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Introduction

This general country of origin information report is based on the questions and points of focus in the Terms of Reference (ToR) drawn up by the Ministry of Justice and Security. The ToR for this report were adopted on 29 June 2020. An anonymised version of these ToR, together with the general country of origin information report, is available on the website of the Dutch Government.

This general country of origin information report describes the situation in Turkey insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for decisions related to the return of rejected Turkish asylum seekers. This report is an update of the general country of origin information report for Turkey of October 2019. The reporting period covers the period from October 2019 through 18 February 2021. Relevant developments up to the latter date are included in this general country of origin information report. This report is a factual, neutral and objective representation of the findings that were made during the period under consideration and does not include any policy recommendations.

This general country of origin information report was drawn up on the basis of public and confidential sources, using carefully selected, analysed and verified information. Where possible, the information used has been verified. Information from a number of sources has been used for this report, including non-governmental organisations (NGOs), specialist literature, media reporting, and (where applicable) relevant governmental agencies. Unless stated otherwise or when the facts are generally undisputed, the passages in this general country of origin information report are based on multiple sources. The public sources that were consulted are listed in the appendices.

A number of the public sources that were consulted are written in Turkish. These texts have been translated into Dutch by the translation service of the Ministry of Foreign Affairs. The translations were published in a separate file at the same time as this general country of origin information report. No rights can be derived from these translations, which have been produced for information purposes only.

Another part of the information used was obtained during interviews with confidential relevant and expert sources both inside and outside Turkey. Information originating from the diplomatic mission of the Netherlands in Ankara, Turkey was also used. The information obtained on a confidential basis has chiefly been used to support and add to passages based on public information.

Chapter one briefly deals with the political context and developments and outlines the security situation in Turkey. Chapter two takes a closer look at identification documents and related matters. Chapter three focuses on compliance with and violations of human rights in the context of laws and regulations, freedom of speech and media freedom, freedom of movement, due process, arrests, custody and detention, ill-treatment and torture and enforced disappearances. Chapter 4 describes the position of (alleged) Gülenists. Chapter 5 focuses on the position of Kurds and Armenians and their political representatives. Chapters 6 and 7 focus on the position of women and sexual minorities (LGBTI), respectively. Chapter 8 deals with the issues concerning draft evaders and deserters. Chapter 9 deals with the (alleged) expulsion of Syrians and the position of the Uyghur diaspora in Turkey. Chapter 10 deals with the possible risks for Turks returning (forcibly) to Turkey.

Finally, Chapter 11 includes a list of abbreviations and terms in other languages and a bibliography.

1 Country information

1.1 Introduction

1.1.1 Political context

Since 2002, the *Adalet ve Kalkınma Partisi* (AKP), or 'Justice and Development Party', has been in power in Turkey. The current AKP government took office after the 2018 parliamentary elections, which it won with the support of the *Milliyetçi Hareket Partisi* (MHP), or the 'National Movement Party'.¹ Thanks to this alliance with the MHP, the AKP can form a majority in the Turkish parliament.²

In 2019, Ahmet Davutoğlu and Ali Babacan, formerly the Prime Minister and Deputy Prime Minister of Turkey, resigned from the AKP. The two politicians each founded their own parties. Davutoğlu became the leader of the *Gelecek Partisi*, or the 'Future Party'. Babacan became the leader of the *Demokrasi ve Atılım Partisi* (DEVA), or the Democracy and Progress Party.³ At the time of writing, it was unclear which impact the two new opposition parties would have on the dominant position of President Erdoğan and his AKP/MHP alliance.⁴ An opinion poll conducted by research agency MetroPoll in November 2020 found that the Future Party and DEVA would receive 0.6% and 1.6% of the votes, respectively.⁵

The *Cumhuriyet Halk Partisi* (CHP), or 'Republican People's Party', is the largest opposition party.⁶ The *Halkların Demokratik Partisi* (HDP), the 'Peoples' Democratic Party',⁷ is the second-largest opposition party in Turkey.⁸

1.1.2 Presidential decrees and student protest

In 2018, a presidential system was adopted that granted far-reaching powers to Recep Tayyip Erdoğan, president of Turkey and party chairman of the AKP.⁹ Among other things, it gave President Erdoğan the power to issue presidential decrees. According to a confidential source, President Erdoğan issued a total of 1,874 decrees in 2020. These decrees largely oversaw the appointment of senior government officials, including legal advisers, according to the same source.¹⁰ The appointment of government officials by decree is laid down in Article 104 of the Turkish Constitution.¹¹

¹ The MHP is regarded as a right-wing and ultra-nationalist party that, among other things, is committed to a 'Greater Turkey' (referred to as *Turan*), in which all Turkish-speaking peoples are united.

² Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 5.

³ In Turkish, the abbreviation 'DEVA' means 'remedy'.

⁴ Confidential source, 23 December 2020. Financial Times (FT), *Turkey's new political parties face struggle in battle against Erdogan*, 18 February 2021.

⁵ MetroPOLL Araştırma, *Turkey's pulse, November 2020*, posted on Twitter on 10 December 2020.

⁶ CHP is a Kemalist party and is committed to a secular society.

⁷ For more information about the political profile of the HDP, see subsection 5.3.1.

⁸ In the parliamentary elections of 24 June 2018, the CHP and HDP obtained 22.6% (146 parliament seats) and 11.7% (67 parliament seats) of the votes, respectively. The Turkish parliament has a total of six hundred seats. Daily Sabah, *June 24, 2018 Parliamentary election results*, undated, consulted 27 June 2020. Hürriyet Daily News (HDN), *Turkey elections 2018 results – presidential and parliamentary polls, Turkish election results in English*, Last updated 27 June 2020.

⁹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 5 and 6.

¹⁰ Confidential source, 29 December 2020.

¹¹ The Constitutional Court of the Republic of Turkey, *Constitution of the Republic of Turkey*, undated, consulted 29 December 2020.

President Erdoğan used his far-reaching powers, among other things, to increase his influence on university education. On 30 June 2020, he closed Şehir University, a private university in Istanbul, by presidential decree. One of the founders of this university was Davutoğlu, the former Prime Minister of Turkey, who had broken with the AKP and led his own Future Party (for more information, see subsection 1.1.1). Davutoğlu regarded the closure of Şehir University as an act of 'political revenge'. The Turkish authorities, on the other hand, argued that the university no longer had the financial means to continue its educational activities.¹²

On 1 January 2021, President Erdoğan appointed Melih Bulu as rector of Boğaziçi University in Istanbul by presidential decree. This appointment sparked protests from students and faculty members. They saw the appointment of Bulu, a fellow party member of President Erdoğan, as a step towards further restricting academic freedom in Turkey.¹³ The student protests in Istanbul spread to a number of other universities in Turkey, including the Middle East Technical University (METU) in Ankara. President Erdoğan described the demonstrating students as 'terrorists' and the demonstrations were dispersed by riot police. In early February 2021, the Interior Ministry reported that a total of 528 people had been arrested, of which 498 were released. Of those who remained in custody, at least 22 people are said to have links to terrorist organisations, the same Ministry said. The United States (US), the United Nations (UN) and the European Union (EU) criticised the way the Turkish authorities dealt with the student protests.¹⁴

On 6 February 2021, President Erdoğan expanded Boğaziçi University by presidential decree with two new law and communication faculties. The president's spokesman said that President Erdoğan had done this in order to improve the quality of the university. Critics, on the other hand, feared that President Erdoğan wanted to fill these two new faculties with his supporters in order to weaken the protest of students and teachers from within.¹⁵ At the time of writing, the turmoil was still ongoing.

1.1.3 *Groups that attract negative attention*

The following groups particularly attracted the negative attention of the Turkish authorities during the reporting period: critical journalists and doctors (see section 3.3), lawyers and human rights lawyers (see subsection 3.5.1), human rights defenders (see subsections 3.5.4 and 3.5.5), (alleged) Gülenists (see Chapter 4) and opposition politicians and supporters, especially those of the HDP (see subsections 3.5.3, 5.3.2 and 5.3.3). Some members of the CHP also encountered problems because of their critical attitude towards the Turkish government (see section 3.3 and subsection 3.5.2). The Turkish authorities also restricted the freedoms of some LGBTI activists (see section 7.3).

The above list does not preclude other groups from attracting the negative attention of the Turkish authorities. For example, *Hürriyet Daily News* (HDN) reported that on 30 January 2020 police arrested 21 members of the Furkan Foundation in the

¹² Ahval News, *Erdoğan orders shutdown of Istanbul university linked to former ally Davutoğlu*, 30 June 2020.

Alarabiya News, *Erdogan shuts down university in Istanbul linked to rival-ex-PM Davutoglu*, 30 June 2020.

¹³ In January 2016, more than two thousand academics signed a peace petition calling on the Turkish government to cease military operations in Southeastern Turkey. In response, the Turkish authorities brought criminal proceedings against several hundred of the signatories or suspended or sacked them. Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 41 and 42.

¹⁴ Nederlandse Omroep Stichting (NOS), *Rellen bij protest Turkse studenten tegen benoeming Erdogan-gezinde rector*, 4 January 2020. Nieuwe Rotterdamse Courant (NRC), *Erdogan pakt laatste bastions academische vrijheid in Turkije aan*, 22 January 2021. Trouw, *Bijval voor protest tegen politieke benoeming rector*, 23 January 2021. The Independent, *Turkey rejects criticism of its handling of student protest*, 4 February 2021.

¹⁵ Nederlands Dagblad (ND), *Erdogan voegt twee faculteiten toe aan universiteit Istanbul*, 9 February 2021.

southern Turkish province of Adana. The Turkish authorities believed that this religious foundation had links with Islamic State of Iraq and al-Sham (ISIS).¹⁶ ¹⁷

As far as is known, most of the sackings and lawsuits involving people who participated in the large-scale protests in 2013, the so-called 'Gezi Park protests',¹⁸ have been settled.¹⁹ However, some people are still experiencing problems because of their (alleged) involvement in the protests. For example, Osman Kavala, a human rights defender, philanthropist and entrepreneur, was charged again in October 2020 with espionage and the attempted overthrow of the constitutional order.²⁰ Part of the indictment was based on protests held in 2013 (for more information, see subsection 3.5.4).²¹

On 11 January 2021, a Turkish court sentenced the controversial figure Adnan Oktar, also known by his pseudonym 'Harun Yahya', to a prison term of 1,075 years and three months for ten different crimes, including leading a criminal gang, espionage, supporting the Gülen movement, fraud and kidnapping and the sexual abuse of minors.²² In 2018, Oktar and two hundred of his followers were arrested. They were regarded as a cult by the media and Turkish authorities. Oktar was discredited for his social and religious ideas,²³ his involvement in sex scandals and his television appearances, in which he surrounded himself with scantily clad women. He called these women his 'kittens'.²⁴

1.1.4

Economic downturn and the corona pandemic

During the reporting period, the Turkish economy was in dire straits. In 2020, the value of the Turkish lira (TL) fell by thirty percent, the Turkish central bank used up a large part of its foreign reserves and Turkey's foreign debt increased sharply.²⁵ Due to high unemployment and rising (food) prices, more and more Turks could no longer afford the basic necessities of life. According to Turkish government statistics, 12.7% of the labour force was unemployed in September 2020.²⁶ In the 15-24 age group, the unemployment rate was 24.3% in September 2020.²⁷ The economic downturn was exacerbated by the corona pandemic.²⁸ On 24 January 2021, the

¹⁶ *Al-Sham* is the Arabic name for the Levant, the area east of the Mediterranean Sea that consists of Syria, Lebanon, Israel and part of Iraq. ISIS is simply referred to as Islamic State (IS). The Arabic designation for ISIS is *Daesh*. For more information about ISIS, see subsection 1.2.3.

¹⁷ HDN, *21 members of religious Furkan Foundation, including head, detained in Turkey's Adana*, 30 January 2020.

¹⁸ In 2013, there was a local protest action by environmentalists against building plans in Gezi Park, one of the few green areas in Istanbul. The protest soon turned into a nationwide protest movement, in which large numbers of people from different beliefs and backgrounds took part. The protests were brutally crushed by the Turkish security apparatus. At least eleven people were killed and thousands were injured.

