe country (which is not applicable to Syrians) or held in a removal centre. In the removal centre, individuals are threatened that they will be held there for six months, plus another six months, and forced to sign the voluntary return form. They are told that they can come back to Turkey illegally anytime. People sign the form, leave Turkey and illegally re-enter Turkey, but when they are caught upon return they are deported to Syria directly without any court process or decision because they do not know that a V-87 code (an entry ban) has already been put on their names. Those apprehended on the border are also being registered, their fingerprints are taken and forced to sign a voluntary return form to prevent them from legally entering Turkey. [...] In Gaziantep, voluntary return forms are also being signed by force and the temporary protection status of those who return to Turkey is not re-activated except vulnerable cases. This is a general application in the region and PDMMs [Provincial Directorate for Migration Management²⁵] say that this is the decision of the Governorates.” (ECRE, April 2020, p. 135)

In October 2019, Amnesty International (AI, October 2019) and Human Rights Watch report on illegal deportations of Syrian refugees to Syria. The HRW October 2019 article writes about deportations of Syrian refugees to northern Syria between January and September 2019:

“Turkish authorities in Istanbul and Antakya arbitrarily detained and deported dozens of Syrians and possibly many more to northern Syria between January and September 2019 despite active hostilities there [...]. Deported Syrians said that Turkish officials forced them

²⁵ The Provincial Directorates for Migration Management are the DGMMs (Directorate General of Migration Management) provincial departments for Migration Management (ECRE, April 2020, p. 23).

to sign forms they were not allowed to read, in some cases after beating or threatening them, and transported them to Syria.” (HRW, 24 October 2019)

HRW published a letter to the EU Ministers on 9 July 2020, by which it addresses the issues of violations of the principle of non-refoulement and pushbacks at the Syria-Turkey border:

“[...] [I]n light of ongoing discussions about the implementation of the 2016 EU-Turkey Statement, it is important to note that Turkey does not meet the EU’s criteria for a safe third country to which an asylum seeker can be returned. This includes respect for the principle of non-refoulement. Based on research by Human Rights Watch and Amnesty International, it is likely that in 2019 Turkish authorities arrested and forcibly deported to Syria hundreds of Syrians from its cities, putting Syrians living in Turkey at risks of serious human rights violations. This practice also potentially exposes those Syrians who are forcibly returned to Turkey from Greece, on the basis of the EU-Turkey deal of 2016, to the risk of onward refoulement to Syria. In late May 2020, further cases of forcible deportations to Syria were reported by Amnesty International.

Since 2016, Turkish border guards patrolling Turkey’s closed border with Syria have killed and injured Syrian asylum seekers and have carried out mass summary pushbacks. Most have been returned to Idlib governorate, where the Syrian government and Russian forces have recently carried out a new round of indiscriminate bombings, striking civilians, hospitals, and schools, forcing a million people to flee.” (HRW, 9 July 2020)

A March 2020 UNHCR publication on operational highlights in Turkey informs that in 2019 UNHCR observed voluntary return interviews of more than 34,300 families (UNHCR, 6 March 2020, p. 10). On the UNHCR monitoring of voluntary returns the April 2020 ECRE publication notes:

“UNHCR continued to monitor voluntary returns in 2019. According to their 2019 report, UNHCR observed the voluntary return interviews of over 34,300 families in 2019 in nine provinces across South East Turkey as well as Ankara, Istanbul, Izmir and Manisa, and conducted visits with DGMM [Directorate General for Migration Management] to observe the voluntary return procedures put in place by the provincial directorates, to identify gaps and challenges in the implementation and to provide support and strengthen the capacity of the provincial directorate staff. [...] Human Rights Association (IHD), one of the biggest human rights organisations in Turkey, has revealed that neither UNHCR, Turkish Kizilay nor any other NGOs were present during voluntary return procedures for Syrians from July to October 2019 in Istanbul.” (ECRE, April 2020, p. 124)

State of Agreement Between EU and Turkey

On 18 March 2016 Turkey and the European Union agreed on the so-called EU-Turkey statement (European Commission, April 2018), also known as Turkey-EU Deal (KAS, September 2019, p. 18). The aim of the agreement, which comprises of nine action points²⁶, is to “end the irregular migration from Turkey to the EU” (Council of the European Union, 18 March 2016). The statement includes the decision, that from 20 March 2016 onward “persons arriving irregularly to the Greek islands after 20 March 2016 who are either not in need of international protection or who could have received international protection in Turkey in accordance with EU law and the 1951 Refugee Convention, are to be returned” (GCR/Oxfam, 2 July 2020, p. 5) to Turkey. For this purpose Turkey “would be defined as a safe third country. Conversely, the EU would accept vulnerable persons from Turkey through resettlement, ideally in corresponding numbers to the Syrians returned from the Greek islands (‘one-to-one mechanism’)” (SWP, April 2020, p. 5). The statement also comprises commitments of financial resources for refugees in Turkey - the EU committed to mobilise up to € 6 billion until the end of 2018 – (SWP, April 2020, p. 5) as well as such of political nature like “visa liberalisation [...] with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016” and the re-energising of the accession process (Council of the European Union, 18 March 2016).