¹⁹ Confidential source, 4 December 2020. Confidential source, date withheld at source's request.

²⁰ In February 2020, Kavala was acquitted of a similar charge, for which he had been on remand since September 2017.

²¹ Human Rights Watch (HRW), *Turkey, 2nd politically motivated trial for rights defender*, 26 October 2020.

²² As far as is known, there was no primary reason for convicting Oktar. Confidential source, 11 February 2021. His conviction had a partly politicised dimension (espionage and support for a terrorist organisation), but also covered apolitical crimes (leading a criminal gang, fraud, kidnapping and sexual abuse of minors).

²³ Oktar strongly opposes evolution and atheism and traces fascism, antisemitism, the Holocaust and PKK violence back to evolutionary doctrine and atheism. He is also committed to a 'Turkish Islamic Union' in which the Muslim world is united under Turkish leadership.

²⁴ Anadolu Agency (AA), *Turkey, Cult leader gets over 1.000 years in prison*, 11 January 2021. Reuters, *Turkish court sentences TV preacher to more than 1.000 years in jail – state media*, 11 January 2021. De Morgen (DM), *Turkse evangelist veroordeeld tot meer dan duizend jaar cel voor misbruik en spionage*, 11 January 2021. Confidential source, 12 and 13 January 2021.

²⁵ In early November 2020, Murat Uysal and Berat Albayrak, the Governor of the Central Bank and the Minister of Finance, respectively, resigned. Albayrak is President Erdoğan's son-in-law, which made his resignation extra sensitive.

²⁶ This amounted to more than four million unemployed people.

²⁷ The above percentages were taken from the *Turkish Statistical Institute* (TurkStat). TurkStat is known in Turkish as *Türkiye İstatistik Kurumu* (TÜİK).

²⁸ NRC, *Nog meer zorgen over Turkse economie na vertrek kopstukken*, published on 9 November 2020 and adapted on 10 November 2020. NOS, *Turbulente week voor Turkse economie, is de lira te redden?*, 14 November 2020.

Turkish Ministry of Health reported that more than 2.4 million people in Turkey had been infected with the coronavirus since 11 March 2020. According to the same Ministry, a total of 25,073 people had died from the coronavirus.²⁹

The coronavirus posed a health risk to prisoners in overcrowded prisons (see subsection 3.2.1). Furthermore, the corona policy of the Turkish government became a politically sensitive topic in the media (see subsection 3.2.5 and section 3.3). Women's rights organisations reported that domestic violence against women had increased as a result of the corona crisis (see subsection 3.2.1 and section 6.2).

1.2 Security situation

1.2.1 PKK

The *Partiya Karkerên Kurdistanê* (PKK), or 'Kurdistan Workers' Party', has been engaged in armed struggle against the Turkish authorities since 1984. Initially, the PKK was committed to an independent state for the Kurds, but over time it has adjusted this goal to self-government for the Kurds in the countries in which they reside. Traditionally, the PKK has been inspired by ideas that are Marxist or leftist in nature.³⁰ The PKK has been designated by the EU as a terrorist organisation.³¹

The previous general country of origin information report stated that, after the violence peaked in 2015/2016 in the urban areas of Southeastern Turkey, the level of violence dropped and armed clashes between the Turkish armed forces and the PKK occurred with some regularity in the remote mountain areas in the southeast of the country.³² This situation remained unchanged during the reporting period of this general country of origin information report, although it should be noted that the focus of the conflict has shifted to Northern Iraq, where the PKK has its base camps in the Qandil Mountains.³³

During the reporting period, not all persons displaced during the wave of violence in 2015/2016 had returned to their original places of residence. For more information about the problem involving internally displaced persons in Southeastern Turkey, see subsection 5.2.3.

A confidential source recorded 166 violent incidents on Turkish territory from 1 January 2020 to 25 July 2020. These violent incidents took place in the remote mountainous regions of Southeastern Turkey. The aforementioned number represented 26% of the total number of violent incidents between the Turkish army

AA, *Turkey, Unemployment rate down in September*, 10 December 2020. The New York Times, *Turk's economic pain tests Erdogan's power*, 28 December 2020. FT, *Turkey's youth unemployment compounds broader crisis*, 5 January 2021.

²⁹ The Independent, *Turkey passes 25.000 COVID-19-related deaths*, 24 January 2021.

³⁰ Nationaal Coördinator Terrorismebestrijding en Veiligheid (NCTV), *Kennisbank terroristische organisaties, Partiya Karkerên Kurdistan (PKK)*, 26 October 2018. Confidential source, 7 August 2020. Confidential source, 12 August 2020. Confidential source, 12 August 2020. Australian National Security, *Kurdistan Workers' Party (PKK)*, undated, consulted on 17 December 2020.

³¹ Council of the European Union, *Council decision (CFSP) 2019/1341*, 8 August 2019.

³² Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 11.

³³ Armed Conflict Location & Event Data Project (ACLED), *Turkey-PKK conflict, Summer 2020*, 26 June 2020. Confidential source, 16 July 2020. Confidential source, 21 July 2020. Confidential source, 12 August 2020. Confidential source, 14 August 2020. Clingendael, *Waiting for blowback, The Kurdish question and Turkey's new regional militarism*, September 2020, pages 6 and 7.

and the PKK; the remaining 74% took place in Iraq.³⁴ The category of 166 recorded acts of violence included 9 drone or air strikes carried out by the Turkish Armed Forces and 139 skirmishes between Turkish forces and the PKK, the same source said. In the 139 skirmishes, 209 fatalities were recorded, according to the source. The source could not further subdivide the number of dead into Turkish government soldiers, PKK militants and civilians.³⁵

Another confidential source said that between 1 November 2019 and 10 August 2020, 19 Turkish soldiers, 57 PKK fighters and 8 civilians were killed in violence between the Turkish armed forces and the PKK in the remote mountainous regions of Southeastern Turkey. The source attributed most of civilian deaths to drone attacks carried out by the Turkish army.³⁶

In mid-November 2020, Süleyman Soylu, Turkey's interior minister, reported that the number of PKK fighters on Turkish soil had reportedly been reduced from 2,780 in 2016 to 340.³⁷

1.2.2 DHKP/C

The far-left *Devrimci Halk Kurtuluş Partisi/Cephesi* (DHKP/C), or 'Revolutionary People's Liberation Party/Front', wants to establish a socialist state in Turkey through armed struggle.³⁸ The DHKP/C not only carries out attacks against the Turkish security apparatus but has also attacked US and North Atlantic Treaty Organisation (NATO) targets on Turkish soil in the past.³⁹ The DHKP/C has also been classified by the EU as a terrorist organisation.⁴⁰

The Turkish government suspects *Grup Yorum*, a Turkish-Kurdish folk rock group known for criticising President Erdoğan's government, of maintaining ties with the DHKP/C. In 2020, three band members died as a result of a hunger strike in protest against the detention of several band members, repeated raids on the cultural centre of Grup Yorum⁴¹ and the ban on the band's concerts. The two Turkish-Dutch sisters Bergün and Betül Varan are members of Grup Yorum. At the time of writing, eleven band members were in prison, including Betül.⁴²

1.2.3 ISIS

ISIS is a jihadist group that carried out sixteen attacks on Turkish soil between 2014 and 2017. A total of 291 people were killed. According to International Crisis Group (ICG), an international NGO engaged in conflict prevention and resolution,⁴³ the threat posed by ISIS in Turkey has not completely disappeared. Thousands of Turkish jihadists who went to fight in Syria have returned to Turkey and there is a chance that some of the returnees will stick to their radical and violent interpretation of Islam. ICG does not rule out the possibility that they will recruit jihadists, finance underground activities and prepare for future attacks.⁴⁴

³⁴ The source did not specify whether all acts of violence in Iraq took place purely in Northern Iraq or also elsewhere in Iraq.

³⁵ Confidential source, 5 August 2020.

³⁶ Confidential source, 14 August 2020.

³⁷ Confidential source, 10 December 2020.

³⁸ Algemene Inlichtingen- en Veiligheidsdienst (AIVD), *Niet-jihadistisch terrorisme*, undated, consulted on 30 July 2020. NCTV, *Kennisbank terroristische organisaties*, Devrimci Halk Kurtuluş Partisi/Cephe (DHKP/C), last modified on 12 March 2018. United States Department of State (USDoS), *Country reports on terrorism*, 2019, pages 296 and 297.

³⁹ United States Department of State (USDoS), *Country reports on terrorism*, 2019, pages 296 and 297.

⁴⁰ Council of the European Union, *Council decision (CFSP) 2019/1341*, 8 August 2019.

⁴¹ The cultural centre is called *İdil Cultural Centre* and is located in Istanbul.

⁴² Algemeen Dagblad (AD), *Nederlandse vrouw die protestliederen maakt in hongerstaking in Turkse cel*, 20 January 2020. De Volkskrant, *Turks-Nederlandse zussen om de beurt in de cel*, 14 December 2020.

⁴³ For more information about ICG, visit the website: www.crisisgroup.org.

⁴⁴ ICG, *Calibrating the response, Turkey's ISIS returnees*, 29 June 2020, i, 2 and 30.

During the reporting period, the following two convictions stood out because they were linked to notorious attacks in the recent past. In mid-December 2019, Orhan Gönder was sentenced to life imprisonment for a bomb attack that he and four other ISIS members allegedly committed on 5 June 2015 in Diyarbakır,⁴⁵ a city in Southeastern Turkey. Four or five people were killed in the attack.⁴⁶ In early September 2020, Abdulkadir Masharipov, an Uzbek citizen and ISIS supporter, was sentenced to forty life terms and an additional 1,368 years. On 1 January 2017, he had shot dead 39 nightclub visitors in Istanbul.⁴⁷

During the reporting period, the Turkish authorities arrested an increasing number of ISIS suspects.⁴⁸ Whether those arrested were actually associated with ISIS could not be verified by independent sources.⁴⁹ On 19 July 2020, Turkish police arrested 27 ISIS suspects in Istanbul. On 1 September 2020, Soylu, Turkey's interior minister, announced that Turkish police had arrested Mahmut Özden in the southern Turkish city of Adana. According to Soylu, Özden was the 'emir' (leader) of ISIS in Turkey and had prepared attacks in Turkey.⁵⁰ Shortly after the arrest of Özden, the anti-terror police also arrested his son Hamza. According to Turkish authorities, Hamza Özden would have replaced his father as ISIS leader in Turkey.⁵¹

⁴⁵ Known in Kurdish as *Amed*.

⁴⁶ ICG, *Calibrating the response*, pages 8 and 27.

⁴⁷ Al Jazeera, *Turkey court sentences nightclub shooting suspect to life in jail*, 7 September 2020. NOS, *Levenslang voor aanslagpleger nachtclub Istanbul*, 7 September 2020. It should be noted here that Turkish criminal law adds up the sentences. Masharipov was sentenced to 39 life sentences for each person he murdered and one life sentence for the attack itself. In addition, 79 people were injured in the attack. On this basis, he was convicted of attempted murder 79 times. The court also found him guilty of violating the gun ownership law. The foregoing led to an additional prison sentence of 1,368 years. HDN, *ISIL's Istanbul nightclub attack hearing held behind closed doors for 'public security'*, 15 December 2017. AA, *Turkish court gives Istanbul gunman 40-plus life terms*, 7 September 2020.

⁴⁸ Confidential source, 10 December 2020.

⁴⁹ Confidential source, 10 February 2021.

⁵⁰ BBC, *Turkey detains top Islamic State commander in raid*, 1 September 2020. Al Jazeera, *Turkey says it has arrested top ISIL figure in raid*, 1 September 2020. AD, *Turkije claimt arrestatie commandant Islamitische Staat*, 1 September 2020.

⁵¹ YeniŞafak, *DEAŞ'ın emiri Mahmut Özden paketlenince oğlu DEAŞ'ın Türkiye emiri yapılmış: Şafak operasyonu ile oğlu da paketleni* (When Mahmut Özden, the IS commander, was arrested, his son became the IS commander in Turkey. Now his son has also been arrested during operation 'Şafak'), 3 September 2020.

2 Identity, documents and nationality

2.1 Invalidated passports

A passport can be invalidated in a number of ways. A judge can issue an exit ban as an alternative to an arrest, after which the passport is invalidated (for more information about exit bans, see section 3.4). A passport can also be invalidated in the context of an administrative measure under Article 22 of the Passport Act. Such a measure can be taken by the Ministry of the Interior against founders, executive directors and employees of educational and health institutions, foundations, associations and cooperatives associated with terrorist organisations.⁵² For example, in the aftermath of the failed coup attempt in July 2016, the Turkish authorities invalidated the passports of 234,419 Gülen suspects.⁵³ Although an exit ban and an administrative measure under Section 22 of the Passport Act are two different legal matters,⁵⁴ the effect is the same, namely the invalidation of a passport.⁵⁵

A person does not necessarily have to be charged or convicted before his or her passport can be invalidated.⁵⁶ For example, critical journalists and doctors (see section 3.3), (alleged) Gülenists (see previous paragraph and section 4.3) and opposition politicians (see subsection 5.3.2) with a legal investigation or lawsuit pending have their passports invalidated. It is also known that the Turkish authorities have invalidated the passports of relatives of (alleged) Gülenists (see section 4.7).

When a passport has been invalidated, it is entered into the databases of the General Directorate of Population and Citizenship Affairs and the General Directorate of Security.⁵⁷ As far as is known, no cancellation stamp is affixed to the passport itself. If a person's passport is invalidated, the holder will not be able to legally leave the country as it will become apparent during passport control that the passport has been invalidated.⁵⁸ For persons who have attracted the negative interest of the Turkish authorities but whose passports have not been invalidated, see section 3.4.

If the passport has been invalidated, the holder should receive written notification of this at his/her residential address. In practice, however, it often happens that the passport holder does not receive any notification and that he/she only finds out at the airport that the passport has been invalidated.⁵⁹ If a passport holder has not received written notification of the invalidation of his/her passport, it is highly unlikely, according to a confidential source, that this invalidation will be displayed in *e-devlet*, a citizen's gateway to government online services.⁶⁰ Formally, the party concerned can request clarification from the General Directorate of Population and Citizenship Affairs pursuant to Section 5 of the Act of Right to Receive Information (Act No. 4982). However, the aforementioned government agency is not required to

⁵² Other laws and regulations apply to invalidation of the passports of former civil servants, military personnel and legal employees. Confidential source, 28 November and 21 December 2020 and 15 January 2021.

⁵³ Ahval News, *Loathed, hunted down, Gülen Movement finished in Turkey*, 28 February 2018.

⁵⁴ An exit ban and an administrative measure are derived from criminal and administrative law, respectively.

⁵⁵ Confidential source, 10 and 21 December 2020.

⁵⁶ Confidential source, 28 November 2020.

⁵⁷ The General Directorate of Population and Citizenship Affairs and the General Directorate of Security are known in Turkish as, respectively, *Nüfus ve Vatandaşlık İşleri Genel Müdürlüğü* en *Emniyet Genel Müdürlüğü*.

⁵⁸ Confidential source, 10 December 2020.

⁵⁹ Confidential source, 23 October 2020. Confidential source, 28 November 2020.

⁶⁰ *Devlet* means 'government' in Turkish. *E-devlet* can therefore be translated as 'electronic government'.

provide an explicit reason if the invalidation of the passport is based on confidential information or political sensitivity.⁶¹

If a person's passport is invalidated, he or she may be eligible for a passport again under certain conditions. These conditions are listed below:

- The individual in question should not have any administrative or judicial investigation and/or lawsuit pending.
- If such an administrative or judicial investigation and/or lawsuit is pending against the person in question, a decision regarding non-prosecution, acquittal, withholding to grant penalty, rejection of the case or discontinuation of criminal proceedings must have been issued.
- If the person in question has been convicted on the basis of such an investigation or lawsuit, the penalty should have been served in full or should have been suspended, or the pronouncement of the verdict must have been deferred.⁶²

If the person meets the above conditions, the Ministry of the Interior may reserve the right not to issue a passport for the time being. One reason for this could be that a court has imposed an exit ban on the person in question. In such a case, this exit ban must first be lifted by the court.⁶³

If the person whose passport was previously invalidated again becomes eligible for a new passport, he or she can re-use the same passport, unless the validity of the travel document has expired in the meantime. In the latter case, the person can apply for a new passport.⁶⁴

2.2 E-devlet

There is no unambiguous answer to the question of whether developments have taken place in terms of access to and use of the e-devlet system. E-devlet offers a wide range of government services. As far as is known, there were no significant developments in terms of access to and use of e-devlet during the reporting period.⁶⁵

Turkish citizens from the age of fifteen, foreign holders of a blue card⁶⁶ and foreigners who have been issued an alien number by the Turkish government can apply for an e-devlet code. When applying for the first time, the aforementioned should go to a Post Office in Turkey or a Turkish diplomatic mission abroad.⁶⁷ A person can also apply for e-devlet on the internet using his/her Turkish bank account number and Turkish telephone number as a means of verification.⁶⁸

⁶¹ Confidential source, 17 February 2021.

⁶² If the person's sentence has been suspended or the pronouncement of the verdict has been deferred, a probationary period will be imposed as an alternative. The big difference between a suspended sentence and a deferred sentence is that a suspended sentence leads to a criminal record and a deferred sentence does not. After all, the court has not imposed a penalty in the case of the latter. Confidential source, 28 November 2020 and 17 February 2021.

⁶³ Confidential source, 28 November 2020.

⁶⁴ Confidential source, 10 December 2020.

⁶⁵ Confidential source, 10 December 2020.

⁶⁶ The 'blue card', known in Turkish as *Mavi Kart*, is a residence permit that grants the holder almost the same rights and obligations as a Turkish citizen. Unlike a Turkish citizen, the holder of a blue card does not have the right to vote and is not allowed to stand for election. Male blue card holders are not conscripted, unlike their Turkish counterparts. Confidential source, 10 December 2020.

⁶⁷ Confidential source, 28 November 2020.

⁶⁸ Confidential source, 6 January 2021.

The holder of the blue card may have to renew the code due to theft or because the holder has forgotten or lost the code. If the holder's telephone number and/or email address are known in the e-devlet system, the holder can renew the code abroad using the 'Password and Safety Settings' option on the mobile phone. It should be added that this option only applies to Turkish citizens and blue card holders. Foreigners with a Turkish alien number who are abroad should apply to a Turkish embassy or consulate.⁶⁹

For information about e-devlet in relation to exit bans, see section 3.4.

2.3 Extradition requests

Article 22 of the Act on International Judicial Co-operation on Criminal Matters (Act No. 6706) provides the legal framework for the submission of extradition requests. The Turkish government requests the extradition of persons abroad who have been sentenced to at least one year in prison. When the prison sentence is definitive, extradition will be requested if the sentence amounts to at least four months. In practice, the Turkish authorities request the extradition of persons suspected of or convicted of serious crimes. In addition, extradition requests can also be politically motivated.⁷⁰ For more information about extradition requests regarding (alleged) Gülenists abroad, see section 4.5.

⁶⁹ Confidential source, 28 November 2020.

⁷⁰ Confidential source, 28 November 2020.

3 Human Rights

3.1 Introduction

The previous general country of origin information report stated that guarantees of due process had been eroded and that the executive branch had increased its influence over the judiciary, seriously weakening the latter's independence.⁷¹ This situation remained unchanged during the reporting period of this general country of origin information report. During the reporting period, existing laws in Turkey were amended and new laws were passed that put further pressure on the rule of law, human rights and civil society (see section 3.2). During the reporting period, freedom of expression and media freedom were restricted. The Turkish authorities heavily monitored and censored social media (see section 3.3). Lawyers, judges and prosecutors were unable to exercise their duties freely and were influenced by the government (see section 3.5). Compared to the previous general country of origin information report, living conditions in the prison system remained poor (see section 3.6) and human rights organisations reported cases of ill-treatment and torture in detention centres and prisons (see section 3.7). Enforced disappearances of dissidents also took place during the reporting period (see section 3.8).

3.2 Laws and regulations

3.2.1 *Early Release Law*

With the outbreak of the corona pandemic, the Turkish authorities were suddenly confronted with a major health problem in the country's prisons. At the time, Turkey had almost 300,000 inmates in unsanitary conditions in overcrowded prisons. On 14 April 2020, the Turkish Parliament amended the Law on the Execution of Sentences and Security Measures (LESSM). This amendment, commonly referred to in the English-language media as the 'Early Release Law', allowed almost 90,000 prisoners to be released early or commuted their prison sentences to house arrest.⁷² ⁷³

Prisoners convicted of the following crimes were not eligible for parole or house arrest:

- Sex offences
- Drugs-related offences
- Murder
- Violence against women
- Terrorist offences

⁷¹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 24 and 25.

⁷² Amnesty International (AI), *Turkey, Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19*, 13 April 2020. AA, *Turkish parliament passes penal reform law*, 14 April 2020. HDN, *Parliament ratifies bill for release of almost 90.000 prisoners*, 14 April 2020. Confidential source, 1 May 2020.

⁷³ According to a confidential source, house arrest is monitored by means of an electronic ankle bracelet. The *Electronic Monitoring Centre* (Turks: *Elektronik İzleme Bürosu*) is charged with monitoring electronic house arrest. This centre comes under the *General Directorate of Prisons and Detention Houses* (Turks: *Ceza ve Tevkifevleri Genel Müdürlüğü*) of the Ministry of Justice. Confidential source, 19 October 2020 and 11 January 2021.

Prisoners on remand were also not eligible for parole or house arrest.⁷⁴

Human rights organisations and Turkish opposition parties criticised the Early Release Law. They called on the Turkish authorities to also grant early release or temporary release to human rights activists, journalists, lawyers, opposition politicians, educators and officials suspected or convicted of 'terrorist offences'.⁷⁵

The amendment has also been criticised by organisations that work specifically for women's and LGBTI rights. On 17 April 2020, 177 women's and LGBTI organisations released a joint statement in which they declared that the Turkish government had not built in sufficient safeguards to protect women and LGBTI people from potential violence by violent offenders who had been released early or temporarily. In their criticism, the signatory parties pointed out, among other things, that the Turkish Penal Code (TPC) does not recognise the concept of 'violence against women'. According to the organisations, it was therefore not clear how the Turkish government would apply the concept of 'violence against women' in determining which convicts were or were not eligible for amnesty.⁷⁶ Although the Turkish authorities stated that convicted perpetrators of violence against women were not entitled to early release or house arrest, according to women's rights organisations, violence against women increased. This subject is discussed in more detail in section 6.2.

3.2.2 *New law on neighbourhood guards*

On 10 June 2020, the Turkish parliament passed a new law that grants far-reaching powers to the *bekçi* or 'neighbourhood guards'.⁷⁷ The neighbourhood guards operate under the supervision of the Ministry of the Interior and help the police to maintain public order. The new law granted them the authority to:

- Carry and use firearms
- Carry out identity checks
- Search people
- Search cars
- Arrest suspects and hand them over to the police.

Opposition politicians and human rights lawyers expressed concern and were critical of the new law. Firstly, they pointed out that the neighbourhood guards were insufficiently trained to be able to carry out fully fledged police work. Secondly, they feared that with their new powers the neighbourhood guards would grow into a pro-government militia rather than an auxiliary police force in the service of the community. This fear was fuelled by the fact that many newly recruited neighbourhood guards came from the youth wing of the AKP.⁷⁸ Neighbourhood

⁷⁴ AI, *Turkey, Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19*, 13 April 2020. AA, *Turkish parliament passes penal reform law*, 14 April 2020. HDN, *Parliament ratifies bill for release of almost 90.000 prisoners*, 14 April 2020.

⁷⁵ HRW, *Turkey should protect all prisoners from pandemic*, 23 March 2020. Reporters sans frontières (RSF), *Turkey, Rights groups call for urgent release of imprisoned journalists, human rights defenders and others, now at risk of Covid-19*, 30 maart 2020. AI, *Turkey, Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19*, 13 april 2020. Reuters, *Turkish parliament passes bill to free thousands from prison amid coronavirus*, 13 April 2020. *Advocatenblad, Politieke gevangenen blijven vast*, 28 April 2020. Confidential source, 1 May 2020.