KAS in its September 2019 publication explains the readmission framework of the EU-Turkey statement as follows:

“Another significant pillar of the deal is that Turkey has been considered as a ‘secure third country for refugees’ within the framework of the ‘readmission agreement’ with Turkey. In this respect, after the deal entered into force on 4 April 2016, the EU has made a distinction between those who transit to the EU over Turkey as ‘Syrians’ and ‘non-Syrians’. The ‘1 to 1 rule’ was adopted for Syrians, whereby Syrians who transit to the EU over Turkey would be returned to Turkey; however, for each Syrian returned to Turkey, one Syrian from Turkey who has been identified within the scope of the UN Fragility Criteria would be resettled in the EU, with an upper limit of 70,000 resettled refugees per year. [...] The deal’s rules for non-Syrians is much more explicit: Accordingly, all other asylum-seekers found to have transited to the Greek islands from Turkey will be returned, since Turkey is considered the ‘secure third country’, in accordance with the readmission agreement.” (KAS, September 2019, p. 19)

²⁶ For the content of all of the nine action points of the EU-Turkey statement of 18 March 2016 please see the 18 March 2016 press release by the Council of the European Union:

- Council of the European Union: EU-Turkey statement, 18 March 2016
<https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/pdf>

On the implementation of the EU-Turkey statement SWP in the before-mentioned April 2020 comment provides the following overview:

“To date, most of the pledged €6 billion in European financial support has been spent on education, health, and humanitarian aid. According to the EU Commission, contracts for services worth €4.7 billion have been signed, of which €3.2 billion has already been paid out. Financial resources have been approved, mainly for projects implemented by UN agencies, international financial organisations, and some NGOs. A good €1.5 billion has also been earmarked directly for state agencies in Turkey, above all the Ministry of Education. [...] From a European perspective, the greatest achievement of the EU-Turkey statement is that the number of irregular border crossings into the EU has been greatly reduced. For many proponents of the pact, the most important argument for its continuation is the deterrent effect on sea crossings and the subsequently lower number of drownings. The one-to-one mechanism has often been described as the reason for this development, as Syrians received the political signal that they would be deported from Greek islands back to Turkey. However, in practice, the implementation of this aspect of the EU-Turkey statement has been very limited. By the end of January 2020, only about 2,000 people had been transferred from Greece to Turkey since 2016 – a fraction of the overall number of asylum seekers on the Greek islands over the same period. The largest group of returnees was comprised of Pakistanis, who have no prospect of protection, either in the EU or in Turkey. [...] Other elements of the EU-Turkey statement, such as accelerated visa liberalisation, could not – and cannot – be implemented due to the domestic political situation in Turkey since the attempted coup of July 2016. Only the deepening of the customs union still seems feasible from a technical point of view. [...] Of the nine points contained in the statement, only the European pledge of financial aid was ultimately kept – though with considerable delays. The EU can point out that the vast majority of the financial resources have been allocated, and funds that have not yet been disbursed will eventually all be paid out in the context of longer-term projects. Nevertheless, Turkey can legitimately call for more resources and speedy disbursements to avoid shortfalls, as the first projects providing direct support for Syrian families will come to an end in autumn 2020. The EU has not yet been able to agree internally on new funds for Turkey, not least because the negotiations on the next EU multiannual financial framework (2021–2027) have proven to be very difficult so far. The Corona crisis is likely to exacerbate the situation and push international humanitarian aid to the backburner, as EU member states are now urgently adopting comprehensive emergency and supplementary budgets to contain the economic damage at home.” (SWP, April 2020, pp. 5-6)

According to the statistics of the Turkish DGMM so far 2.139 irregular migrants were returned to Turkey within the scope of the EU-Turkey statement, of which the largest group are Pakistani citizens amounting to 35% of returned migrants followed by Syrians amounting to 19% of returned migrants (DGMM, undated (c)). According to the European Commission, as of March 2020, 2,735 migrants returned from Greece to Turkey since March 2016 (European Commission, March 2020). The European Commission in a 30 April 2020 annual report on the

EU Facility for Refugees in Turkey²⁷ notes that “[t]he total number of resettled persons under the EU-Turkey Statement since 4 April 2016 (as of December 2019) stands at 25 560 (of which 7 020 in the year 2019)” (European Commission, 30 April 2020). In a March 2020 review paper on the results of the EU-Turkey statement four years after coming into force in March 2016, the European Commission assesses that there was a drop of 94% in arrivals on the Greek islands since the EU-Turkey statement. The same source further states that “[t]he EU remains committed to the implementation of the Statement and continues to support Syrian refugees in Turkey through the €6 billion Facility for Refugees in Turkey” (European Commission, March 2020, p. 1).

According to the April 2020 ECRE report, Frontex registered an increase in arrivals in 2019:

“Frontex registered a 46% increase in migrants arriving from Turkey in 2019, despite the deal with the EU to curb migrant influx into the bloc. The situation became extremely tense in February and March 2020 after an escalation of tensions in northeastern Syria. Turkish President Erdoğan ‘opened the gates’ between Turkey and the EU, saying amongst other things that Turkey could not cope with another mass influx of refugees from Syria. This led to Greece closing its border, criticisms of both Europe and Turkey’s handling of the situation and concerns for the human rights of migrants and refugees in the middle.” (ECRE, April 2020, p. 142)

In a commentary of March 2020, the International Crisis Group (ICG) states the following on the view of the Turkish side with regards to the EU-Turkey statement:

“The 2016 migration deal had been hanging by a thread long before President Recep Tayyip Erdoğan made good on his longstanding threat to open the borders. Turkish officials had been vocal in their dissatisfaction with the EU’s failure to deliver on three of the deal’s provisions: visa liberalisation, a customs union upgrade and accelerated negotiations over Turkish accession to the EU. They have also been demanding more backing for Ankara’s venture in Idlib, including air cover to establish a ‘safe zone’, and more humanitarian aid for displaced civilians in Syria, as well as more financial assistance for Syrian refugees in Turkey.” (ICG, 13 March 2020)

SWP in its April 2020 comment notes the following on the current state of the EU-Turkey statement:

“Cooperation between the EU and Turkey is urgently needed, both for refugee protection and for border security. Over the past weeks, both sides have emphasised that the existing EU-Turkey statement of March 2016 – often referred to as the refugee or migration ‘pact’ or ‘deal’ – continues to serve as a common point of reference. Following a meeting with Erdoğan in Brussels on 9 March 2020, EU Council President Charles Michel announced that

²⁷ The EU Facility for Refugees in Turkey is a “joint coordination mechanism for actions financed by the EU budget and national contributions made by the Member States, designed to ensure that the needs of refugees and host communities are addressed in a comprehensive and coordinated manner” (European Commission, 8 December 2016). The EU Facility for Refugees in Turkey manages a total of € 6 billion, funding projects in two tranches: projects running until mid-2021 and projects running until mid-2025 (European Commission, June 2020).

EU High Representative for Foreign Affairs and Security Policy Josep Borrell and Turkish Foreign Minister Mevlüt Çavuşoğlu should jointly review how the 2016 statement could be better put into practice.” (SWP, April 2020, p. 4)

10.2.4 Treatment of other refugees in Turkey

ECRE in its April 2020 country report assesses, that different nationalities are treated differently in the procedure for international protection:

“1. Syria

[...] Those [Syrians] coming through a third country [...] are excluded from the temporary protection regime. Although they should be allowed to make an international protection application under the LFIP [Law on Foreigners and International Protection], in practice they are not allowed to apply and are only granted a short-term visa and then a short-term residence permit. This includes Syrian nationals who may arrive through another country even if their family members in Turkey already benefit from temporary protection.

2. Iraq

Iraqis are generally granted short-term residence permits once they are in Turkey. Even where they apply for international protection, they are usually encouraged to opt for a short-term residence permit. Previously, DGMM [Directorate General of Migration Management] referred Iraqi Turkmens to Turkemenli Dernegi in Ankara with a view to confirming their origin. These persons usually obtain international protection, as do Uyghurs from China.

3. Afghanistan

[...] Single male asylum seekers from Afghanistan face particular obstacles to accessing registration [for international protection] compared to other nationalities, as many PDMM [Provincial Directorate of Migration Management] are reluctant to register their asylum applications.