⁷⁶ *Kadının İnsan Hakları – Yeni Çözümler Derneği (KİH-YÇ)*, *As the bill amending the Law on the Execution of Sentences comes into force, government must take urgent action and uphold its responsibilities in combating violence against women!*, 17 April 2020.

⁷⁷ Also known as 'night watchmen' or 'auxiliary police'.

⁷⁸ Bloomberg, *Turkey's opposition says Erdogan may be creating loyal security force*, 4 June 2020. AI Monitor, *Erdogan transforms neighborhood watchmen into loyalist force*, 8 June 2020. The Guardian, *Alarm at Turkish plan to expand powers of nightwatchmen*. 8 juni 2020. HDN, *Turkish parliament ratifies bill increasing powers of 'night watchmen'*, 11 June 2020. Independent, *Turkey's Erdogan accused to trying to create 'new militia' after parliament votes to arm watchmen*, 11 juni 2020. Ahval News, *Turkey's government arms night watchmen*,

guards are recognisable by their uniform, which consists of a light brown shirt or a light brown polo shirt and dark brown trousers and cap.⁷⁹

At the time of writing, it was too early to assess the impact of the Neighbourhood Watch Act on the human rights situation in Turkey. However, a number of incidents in which neighbourhood guards had used disproportionate violence had already been picked up by the media. For example, Cihat Duman, an Istanbul-based lawyer, observed how ten to fifteen neighbourhood guards used excessive force against two men on 5 July 2020. He spoke to the neighbourhood guards about their behaviour, after which he himself became a target. Neighbourhood guards handcuffed him, beat him up and turned him over to the police. He was released after around seven hours. The next day, on 6 July 2020, Duman filed a complaint with the Public Prosecutor against the neighbourhood guards.⁸⁰ At the time of writing, it was not possible to establish whether the complaint had led to a criminal investigation or measures against the neighbourhood guards in question.⁸¹

3.2.3

Legislation on legal profession amended

On 11 July 2020, the Turkish Parliament amended the Attorneys' Act and Some Laws. In the past, Turkey had 80 bar associations spread over 81 provinces.⁸² These bar associations were united nationally in the Ankara-based *Türkiye Barolar Birliği* (TBB) or 'Union of Turkish Bar Associations'. Every lawyer had to join the bar association of his or her province. The bar associations played an important role in the judicial process. For example, they monitored the integrity of the legal profession, assigned counsel to suspects and denounced human rights violations.⁸³

As a result of the amendment, in provinces with more than five thousand lawyers, namely: Istanbul, Ankara and Izmir, a group of at least two thousand lawyers was allowed to establish their own bar. The amendment also allowed provinces with fewer lawyers to send more delegates to meetings of the TBB, reducing the influence of the large bar associations in the provinces of Istanbul, Ankara and Izmir, which were known for their critical stance against the government. The AKP said that it wanted this amendment to make the legal profession more diverse and democratic. On the other hand, human rights groups, the political opposition and 78 of the 80 bar associations already in place were critical and expressed their concern about the amendment to the law. They feared that it facilitated the rise of pro-government bar associations, and this threatened to put the independent and critical stance of the Turkish legal profession under pressure.⁸⁴ On 16 July 2020, the CHP,

sparkling parliament brawl, 11 June 2020. NRC, *Turkse buurtwacht laat autoriteit gelden*, 22 July 2020.

Confidential source, 2 October 2020. İnsan Halkları Derneği (İHD), *Verilerle 2020 Yılında Türkiye'de İnsan Halkları İhlalleri (Human Rights Violations in Turkey in 2020)*, 9 December 2020, page 2.

⁷⁹ Confidential source, 11 February 2021.

⁸⁰ NRC, *Turkse buurtwacht laat autoriteit gelden*, 22 July 2020. HRW, *Turkey: police, watchmen involved in torture, ill-treatment*, 29 July 2020.

⁸¹ Confidential source, 17 February 2021.

⁸² The province of Bayburt has fewer than thirty lawyers and does not have its own bar association. Confidential source, 23 December 2020.

⁸³ HRW, *The reform of bar associations in Turkey, Questions and answers*, 7 July 2020. NRC, *Erdogan zet ook advocatuur naar z'n hand*, 10 July 2020. FT, *Reform bill is new blow for Turkey's judicial system, say lawyers*, 13 July 2020. Bianet, *Lawyers make application for second bar association in Istanbul*, 25 September 2020. Confidential source, 7 October 2020.

⁸⁴ HRW, *The reform of bar associations in Turkey, Questions and answers*, 7 July 2020. Nieuwe Rotterdamse Courant (NRC), *Erdogan zet ook advocatuur naar z'n hand*, 10 July 2020. FT, *Reform bill is new blow for Turkey's judicial system, say lawyers*, 13 July 2020. Confidential source, 2 September 2020. European Commission, *Turkey 2020 report*, 6 October 2020, page 23. Confidential source, 7 October 2020. Confidential source, 21 October 2020.

Turkey's largest opposition party, asked the Constitutional Court⁸⁵ to annul the change in the law, but the Court rejected that request on 1 October 2020.⁸⁶

On 24 September 2020, 2,050 lawyers submitted a request to the TBB to establish a second bar association in Istanbul.⁸⁷ In late September 2020, the TBB granted this request and the first alternative bar association was a fact.⁸⁸ According to a confidential source, the second bar association in Istanbul has a pro-government profile but does not explicitly express it. For the time being, this alternative bar association is attempting to distinguish itself mainly in the areas of products and services, quality improvement and tariffs, according to the same source.⁸⁹ At the time of writing, not enough signatures had been collected in Ankara and Izmir for the establishment of an alternative bar association.⁹⁰

3.2.4 *Social media legislation amended*

On 29 July 2020, the Turkish Parliament amended Law No. 5651, which is known in English as the Regulation of Publication in the Internet and Suppression of Crimes Committed through Such Broadcasts. The international media referred to it as a 'new social media law'. The amended law requires non-Turkish social media companies with more than one million daily users to appoint a representative in Turkey. The amended law stipulates that representatives of international social media companies must comply with court orders to remove certain content on social media platforms. The amendment also allows individuals to submit a request to the representative of a foreign social media company to have a post deleted that is violating their rights or privacy rights. The representative must then delete the post within 48 hours or explain why the post has not been deleted.⁹¹ If foreign social media companies failed to comply with these rules, the Turkish government could reduce their bandwidth by 90 percent,⁹² impose a fine of up to forty million TL⁹³ or instigate an advertising blockade.⁹⁴

Human rights groups and opposition parties expressed criticism and concern about the amended law. They feared that freedom of expression on social media would be further curtailed. The print media and radio and television channels were already largely influenced or controlled by the Turkish government. Now critics feared that social media forums too would lose their diverse character.⁹⁵

⁸⁵ Referred to in Turkish as *Anayasa Mahkemesi* (AYM). An alternative name for the Constitutional Court is Top Court.

⁸⁶ HDN, *CHP applies to Constitutional Court over multiple bar law*, 16 July 2020. Bianet, *Constitutional Court rejects appeal against law on 'multiple bar associations'*, 1 October 2020.

⁸⁷ Daily Sabah, *Application submitted for 2nd bar association in Istanbul*, 25 September 2020. Bianet, *Lawyers make application for second bar association in Istanbul*, 25 September 2020.

⁸⁸ Ahaber, *Istanbul 2. Baro resmen kuruldu! (The 2nd bar association in Istanbul has been officially established!)*, 28 September 2020. Diken, *Ilk 'alternatif baro' Istanbul'da kuruldu (First 'alternative bar association' established in Istanbul)*, 30 September 2020.

⁸⁹ Confidential source, 23 December 2020.

⁹⁰ Confidential source, 12 January 2021.

⁹¹ The representatives of social media companies should hold the Turkish nationality. Apart from removing content after a court order and handling private requests to remove content, it is not clear whether the representatives have any other responsibilities and tasks. Confidential source, 11 February 2021.

⁹² A measure known as 'throttling'.

⁹³ According to CoinMill.com, an online exchange rate converter, 40 million TL was worth 4,469,839.17 euros (on 18 September 2020).

⁹⁴ Al Jazeera, *Turkey passes controversial bill tightening grip on social media*, 29 July 2020. BBC, *Turkey's MPs vote to tighten grip on social media*, 29 July 2020. NRC, *Turkije neemt omstrede wet aan die sociale media controleert*, 29 July 2020. Confidential source, 29 July 2020. The Independent, *Censorship fears over new social media law in Turkey*, 30 July 2020. The Economist, *Turkey's president cracks down on social media*, 6 August 2020. NOS, *'Zelfs al moeten we rooksignalen gebruiken, ze kunnen ons niet stoppen'*, 8 August 2020. Confidential source, 2 October 2020. Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020.

⁹⁵ Al Jazeera, *Turkey passes controversial bill tightening grip on social media*, 29 July 2020. BBC, *Turkey's MPs vote to tighten grip on social media*, 29 July 2020. Nieuwe Rotterdamse Courant (NRC), *Turkije neemt omstrede wet aan die sociale media controleert*, 29 July 2020. Confidential source, 29 July 2020. The Independent, *Censorship fears over new social media law in Turkey*, 30 July 2020. The Economist, *Turkey's president cracks down on*

The amended law came into effect on 1 October 2020. The Information and Communication Technologies Authority, known in Turkish as *Bilgi Teknolojileri ve İletişim Kurumu* (BTK), was charged with implementing and enforcing the amended Law No. 5651.⁹⁶ On 4 November 2020, BTK announced that fines of TL 10 million⁹⁷ had been imposed on the social media companies that had failed to comply with the requirement to appoint a representative in Turkey. The measure involved Facebook, Twitter, YouTube and Instagram.⁹⁸ On 19 January 2021, BTK initiated an advertising blockade against Twitter, Periscope and Pinterest. At the time of writing, Dailymotion, Facebook, LinkedIn, TikTok, VKontakte (UK) and YouTube had agreed to appoint a representative in Turkey.⁹⁹

3.2.5

Call for amendment to legislation concerning the medical association

In Turkey, there is a professional association for doctors called the Turkish Medical Association (TMA).¹⁰⁰ Of all the doctors in Turkey, 88% are affiliated to this medical association. Membership of the TMA is mandatory for independent doctors but not for doctors in public service.¹⁰¹

During the corona crisis, the TMA criticised the Turkish government. It claimed that the Turkish Government was not transparent in its provision of information about the number of infections and deaths. It also said that the Turkish authorities did not take sufficient measures to prevent the spread of the virus and protect health workers from COVID-19. As a result, the TMA attracted the negative attention of the Turkish Government (for more information, see section 3.3). On 14 October 2020, President Erdoğan described the head of the TMA as 'a terrorist'.¹⁰² He also called on the Turkish Parliament to formulate and implement an amendment to the law that would limit the influence of the TMA and allow the creation of several medical associations, similar to the amendment that restructured the legal profession in July 2020 (for more information about the restructuring of the legal profession, see subsection 3.2.3).¹⁰³ So far, President Erdoğan's negative statements about the TMA have not led to a concrete legislative proposal.¹⁰⁴

social media, 6 August 2020. NOS, 'Zelfs al moeten we rooksignalen gebruiken, ze kunnen ons niet stoppen', 8 August 2020. Confidential source, 2 October 2020.

⁹⁶ Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020.

⁹⁷ According to CoinMill.com, an online exchange rate converter, ten million TL was worth 1,011,570.35 euros on 5 November 2011.

⁹⁸ Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020. The Independent, *Turkey fines social media giants for breaching online law*, 4 November 2020. FT, *Turkey fines social media giants for failing to comply with new law*, 4 November 2020. Al Jazeera, *Turkey fines social media giants for breaching new internet law*, 4 November 2020.

⁹⁹ Duvar English, *Russia's VKontakte only social media platform to appoint local representative to Turkey, says expert*, 2 November 2020. FT, *YouTube bows to pressure to set up Turkey office*, 16 December 2020. Bianet, *YouTube to open a representative in Turkey*, 16 December 2020. İfade Özgürlüğü Derneği (İFÖD), *YouTube precedent threatens free expression*, 18 December 2020. De Volkskrant, *Turkse government brengt sociale media onder controle*, 11 January 2020. The Independent, *Turkey slaps advertising ban on Twitter, Pinterest*, 19 January 2021. Al Jazeera, *Turkey slaps advertising ban on Twitter with new social media law*, 19 January 2021.

¹⁰⁰ In Turkish know as *Türk Tabipleri Birliği* (TTB).

¹⁰¹ TTB, *About TMA*, 1 August 2017.

¹⁰² The current head of the TMA is Şebnem Korur-Financı. A forensic doctor, she has investigated torture cases in the past. In early 2016, she signed a peace petition calling on the Turkish government to halt the violence in Southeastern Turkey. She was arrested in June 2016 on the grounds of 'spreading terrorist propaganda'. Financı was acquitted in July 2019.

¹⁰³ Bianet, *Erdoğan calls Turkish Medical Association chair 'a terrorist', hints at new law*, 14 October 2020. Reuters, *Erdogan urges parliament act to curb medical group critical of Turkey's COVID response*, 14 October 2020. Al Monitor, *Erdogan demands new laws to reel in Turkish medical group*, 15 October 2020. Duvar English, *Erdoğan targets medical group critical of Turkey's COVID response, calls its chair 'terrorist'*, 15 October 2020.

¹⁰⁴ Confidential source, 23 December 2020.

3.2.6 *New anti-terror law*

On 27 December 2020, the Turkish Parliament adopted a new anti-terror law, known in English as the Bill on Preventing the Spread and Financing of Weapons of Mass Destruction. The Turkish government claimed that this law was the result of anti-terrorism agreements made in a UN context. Critics, on the other hand, feared that the law could be used to narrow the scope of NGOs in Turkey. The new anti-terror law made it possible for the Turkish interior minister to suspend board members of an NGO if they were suspected of terrorism. The same law gave the Turkish authorities the power to block donations to NGOs.¹⁰⁵

The adoption of the law sparked criticism from international human rights organisations. The Human Rights Commissioner of the Council of Europe (CoE)¹⁰⁶ echoed that criticism.¹⁰⁷ In addition, 693 Turkish NGOs signed a joint statement against the adoption of this law under the motto *Sivil Toplum Susturulamaz*, or: 'Civil society cannot be silenced'.¹⁰⁸ The law came into force on 31 December 2020.¹⁰⁹

3.3 Freedom of speech and media freedom

The previous general country of origin information report stated that freedom of speech and media freedom had been subject to serious restrictions in Turkey.¹¹⁰ The European Commission reported in October 2020 that freedom of speech and media freedom in Turkey had deteriorated sharply.¹¹¹

There are differences in the figures on the number of imprisoned journalists in Turkey. According to the International Press Institute (IPI),¹¹² the number of jailed journalists in Turkey decreased from 170 in 2017 to 77 in October 2020. The IPI noted that Turkey was one of the countries worldwide with the largest number of imprisoned journalists.¹¹³ The Committee to Protect Journalists (CPJ)¹¹⁴ reported that 37 journalists were in jail in Turkey in 2020. The CPJ noted that Turkey had the highest number of imprisoned journalists after China.¹¹⁵ According to Press in Arrest,¹¹⁶ at least 62 journalists were imprisoned in Turkey on 10 January 2021.¹¹⁷

¹⁰⁵ HRW, *Turkey, Draft law threatens civil society*, 24 December 2020. The Independent, *Turkish lawmakers pass bill monitoring civil society groups*, 27 December 2020. NOS, *Turkiye neemt anti-terreurwet aan, Amnesty boos*, 27 December 2020.

¹⁰⁶ The CoE, which is known in French as *Conseil de l'Europe* (CdE), is not a body of the EU and has more member states than the EU. For more information about the CoE, visit: www.coe.int.

¹⁰⁷ HRW, *Turkey, Draft law threatens civil society*, 24 December 2020. The Independent, *Turkish lawmakers pass bill monitoring civil society groups*, 27 December 2020. NOS, *Turkiye neemt anti-terreurwet aan, Amnesty boos*, 27 December 2020.

¹⁰⁸ *Sivil Toplum Susturulamaz, Kitle İmha Silahlarının Yayılmasının Finansmanının Önlenmesine İlişkin Kanun Teklifi Anayasaya ve Örgütlenme Özgürlüğüne Aykırıdır! (The draft law to prevent the financing and proliferation of weapons of mass destruction is opposed to freedom of assembly and the Constitution!)*, 22 December 2020.

¹⁰⁹ Confidential source, 11 February 2021.

¹¹⁰ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 17-19.

¹¹¹ European Commission, *Turkey 2020 report*, 6 October 2020, pages 6-7, 33-37 and 77-79.

¹¹² Vienna-based IPI is an international NGO that is dedicated to the protection of press freedom. For more information, visit the website: **Error! Hyperlink reference not valid.** The IPI has a project called *#FreeTurkeyJournalists* that focuses specifically on the position of journalists in Turkey. For more information, visit: <https://freeturkeyjournalists.ipi.media/>.

¹¹³ IPI, *Turkey's journalists on the ropes, Joint international press freedom mission to Turkey (October 6 – 9, 2020), Mission report*, 30 November 2020, page 6.

¹¹⁴ The CPJ is an American NGO dedicated to the freedom of the press and the rights of journalists. For more information about the CPJ, visit: www.cpj.org/.

¹¹⁵ CPJ, *Record number of journalists jailed worldwide*, 15 December 2020.

¹¹⁶ Press in Arrest, known in Turkish as *Tutuklu Basın*, is a Turkey-based group of journalists that monitors the prosecution of journalists. For more information about Press in Arrest, visit: pressin-arrest.com.

¹¹⁷ Press in Arrest, *A 'major crime' in Turkey: journalism*, 10 January 2021, page 2.

Social media was being actively monitored by the Turkish authorities. There are special cybercrime units in the Turkish police force that are engaged in monitoring social media.¹¹⁸ *İfade Özgürlüğü Derneği* (İFÖD), or the 'Freedom of Expression Association', is a Turkish NGO that, among other things, maps the extent to which websites are blocked by the Turkish government. The Turkish authorities blocked 61,049 new domain names in 2019, according to İFÖD. This increased the total number of blocked websites and new domain names to 408,494.¹¹⁹ However, on 15 January 2020 the blockade of Wikipedia came to an end after 2.5 years.¹²⁰

In total, more than fifteen government agencies are authorised to block websites. The government agencies that blocked most of the websites are the BTK, the courts and the Ministry of Health.¹²¹ If the BTK and the Ministry of Health independently block a website, they do not make it publicly clear why they are blocking that website. Transparency about the blocking of websites is therefore limited.¹²²

There are reportedly legal remedies to appeal against website blocking. If a court has decided to block a website, the party concerned can appeal against that decision and a different court will deal with the appeal.¹²³ If that court declares the appeal unfounded, which is reportedly often the case, the party concerned can apply to the Constitutional Court. It is said that the Constitutional Court can take up to five years to reach a decision. If an administrative authority, such as BTK, has decided to block a website, the party concerned can first apply to an administrative court.¹²⁴ If the appeal is declared unfounded, the party concerned can apply to a regional administrative court. If that court also declares the appeal unfounded, the party concerned can apply to a higher court. If the higher court also declares the appeal to be unfounded, the only thing that remains for the party concerned is the Constitutional Court. In this case, too, it reportedly takes up to five years for the Constitutional Court to reach a decision.¹²⁵

Critical and dissonant social media users were frequently investigated, prosecuted and convicted on the basis of the following legal articles:

- Defamation (Article 125 (3) of the TPC)¹²⁶
- Initiating fear and panic (Article 213 (1) of the TPC)¹²⁷
- Incitement to hatred and hostility (Article 216 of the TPC)¹²⁸
- Being a member of a terrorist organisation (Article 220 (2) and Article 314 (2) of the TPC)¹²⁹
- Supporting a terrorist organisation (Article 220 (7) of the TPC)¹³⁰
- Spreading propaganda for a terrorist organisation (Article 220 (8) of the TPC)¹³¹

¹¹⁸ Confidential source, 2 September 2020. Confidential source, 29 October 2020. Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020.

¹¹⁹ İFÖD, *EngelliWeb, 2019, An iceberg of unseen internet censorship in Turkey*, August 2020, pages 2 and 3.

¹²⁰ In April 2017, Turkish authorities blocked Wikipedia because the website refused to remove articles about the cooperation between Turkey and Syrian militants. The New York Times, *Turkey restores Wikipedia after more than 2-year ban*, 15 January 2020. BBC, *Turkey's Wikipedia ban ends after almost three years*, 16 January 2020.

¹²¹ İFÖD, *EngelliWeb, 2019, An iceberg of unseen internet censorship in Turkey*, August 2020, pages 5-9.

¹²² Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020. Email correspondence with Yaman Akdeniz (Internet rights activist and academic), 7 January 2021.

¹²³ This involves criminal proceedings.

¹²⁴ This is an administrative procedure.

¹²⁵ Email correspondence with Yaman Akdeniz (Internet rights activist and academic), 10 December 2020.

¹²⁶ This carries a prison sentence of at least one year.

¹²⁷ This carries a prison sentence of two to four years.

¹²⁸ This carries a prison sentence of six months to three years.

¹²⁹ This carries a sentence of one to ten years in prison.

¹³⁰ This carries a prison sentence of one to three years.

- Insulting the President (Article 299 of the TPC).¹³²
- Insulting the Turkish nation, state and government bodies (Article 301 of the TPC).¹³³ ¹³⁴

Penalties can range from fines to years of imprisonment. The severity of the punishment depends on several factors, such as the nature and subject of the criticism expressed and whether the post on social media has gone viral. Some social media users are convicted for multiple messages that cover a longer period of time. This can lead to high prison sentences.¹³⁵

Canan Kaftancıoğlu is an example of a user who was sentenced to a long prison sentence for multiple posts over a long period of time. Kaftancıoğlu is an opposition politician affiliated with the CHP.¹³⁶ In September 2019, Kaftancıoğlu was sentenced to nine years, eight months and twenty days in prison for multiple Twitter posts in the period from 2012-2017. According to the court, Kaftancıoğlu had insulted the president and the Turkish state in these tweets, spread propaganda for a terrorist organisation and incited hatred. Her appeal was dismissed on 23 June 2020. Kaftancıoğlu can still appeal to the Constitutional Court.¹³⁷

Critical social media posts about the following topics, among others, may attract the negative attention of the Turkish authorities in particular: President Erdoğan and his family, the Turkish government's corona policy, Turkey's military operations at home and abroad, the political and cultural rights of the Kurdish minority, the PKK conflict, Gülen and his followers, Islam and homosexuality (for information about government censorship with regard to homosexuality, see section 7.2).¹³⁸ The following examples serve to illustrate the repressive measures on social media by Turkey's government but can in no way be considered to be exhaustive.

On 19 October 2019, police raided the home of Nurcan Baysal, a journalist with a Turkish-Kurdish background, and held her two children at gunpoint. At the time, Baysal was visiting the United Kingdom. During the reporting period, she continued to experience problems with the police. On 30 March 2020, she was ordered to report to the police station and justify her criticism of the corona policy in the Kurdish cities. On 20 April 2020, she was obliged to report to the police again, this

¹³¹ This carries a prison sentence of one to three years. If the propaganda has been disseminated by the media, the penalty will be reduced by half.

¹³² This carries a sentence of one to four years' imprisonment.

¹³³ This carries a sentence of six months to two years in prison.

¹³⁴ Commission of Venice, *Penal Code of Turkey*, 15 February 2016, pages 46, 70-72, 99, and 104. Confidential source, 2 September 2020. Confidential source, 29 October 2020. Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020.

¹³⁵ Confidential source, 2 September 2020. Confidential source, 29 October 2020. Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020.

¹³⁶ Kaftancıoğlu is the head of the CHP branch in Istanbul. She is regarded as the mastermind behind the successful election campaign of CHP member Ekrem İmamoğlu, who was elected mayor of Istanbul in June 2019. For more information about the Mayoral Election in Istanbul that was won by CHP, see: Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 8.