4. Other nationalities

In 2019 there were still complaints of systematic and automatic rejections for asylum seekers from Iran including for those who had already been interviewed by UNHCR under the previous registration system. Many Iranian asylum seekers have been ordered to leave. Asylum seekers of African origin also face discrimination in registration. Some PDMM such as Kastamonu reportedly refuse to register their asylum applications. Prior to September 2018, such applicants, especially Somali families, were referred to Isparta and Burdur where communities are settled. This has not been the case since the takeover of registration by DGMM. In 2019 DGMM began to grant long term residency and humanitarian residence permits to applicants on the grounds of a new humanitarian circular. The humanitarian residence permit is mainly granted to Egyptians, Chechens, Daghestanis and Tajiks. The authorities assess each application on a case-by-case basis depending on the likelihood of persecution in the country of origin. These groups are generally not deported to their country of origin, even if a deportation decision is issued against them.” (ECRE, April 2020, pp. 61-62)

Registration for international protection is organised via a “satellite city” system, that ECRE explains as follows:

“Each applicant is assigned to a province, where he or she shall register with the PDMM [Provincial Directorate for Migration Management], secure private accommodation by their own means and stay there as long as they are subject to international protection, including after obtaining status. [...] According to the latest list, 62 provinces in Turkey are designated by DGMM as ‘satellite cities for the referral of international protection applicants [...] The regulation of the ‘satellite city’ system is not based on publicly available criteria, nor is there an official decision taken in respect of each applicant. In general, metropolises and border cities do not usually figure among satellite cities.” (ECRE, April 2020, pp. 68-69)

“In practice, however, not all provinces are available to applicants. It is up to the individual PDMM to decide on the ‘opening’ or ‘closing’ of a ‘satellite city’ and on referrals thereto depending on their capacity. When a PDMM is ‘closed’, it usually processes existing applications to issue International Protection Application Identification Cards and Temporary Protection Identification Cards. The ‘closure’ or ‘opening’ of a PDMM is not officially or publicly notified.” (ECRE, April 2020, p. 69)

Applicants for international protection are usually not supported with accommodation:

“One of the most prominent shortcomings of Turkey’s legal framework for asylum is the failure to commit to providing state-funded accommodation to asylum applicants. Article 95(1) LFIP clearly establishes that as a rule, international protection applicants and status holders shall secure their own accommodation by their own means. [...] [There are no] plans to offer international protection applicants financial assistance to cover housing expenses. [...] There is now only one remaining Reception and Accommodation Centre in operation in the province of Yozgat with a modest capacity of 100 places. The centre is envisioned as a short-stay facility, where persons apprehended and wishing to apply for international protection may be hosted for a couple of days before being directed to register their application.” (ECRE, April 2020, p. 71)

With regards to possibilities for refugees seeking asylum to be able to work, the same source states:

“Asylum seekers may apply for a work permit after 6 months following the lodging date of their international protection application. [...] The number of work permits issued to the main nationality groups of asylum seekers from 2015 to 2018 remains meagre. The following table refers to work permits issued to Afghan, Iraqi and Somali nationals, not necessarily limited to applicants for international protection:”

Work permits issued to Afghan, Iraqi and Somali nationals: 2015-2018				
	2015	2016	2017	2018
Afghanistan	305	444	609	823
Iraq	692	1,031	1,137	1,365
Somalia	0	0	0	0

(ECRE, April 2020, p. 74)

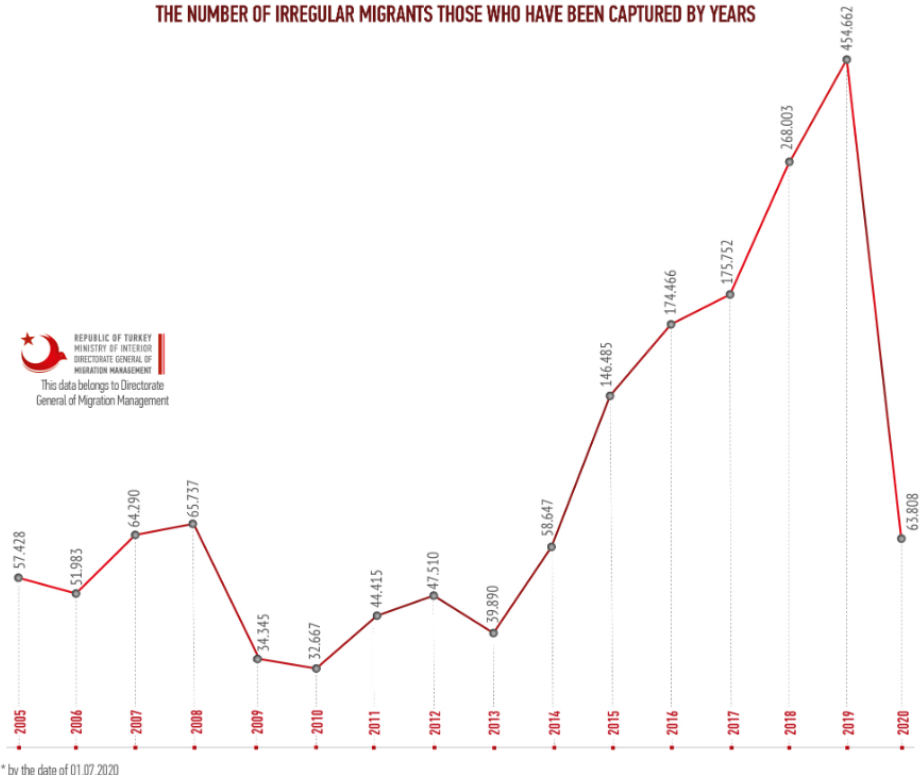
The Mixed Migration Centre (MMC), a global network that describes itself as source for independent data, research, analysis and expertise on cross-border movements caused by a multiplicity of factors (MMC, undated), in June 2020 published a research report on the situation and challenges of Afghan refugees who have reached Turkey. In addition to literature research, MMC collected quantitative and qualitative data by conducting surveys, in-depth interviews, and focus group discussions with Afghan refugees and migrants, as well as interviews with key informant officials and representatives of international agencies and NGOs (MMC, June 2020, p. 8). On challenges for Afghan refugees, following second to Syrians in numbers of refugees in Turkey, the MMC June 2020 research report finds the following:

“Afghan migrants and refugees face various challenges in their daily lives in Turkey which are mainly related to access to protection, healthcare, education, employment, and general living conditions (housing and shelter). The language barrier is a frequently cited obstacle in access to basic services, coupled with a general lack of knowledge about the scope of legal rights and obligations. [...] A majority (83%) of respondents arrived irregularly without legal documentation. Regardless of their irregular arrival, over half (55%) of respondents did apply for international protection. [...] A majority (85%) of those who applied had been provided with documentation at the time of data collection. Nevertheless, a majority (71%) do not know their rights as an asylum seeker or migrant. Additionally, this research confirmed that delays in registering and obtaining official documents cause various vulnerabilities and protection challenges for Afghans in Turkey, including an inability to access basic rights and services such as healthcare, and the risk of deportation due to irregular status. Single Afghan men in particular described major obstacles in several cities to registering at the PDMM as international protection applicants. For those who are registered as international protection applicants, the requirement to reside in the assigned satellite city is considered to be one of the major challenges as reported by [...] participants. [...] Employment opportunities are a major reason for leaving Afghanistan and coming to Turkey, as Turkey’s economy is more stable than that of other countries in the region, such as Iran and Pakistan. However, for many respondents, securing work and a stable income is a major problem: 74% of respondents said they faced problems in employment. [...] Two thirds (68%) of the Afghan refugees and migrants surveyed stated that they faced accommodation-related problems, such as high rents (84%) and lack of basic utilities (73%). In the interviews and focus groups, people cited poor housing conditions, including inadequate household goods and lack of heating facilities.” (MMC, June 2020, pp. 9-10)

The Norwegian Country of Origin Information Center Landinfo, an independent body within the Norwegian immigration authorities, published a query response in Norwegian language on 26 June 2020 on Afghans in Turkey. It deals with the topics of regular and irregular migration, international protection, residence permits, legal situation and involuntary returns to Afghanistan:

- Landinfo: Afghanistan: Afghanere i Tyrkia, 26 June 2020
<https://landinfo.no/wp-content/uploads/2020/06/Landinfo-respons-Afghanistan-Afghanere-i-Tyrkia-26062020.pdf>

The DGMM provides statistics of captured irregular migrants in the years 2005 to 2020:



Source: [DGMM, 1 July 2020](#)

According to the DGMM, 44 percent (201,437) of those irregular migrants captured in 2019 and 36 percent (23,149) of those captured in the first half of 2020 were Afghan citizens. The second largest group of captured irregular migrants in 2019 were Pakistani citizens (71,645) while it was Syrians (9,974) in the period January to June 2020, as of 1 July 2020 (DGMM, 1 July 2020).

The USDOS report on human rights practices 2019 describes that in 2019, as of November, about 89,000 apprehended irregular migrants were deported to their countries of origin, mostly Pakistan or Afghanistan (USDOS, 11 March 2020, section 2f). The same source found that “authorities denied entry to undocumented Iraqis, Syrians, and Afghans during the year [2019]. There were reports that Turkish border guards intercepted or summarily deported Syrians and Afghans seeking asylum.” (USDOS, 11 March 2020, section 2f)

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