¹³⁷ Ahval News, *Turkish court upholds prison sentence for main opposition Istanbul chair Kaftancıoğlu*, 23 June 2020. Bianet, *Court of appeal upholds CHP Istanbul Chair Kaftancıoğlu's nine-year prison sentence*, 23 June 2020. Daily Sabah, *Appeals court approves jail time for CHP Istanbul head Kaftancıoğlu*, 23 June 2020. Confidential source, 2 September 2020. Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020.

¹³⁸ Confidential source, 1 May 2020. Confidential source, 2 September 2020. Department of Foreign Affairs and Trade (DFAT) of the Australian government, *DFAT Country information report Turkey*, 10 September 2020, pages 32 and 33. Confidential source, 29 October 2020. Interview with Yaman Akdeniz (internet rights activist and academic), 3 November 2020. Confidential source, 17 November 2020.

time following Twitter messages in February 2018 and October 2019 about the reconstruction of Kurdish cities and Turkey's military action in Syria, respectively.¹³⁹

On 27 October 2019, Nurcan Kaya, a columnist and human rights activist of Turkish-Kurdish descent, was scheduled to fly from Turkey to Tunisia. At passport control in Istanbul, it became clear that an arrest warrant had been issued against her following a critical post she had placed on Twitter about a Turkish offensive in Northern Syria. Kaya was temporarily detained at the airport and an international travel ban was imposed. The travel ban was lifted in early 2020, but the anti-terror police started a criminal investigation into her work as a columnist and human rights activist.¹⁴⁰

Since March 2020, several doctors have experienced personal difficulties with the Turkish authorities because they criticised the government's corona policies on traditional and social media and independently shared information about the numbers of infections and deaths. As mentioned above, most doctors in Turkey are affiliated to a doctors' association known by the abbreviation TMA (for more information, see subsection 3.2.5). On 24 March 2020, Özgür Deniz Değer, the chairman of the TMA branch in Van in eastern Turkey, was questioned after making critical statements about the Turkish government's corona policy. He was questioned again on 4 May 2020. According to the authorities, Değer had reportedly incited fear and panic. The authorities ultimately decided not to prosecute, but Değer revealed that he had resorted to self-censorship to avoid problems in the future. Ömer Melik and Osman Yüksekayla, chairman and secretary general of the TMA branch in the southeastern city of Şanlıurfa, respectively,¹⁴¹ were ordered to report to the police to explain their social media posts in April 2020. After being temporarily detained, they were allowed to await the further duration of the criminal investigation in freedom. However, both doctors were subjected to an international travel ban and had to report to the police every month.¹⁴²

On 29 July 2020, the Turkish Parliament amended Law No. 5651. This amendment had far-reaching consequences for large social media companies abroad and social media users in Turkey. The amendment came into effect on 1 October 2020. For more information about this amended legislation, see subsection 3.2.4.

In early October 2020, four Kurdish journalists were arrested in the eastern Turkish city of Van because they had reported the previous month that Turkish military had thrown two Kurdish civilians from an army helicopter (for more information about this incident, see section 5.4). The four journalists were Adnan Bilen, Cemil Uğur, Şehriban Abi and Nazan Sala.¹⁴³ Bilen and Uğur both worked for the Mezopotamya

¹³⁹ English PEN, *Writer in residence Nurcan Baysal's home in Turkey raided*, 19 October 2019. PEN International, *Turkey, PEN calls for an end to the harassment of Nurcan Baysal*, 28 April 2020. AI, *Turkey, Stifling free expression during the COVID-19 pandemic*, 16 June 2020. Confidential source, 17 September and 29 October 2020.

¹⁴⁰ Coalition for Women in Journalism (CFWIJ), *Turkey, We condemn the detainment of Nurcan Kaya*, 28 October 2019. Confidential source, 7 October 2020.

¹⁴¹ Popularly referred to as 'Urfa'.

¹⁴² HRW, *Turkey, Probes over doctors' Covid-19 comments*, 10 June 2020. AI, *Turkey, Stifling free expression during the COVID-19 pandemic*, 16 June 2020. ScienceMag.org, *Turkish scientists and physicians face criminal investigations after criticizing COVID-19 policies*, 16 September 2020.

¹⁴³ Ahval News, *Turkey targets Kurdish journalists for reporting on helicopter drop of villagers*, 6 October 2020. Rûdaw, *Turkish forces raid pro-Kurdish newsrooms in Van, detain four journalists*, 6 October 2020. Bianet, *4 journalists arrest in Van province*, 12 October 2020. Council of Europe (CoE), *Turkish news agency office raided and four journalists detained*, 13 October 2020. CPJ, *Record number of journalists jailed worldwide*, 15 December 2020.

Agency (MA) and the website of that news agency was blocked by the Turkish authorities. The BTK did not explain why MA's website had been blocked.¹⁴⁴

On 23 December 2020, a court sentenced journalist Can Dündar in absentia to 27.5 years in prison for spying and for supporting a terrorist organisation. Dündar was the former editor of *Cumhuriyet*, a left-wing, secular-oriented opposition newspaper.¹⁴⁵ In 2015, the newspaper released video footage that showed the *Millî İstihbarat Teşkilâtı* (MIT), or Turkey's National Security Service, supplying weapons to Syrian rebels. According to the prosecutors, Gülen supporters reportedly passed on the footage to *Cumhuriyet*. Dündar, who had been living in Germany since 2016, dismissed the verdict as 'politically motivated'. In view of Dündar's status as a fugitive, the Turkish authorities confiscated all his property in Turkey.¹⁴⁶

3.4 Freedom of movement

In Turkey, judges have the power to issue an exit ban.¹⁴⁷ It is common practice for judges to impose an exit ban on persons under criminal investigation and persons who are being criminally prosecuted (and have been released on parole). A person therefore does not have to be charged or convicted to be issued with an exit ban.¹⁴⁸ When a judge has issued an exit ban in court, it is obvious that the person in question cannot legally travel out of Turkey.¹⁴⁹ Sometimes an exit ban is issued without the person in question being aware of it. In that case, he or she will only find out during passport control at the moment of departure, after which he or she will most likely be interrogated.¹⁵⁰

Criminal proceedings, penalties and measures, including exit bans, are recorded in a data system called *Genel Bilgi Toplama Sistemi* (GBT) or 'General Information Gathering System'. The judicial authorities and the security apparatus, including the police and gendarmerie, have access to the GBT.¹⁵¹ If a customs officer at the airport enters the identity number of the person in question in the GBT, it will become apparent that the court has issued an exit ban.¹⁵²

No unambiguous answer can be given to the question of whether exit bans are also visible in UYAP¹⁵³ and e-devlet, which are a legal information system and the Turkish citizen's gateway to online government services, respectively. As mentioned above, exit bans are recorded in the GBT. According to a confidential source, the GBT is part of UYAP. If a lawyer is registered as the legal representative of the person in question, he or she should in theory have access to the registration of the

¹⁴⁴ MA, *Ajansımızın internet sitesine erişim engeli* ('Our office's website blocked'), 30 September 2020. Ahval News, *Turkey targets Kurdish journalists for reporting on helicopter drop of villagers*, 6 October 2020.

¹⁴⁵ *Cumhuriyet* was traditionally the mouthpiece of the CHP when the party ruled Turkey.

¹⁴⁶ NOS, *Gevluchte Turkse journalist veroordeeld tot ruim 27 jaar cel*, 23 December 2020. Al Jazeera, *Turkey sentences exiled journalist Can Dündar to 27 years in jail*, 23 December 2020. NRC, *Boegbeeld van de gefnuikte persvrijheid in Turkije*, 24 December 2020. Press in Arrest, *A 'major crime' in Turkey: journalism*, 10 January 2021, pages 17 and 18.

¹⁴⁷ Confidential source, 2 September 2020. Confidential source, 7 October 2020. Confidential source, 23 October 2020. Confidential source, 6 November 2020. Confidential source, 28 November 2020.

¹⁴⁸ Confidential source, 2 September 2020. Confidential source, 6 November 2020. Confidential source, 28 November 2020.

¹⁴⁹ Confidential source, 6 November 2020.

¹⁵⁰ Confidential source, 2 September 2020. Confidential source, 7 October 2020. Confidential source, 6 November 2020.

¹⁵¹ Ministry of Foreign Affairs, *Thematic country of origin information report Turkey, Military service*, July 2019, page 10. DFAT, *DFAT Country information report Turkey*, 10 September 2020, page 49. Confidential source, 6 November 2020.

¹⁵² Confidential source, 6 November 2020.

¹⁵³ UYAP stands for *Ulusal Yargı Ağı Bilişim Sistemi*, which in English is translated as *National Judiciary Informatics System*.

exit ban, the source said. The same source says that, theoretically, a citizen can see on e-devlet whether an exit ban has been issued against him or her.¹⁵⁴ Another source says that when an exit ban is issued during a criminal investigation, it will most likely be invisible in UYAP and e-devlet. When an exit ban is issued during a court case, according to the same source the exit ban will most likely be uploaded in UYAP together with the other court documents and it will therefore be possible to view it.¹⁵⁵

According to a confidential source, the Turkish authorities can also prevent a person from legally leaving the country in another way.¹⁵⁶ The police and gendarmerie have access to a database for internal use, called PolNet.¹⁵⁷ Police officers and gendarmes are free to make notes about civilians in this system without the knowledge of a judge and the person in question. Such notes may alert customs that the person in question should not leave the country. In this way, a person can be stopped at an airport without an exit ban being registered in the GBT, according to the same source.¹⁵⁸

For more information about the freedom of movement of draft evaders and deserters, see section 8.2.

3.5 Legal process

3.5.1 *Legal profession under pressure*

President Erdoğan demonstrated during the reporting period that he wanted to bring the judiciary even further under control. As mentioned above, the legislation on the legal profession was amended in July 2020, which could be understood to be a way of curbing the independent and critical attitude of the bar associations (for more information about this amendment, see subsection 3.2.3).

The legal profession's room for manoeuvre was limited not just by changing laws and regulations. The previous general country of origin information report stated that lawyers already ran the risk of being associated with the alleged crimes of their clients even though there was no concrete evidence for this. This type of practice is known as guilt by association. This particularly applied to lawyers who defended (alleged) members of the Gülen movement, ISIS, the PKK or banned left-wing groups.¹⁵⁹ The situation remained unchanged during the reporting period of this general country of origin information report.¹⁶⁰

Ebru Timtik was a human rights lawyer who was sentenced to thirteen years and six months in prison on the basis of guilt by association on 20 March 2019. The Turkish prosecution claimed that she was a member of the DKHP/C, an extreme left-wing organisation that is engaged in an armed conflict against the Turkish government

¹⁵⁴ Confidential source, 10 November 2020.

¹⁵⁵ Confidential source, 28 November 2020.

¹⁵⁶ Confidential source, 6 November 2020.

¹⁵⁷ Home Office, *Country information and guidance, Turkey, Background information, including actors of protection and internal relocation*, February 2016, pages 28 and 29. iPROCEEDS, *General guide on protocols on interagency and international cooperation for investigations involving proceeds from crime online*, 28 May 2017, pages 17 and 18. Confidential source, 6 November 2020.

¹⁵⁸ Confidential source, 6 November 2020.

¹⁵⁹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 24.

¹⁶⁰ USDoS, *Turkey 2019 human rights report*, publicatiedatum onvermeld, pages 11 and 12. Confidential source, 7 October 2020.

(for more information about the DHKP/C, see subsection 1.2.2).¹⁶¹ Timtik belonged to a collective of left-wing lawyers that handled politically charged cases. Timtik defended, among others, people suspected of maintaining ties with the DKHP/C. In February 2020, she went on hunger strike to demand a fair trial. She died on 20 August 2020 after being on hunger strike for 238 days.¹⁶² The EU said it was deeply saddened by Timtik's death and called on the Turkish authorities to improve the human rights situation in the country and address the shortcomings in the judicial process.¹⁶³

For more information about lawyers suspected of Gülenism for defending (alleged) Gülenists, see section 4.4.

3.5.2 *Constitutional Court under pressure*

Not just the Turkish legal profession but also the Constitutional Court came under pressure during the reporting period. For example, the leaders of the AKP/MHP alliance, including President Erdoğan, expressed negative sentiments about the Court and its rulings.¹⁶⁴ On 14 September 2020, Soylu, the Interior Minister, criticised a ruling issued by the Constitutional Court on 11 September 2020. The minister did not agree with the Court's decision to allow demonstrations and protest marches on intercity highways.¹⁶⁵

On 30 September 2020, MHP leader Devlet Bahçeli criticised a number of recent Constitutional Court rulings and called for the Court to be restructured to more closely align it with the presidential system that had been adopted in 2018.¹⁶⁶ On 1 October 2020, President Erdoğan said that he supported his political ally Bahçeli in his call to reform the Constitutional Court.¹⁶⁷ So far, the negative voices coming from the AKP/MHP alliance about the Constitutional Court have not led to a specific bill.¹⁶⁸

The Constitutional Court came under further pressure when a lower court overturned a Constitutional Court ruling.¹⁶⁹ The case concerned Enis Berberoğlu, a former MP for the CHP. He had been sentenced to five years and ten months for allegedly leaking state secrets about MIT's support of armed opposition groups in Syria. The Turkish authorities withdrew his parliamentary immunity in early June 2020. On 17 September 2020, the Constitutional Court ruled that Berberoğlu's right to liberty and security and his right to stand for election and participate in political activities had been violated.¹⁷⁰ However, the lower court declined to reconsider its conviction.¹⁷¹

Three other prominent lawsuits that show that the executive branch had a direct influence on the actions of prosecutors and judges are described below. These examples can by no means be considered exhaustive.

¹⁶¹ AI, *Turkey, Conviction of lawyers deals heavy blow to right to fair trial and legal representation*, 20 March 2019. *Lawyers for Lawyers, 18 lawyers sentenced to long prison terms*, 22 March 2019.

¹⁶² *De Volkskrant, Hoe Turkije de rechtsstaat knevelt*, 31 August 2020.

¹⁶³ EU, *Turkey, Statement by the spokesperson on the death of Ebru Timtik*, 29 August 2020.

¹⁶⁴ Confidential source, 21 October 2020.

¹⁶⁵ *Duvar English, Turkish Interior Minister targets Constitutional Court President after top court permits intercity marches*, 14 September 2020.

¹⁶⁶ *Ahval News, Erdoğan ally calls for overhaul of Turkey's top court*, 30 September 2020. *HDN, MHP leader urges reshaping structure of Constitutional Court*, 1 October 2020.

¹⁶⁷ *Duvar English, Erdoğan says he supports nationalist ally's calls for overhauling top court, reinstatement of death penalty*, 1 October 2020.

¹⁶⁸ Confidential source, 23 December 2020.

¹⁶⁹ Confidential source, 21 October 2020. Confidential source, 10 November 2020.

¹⁷⁰ *Bianet, Constitutional Court: rights of Enis Berberoğlu violated*, 17 September 2020. *HDN, Constitutional Court rules retrial of former CHP MP Berberoğlu over breach of rights*, 18 September 2020.

¹⁷¹ *Ahval News, Turkey faced with a constitutional crisis, says opposition deputy*, 14 October 2020. *Bianet, Local court defies Constitutional Court ruling of right violation for Enis Berberoğlu*, 14 October 2020.

3.5.3

The Demirtaş case

At the time of writing, Selahattin Demirtaş had been in detention for more than four years.¹⁷² He is the former leader of the HDP. Among other things, this left-wing opposition party defends the rights of the Kurdish minority (for more information about the political profile of the HDP, see subsection 5.3.1). The Turkish authorities accused Demirtaş of maintaining ties with the PKK and for spreading propaganda for the PKK through his speeches and participation in demonstrations. Since then, the Turkish government has filed a series of lawsuits against Demirtaş.¹⁷³ On 19 June 2020, the Constitutional Court in Turkey ruled that the period of pre-trial detention, which had lasted from 4 November 2016 to 2 November 2019, had been too long and was therefore unlawful. It ordered that Demirtaş should receive compensation amounting to TL 50,000.00.¹⁷⁴

The decision of the Constitutional Court did not in any way mean that Demirtaş would be released, because there were still several lawsuits pending against him.¹⁷⁵ On 22 December 2020, the European Court of Human Rights (ECHR) in Strasbourg ruled that Demirtaş's rights, including his right to freedom of expression, had been violated and that his imprisonment was politically motivated. The ECHR then called on the Turkish authorities to release him immediately.¹⁷⁶ The next day, on 23 December 2020, President Erdoğan dismissed the ECHR's judgment as 'hypocritical' and said that the ECHR was defending a 'terrorist'.¹⁷⁷

For more information about the judicial process in relation to members and supporters of the HDP, see subsection 5.3.3.

3.5.4

The Kavala case

Kavala had been on remand since November 2017. Kavala was initially suspected of instigating and financing the large-scale Gezi Park protests in 2013, with which he allegedly intended to carry out a coup d'état (see also section 1.1.3). On 10 December 2019, the ECHR ruled that Kavala's detention was unlawful and that he should be released immediately.¹⁷⁸ A Turkish court nevertheless ruled that Kavala should remain in detention.¹⁷⁹

On 18 February 2020, Kavala was acquitted of the charges that referred back to the 2013 protests. However, hours after this acquittal, he was charged again, this time for alleged involvement in the failed 2016 coup attempt.¹⁸⁰ Several weeks later, an additional espionage charge was brought against Kavala, which partly referred back

¹⁷² HRW, *Turkey, Opposition politicians detained for four years*, 19 November 2020.

¹⁷³ For events related to the Demirtaş case in the period from November 2016 to September 2019, see: Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 37.

¹⁷⁴ Bianet, *Constitutional Court: Rights of Selahattin Demirtaş violated*, 19 June 2020. NOS, *Turks hooggerechtshof: oppositieleider heeft te lang vastgezeten*, 19 June 2020. According to CoinMill.com, an online currency converter, 50,000.00 TL was worth 5,276.76 euros on 4 December 2020.

¹⁷⁵ Duvar English, *Ankara court rejects former HDP co-chair Demirtaş's appeal for release despite Constitutional Court's ruling*, 6 July 2020.

¹⁷⁶ FT, *Europe's top human rights court orders Turkey to release jailed Kurdish politician*, 22 December 2020. The Guardian, *Human rights courts orders Turkey to free Kurdish politician*, 22 December 2020.

¹⁷⁷ BBC, *Erdogan attacks Europe court's order for Demirtaş's release*, 23 December 2020. The Independent, *Turkey's president slams European court for Demirtaş ruling*, 23 December 2020.

¹⁷⁸ Deutsche Welle (DW), *Turkey must free jailed rights activist Osman Kavala, rules EU court*, 10 December 2019.

¹⁷⁹ DW, *Turkey, Osman Kavala kept in jail despite European human rights court ruling*, 24 December 2019.

¹⁸⁰ British Broadcasting Corporation (BBC), *Osman Kavala, Turkey 're-arrests' activist hours after acquittal*, 18 February 2020.

to the wave of protests in 2013. He consequently remained in custody, which led to fierce criticism from international human rights organisations.¹⁸¹

On 29 December 2020, the Constitutional Court of Turkey ruled that Kavala's three years in remand were not a violation of his rights.¹⁸² On 5 February 2021, the Istanbul court combined the two pending criminal cases against Kavala and adjourned the trial until 21 May 2021.¹⁸³ On 10 February 2021, the US called on Turkey to comply with the ECHR ruling and release Kavala.¹⁸⁴

3.5.5 *The Büyükada case*

Another lawsuit that sparked a great deal of controversy was the 'Büyükada case', in which eleven human rights defenders were put on trial. Ten defendants had been arrested during a workshop on Büyükada Island in July 2017,¹⁸⁵ from which the lawsuit took its name. The eleventh defendant, Taner Kılıç, had been arrested prior to that. Kılıç was the honorary president of the Turkish branch of Amnesty International (AI). On 3 July 2020, Kılıç and three other defendants were sentenced to prison. Kılıç was sentenced to six years and three months for allegedly being a member of a terrorist organisation. The court also took into consideration that Kılıç had reportedly downloaded and used the ByLock app on his mobile phone. According to the Turkish authorities, supporters of the banned Gülen movement use this app to communicate with each other (for more information about the downloading and deployment of ByLock as evidence in Gülen cases, see section 4.4). The other three were sentenced to two years and one month in prison for supporting a terrorist organisation. International human rights organisations spoke of a politically motivated trial and condemned the verdict.¹⁸⁶ On 26 November 2020, a regional court dismissed the appeal lodged by the four convicted men. They then appealed against the verdict.¹⁸⁷

For more information about the judicial process in relation to (alleged) Gülenists, see section 4.4.

3.5.6 *Access to evidence*

In crimes against state security, crimes against constitutional order and espionage, the suspect and his or her defence are given access to the criminal file and the evidence from the moment the suspect is actually charged and court proceedings are set in motion.¹⁸⁸ The foregoing is laid down in Article 153 (2) of the Criminal Procedure Law.¹⁸⁹

People are still being charged and/or convicted on the basis of anonymous witness statements.¹⁹⁰ During the trial, the accused and his or her defence will not be told when, where or how the anonymous witness statement came about. Nor can they

¹⁸¹ HRW, *Turkey, Free rights defender following European Court ruling*, 2 June 2020. AI, *Turkey, Istanbul court accepts absurd new indictment against Osman Kavala*, 9 October 2020. Confidential source, 21 October 2020. The Independent, *Turkish philanthropist on trial for alleged failed coup ties*, 18 December 2020.

¹⁸² FT, *Turkey's top court rules jailed activist's rights were not violated*, 29 December 2020.

¹⁸³ The Independent, *Turkish court refuses to free philanthropist, merges cases*, 5 February 2021.

¹⁸⁴ Al Jazeera, *US calls for release of jailed Turkish rights activist Kavala*, 11 February 2021.

¹⁸⁵ Büyükada is the largest of the nine Princes' Islands, an archipelago located in the Marmara Sea off the coast of Istanbul.

¹⁸⁶ The New York Times, *Turkey convicts human rights activists on terror charges*, 3 July 2020. HRW, *Turkey, Politically motivated conviction of activists*, 6 July 2020. Freedom House, *Turkey, Büyükada trial verdict lays bare assault on human rights*, 9 July 2020.

¹⁸⁷ AI, *The Büyükada story is far from over, We stand with Taner, İdil, Özlem and Günel*, 10 December 2020.

¹⁸⁸ Confidential source, 4 December 2020. Confidential source, date withheld at source's request.

¹⁸⁹ Confidential source, 4 December 2020.

¹⁹⁰ USDoS, *Turkey 2019 human rights report*, publication date unspecified, page 16. Confidential source, 4 December 2020. Confidential source, 4 December 2020. Confidential source, date withheld at source's request.

cross-examine the anonymous witness statement.¹⁹¹ One anonymous witness reportedly testified in more than one hundred politically charged cases, sparking much controversy.¹⁹²

Adnan Selçuk Mızraklı, the sacked HDP mayor of Diyarbakır, was given a prison sentence of nine years, four months and fifteen days on the basis of an anonymous witness statement. According to the anonymous witness, as a doctor Mızraklı reportedly treated and released an injured PKK fighter from the hospital without handing him over to the security forces.¹⁹³

3.5.7

UYAP

As mentioned above, UYAP is a legal information system (see section 3.4.). Different groups can access the UYAP system through their own portal. Turkish citizens, holders of a blue card and foreign nationals with a Turkish alien number can view data in UYAP using the Citizen Portal. Lawyers can consult data in UYAP using the Attorney Portal. To do this, they must be members of the TBB and their own provincial bar association. Other groups in the Turkish legal system, such as prosecutors and judges, also have their own access portals to UYAP.¹⁹⁴

The previous general country of origin information report stated that lawyers were given professional access to court files using UYAP provided they had been granted power of attorney by their clients.¹⁹⁵ During the reporting period, it became clear that lawyers can access the criminal investigation file if the Public Prosecutor gives them permission to do so. During criminal proceedings, the Public Prosecutor or the court may decide to classify certain information as 'confidential'. That information is then not accessible to citizens and lawyers.¹⁹⁶

As far as is known, citizens who have attracted the negative interest of the Turkish authorities do have access to UYAP.¹⁹⁷

UYAP documents contain a secure electronic signature of the legal assistant who signed the document. In addition, each UYAP document has its own barcode or code.¹⁹⁸ All UYAP documents contain a visible barcode and/or code. In principle, a UYAP document also contains a visible, electronic signature, but in practice some UYAP documents do not display an electronic signature.¹⁹⁹

For information about UYAP in relation to exit bans, see section 3.4.

A person must authorise a lawyer by means of power of attorney before the lawyer can represent that person.²⁰⁰

¹⁹¹ USDoS, *Turkey 2019 human rights report*, publication date unspecified, page 16. Confidential source, date withheld at source's request.

¹⁹² Bianet, 'The permanent witness' on parliamentary agenda: 'Hundreds arrested because of them', 29 January 2020. Confidential source, 4 December 2020.

¹⁹³ Bianet, *Ousted Diyarbakir mayor Selcuk Mizrakli handed prison sentence on terrorism charges*, 9 March 2020. Daily Sabah, *Former Diyarbakir mayor sentenced to prison for PKK links*, 7 April 2020. Confidential source, 4 December 2020.

¹⁹⁴ Joinup, *Turkey's eJustice system (UYAP)*, published on 10 June 2007, last updated on 11 June 2007. iPROCEEDS, *General guide on protocols on interagency and international cooperation for investigations involving proceeds from crime online*, 28 May 2017, page 18. Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 31 and 32. Confidential source, 10 December 2020.

¹⁹⁵ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 31 and 32.

¹⁹⁶ Confidential source, 10 December 2020.

¹⁹⁷ Confidential source, 10 December 2020.

¹⁹⁸ Confidential source, 10 December 2020.

¹⁹⁹ Confidential source, 17 February 2021.

²⁰⁰ Confidential source, 7 October 2020. Confidential source, 6 November 2020.

3.6 Arrests, custody and detention

In May 2019, a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT)²⁰¹ visited a number of detention facilities of the Turkish police and gendarmerie. Following the visit, the CPT reported in August 2020 that procedural guarantees regarding the detention of detainees were not always honoured. In this context, the CPT stated that detainees were sometimes denied immediate access to a lawyer so that police officers or gendarmes first had an opportunity to question them without their lawyer being present. The CPT also recorded that in many cases police officers or gendarmes remained present during the medical check-up, which violated the privacy of the detainee. Furthermore, during such a check there was often no actual examination carried out and a standard report was issued afterwards stating that no injuries had been detected. The CPT also reported that in some cases detainees were threatened by officers or gendarmes not to reveal to the doctor their injuries caused by police or gendarmerie abuse (for more information about assault while in custody, see section 3.7). The CPT was further informed that many detainees were not given a mattress during an overnight stay in custody and that many received little or no food and sometimes no drinking water and/or toiletries.²⁰²

The previous general country of origin information report stated that prisons in Turkey were overcrowded and that the detention conditions were bad. For example, prisoners had limited space and restricted access to healthcare and personal hygiene.²⁰³ This situation remained unchanged during the reporting period of this general country of origin information report. In July 2020, Turkey had an estimated 249,600 prison inmates (both convicted and non-convicted), while the country had a prison capacity for 236,755 prisoners. According to the Turkish Ministry of Justice, thirteen percent of the detainees had been jailed on terror charges. This percentage included a large number of journalists, human rights defenders, lawyers and political activists.²⁰⁴

The aforementioned amendment to the LESSM in April 2020 was aimed at easing the pressure on prison capacity (for more information, see subsection 3.2.1). In August 2020, however, the CPT reported that overcrowding in Turkish prisons remained a worrying problem. The CPT confirmed that large numbers of prisoners did not have their own beds and that they had to sleep on mattresses on the floor. In some cases, prisoners were forced to share a mattress, the CPT said. Furthermore, the CPT found that medical services fell short on a number of points. Many new prisoners had to wait a long time before being examined by a doctor or were never examined. And if a prisoner did see a doctor, no actual examination took place in most cases. In addition, prison staff did not respect the privacy of prisoners and prisoners were unable to speak privately to a doctor in about any health complaints. Furthermore, drug-addicted prisoners suffering from withdrawal symptoms were not given painkillers and/or substitute medication.²⁰⁵

²⁰¹ The full title is: *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*.

²⁰² CPT, *Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 6 to 17 May 2019*, 5 August 2020, pages 3 and 4.

²⁰³ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2020, page 32.

²⁰⁴ European Commission, *Turkey 2020 report*, 6 October 2020, pages 31 and 32.

²⁰⁵ CPT, *Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 6 to 17 May 2019*, 5 August 2020, page 4.

One confidential source confirmed that detention conditions were poor and that medical facilities in the prison system were inadequate. According to this source, in 2020 there were 1,600 sick prisoners, including 600 who were seriously ill. The source said that prison food was insufficiently nutritious and there was a lack of mental health care. The source also pointed out that the gendarmerie was responsible for transporting sick inmates from the prison to the hospital, but that gendarmes regularly did not have time to perform this task properly. The same source also added a critical comment about the performance of the *Adli Tıp Kurumu* (ATK), the 'Council of Forensic Medicine'. The ATK is authorised to draw up a report that enables the release of prisoners from prison on medical grounds. However, the source stated that the ATK is under government influence and is not inclined to issue such a report for prisoners who are imprisoned for political reasons.²⁰⁶

3.7 Ill-treatment and torture

As mentioned above, a delegation from the CPT visited a number of detention facilities of the Turkish police and gendarmerie in May 2019. Following the visit, the CPT reported in August 2020 that it had heard many stories about the mistreatment of detainees while being transported and held in custody. Common forms of abuse included hitting (with a baton), kicking and punching, according to the CPT. Compared to a previous visit in 2017, the CPT felt that the frequency of mistreatment while detainees were being transported and held in custody had decreased but nevertheless remained a cause for concern.²⁰⁷ Information about the frequency of ill-treatment and torture in detention facilities and prisons was scarce. A Turkish human rights association called *İnsan Hakları Derneği* (İHD)²⁰⁸ claimed to have documented 417 cases of ill-treatment and torture in detention facilities and prisons from January to November 2020.²⁰⁹

Another confidential source says that ill-treatment and torture are more common when a detainee is being transported or held in (extrajudicial) detention rather than in prisons.²¹⁰ However, this does not alter the fact that ill-treatment and torture also occur in prisons. This is partly because there is a culture of impunity among prison staff, which means that prison guards can torture, mistreat and/or humiliate prisoners with no negative consequences.²¹¹ In this context, one source notes that prison guards reportedly search cells, confiscate inmates' belongings and express their antipathy to the Gülen movement and Kurdish activism.²¹² According to international human rights organisation Human Rights Watch (HRW), prisoners are also sometimes visited and threatened by employees of the National Security Service, MIT.²¹³ Another source reports that if prisoners refuse a strip search²¹⁴ or do not wish to be taken to the infirmary in handcuffs, they are beaten until they cooperate.²¹⁵ Two confidential sources note that prisoners who are well known in Turkey are less likely to experience ill-treatment and torture. However, the same

²⁰⁶ Confidential source, date withheld at source's request.

²⁰⁷ CPT, *Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 6 to 17 May 2019*, 5 August 2020, page 3.

²⁰⁸ The İHD has offices all over Turkey. The headquarters of this human rights association is located in Ankara.

²⁰⁹ İHD, *Verilerle 2020 Yılında Türkiye'de İnsan Hakları İhlalleri (Human Rights Violations in Turkey in 2020)*, 9 December 2020, page 3.

²¹⁰ Confidential source, 5 October 2020.

²¹¹ Confidential source, 2 September 2020. Confidential source, 5 October 2020.

²¹² Confidential source, 5 October 2020.

²¹³ HRW, *Turkey, Enforced disappearances, Torture*, 29 April 2020.

²¹⁴ During a strip search, prison staff removes a prisoner's clothing to make sure he/she is not carrying illegal items, such as drugs.

²¹⁵ Confidential source, date withheld at source's request.

sources insist that fame does not provide one hundred percent protection against torture and ill-treatment.²¹⁶

Victims of ill-treatment and torture formally have the opportunity to complain to various bodies, including the Ombudsman and the *Türkiye İnsan Hakları ve Eşitlik Kurumu* (TİHEK), known in English as the Human Rights and Equality Institution of Turkey. However, both agencies are under government control and not known to act efficiently against abuses committed by government employees.²¹⁷ According to human rights organisations, many victims of ill-treatment and torture have little or no confidence in the Ombudsman and/or the TİHEK and are afraid that they will again be exposed to ill-treatment and torture if the gendarmes, police officers and/or prison guards find out that they have filed a complaint. In view of the foregoing, most victims of abuse and torture do not file a complaint.²¹⁸

3.8 Enforced disappearances

During the reporting period, reports were received that some persons were the victims of an enforced disappearance²¹⁹ at the hands of Turkish state security agents. The UN Working Group on Enforced and Involuntary Disappearances stated in its 2020 annual report that a total of 248 enforced disappearances were reported in Turkey since the working group was established in 1980, 89 of which are still unsolved.²²⁰

In late April 2020, HRW announced that it had documented sixteen enforced disappearances since 2017. One enforced disappearance involved that of (alleged) Gülenist Gökhan Türkmen. He disappeared on 7 February 2019 and nine months later, on 6 November 2019, he reappeared and it turned out that he was in custody. Since then, Türkmen has been remanded in custody. He said that he was tortured during his enforced disappearance and was visited and threatened several times by MIT agents during his custody.²²¹

Human rights association İHD also recorded a number of enforced disappearances carried out by the Turkish state. In 2019, thirteen people were kidnapped by security agents and pressured to act as informants. During the first ten months of 2020, İHD documented ten such incidents. The victims of enforced disappearances were mostly students, members of opposition parties, media workers and relatives of prisoners, according to the İHD.²²² According to a confidential source, the members of opposition parties were linked to the HDP, the DBP²²³ or the ESP.²²⁴

²¹⁶ Confidential source, 2 September 2020. Confidential source, 2 December 2020.

²¹⁷ European Commission, *Turkey 2020 report*, 6 October 2020, pages 29-32. Confidential source, 5 October 2020. Confidential source, 2 December 2020. Confidential source, 2 December 2020. Confidential source, date withheld at source's request.

²¹⁸ DFAT, *DFAT country information report Turkey*, 10 September 2020, page 42. Confidential source, 5 October 2020. Confidential source, 2 December 2020.

²¹⁹ The term 'enforced disappearance' refers to the imprisonment of people by or with the consent of the government, but without official acknowledgement of the detention.

²²⁰ UN Working Group on Enforced and Involuntary Disappearances, *Enforced or involuntary disappearances*, 7 August 2020, page 32.

²²¹ USDoS, *Turkey 2019 human rights report*, publication date unspecified, page 5. HRW, *Turkey, Enforced disappearances, Torture*, 29 April 2020.

²²² İHD, *Special report, Enforced statements, interviews, informant-making and abductions through coercion and threats in 2020*, 5 November 2020, pages 1 and 2.

²²³ DBP stands for *Demokratik Bölgeler Partisi*, or, in English, *Democratic Regions Party*. The DBP acts independently at regional level and is represented at national level by the HDP. The DBP and HDP are closely related ideologically. Confidential source, 17 September 2020. Confidential source, 18 September 2020.

²²⁴ ESP stands for *Ezilenlerin Sosyalist Partisi*, or, in English, *Socialist Party of the Oppressed*. The ESP is a Marxist-Leninist party that particularly commands support among Alevites and Marxist Turks. The party logo of the ESP

The same source states that Kurdish have been reportedly kidnapped and pressured to act as informants. If they fail to comply, Turkish security officers threaten to harm their relatives in prison, the source said.²²⁵

consists of a red five-pointed star and a Kurdish sun disk. The use of the latter symbol can be interpreted as an expression of solidarity with the Kurds. Confidential source, 14 and 29 December 2020.

²²⁵ Confidential source, date withheld at source's request.

4 Gülenists

4.1 Introduction

Supporters and followers of Fethullah Gülen, an Islamic scholar in Pennsylvania, USA, refer to their own network with the term *Hizmet*, or 'servitude movement'.²²⁶ The Turkish authorities designate the same movement as *Fethullahçı Terör Örgütü/Paralel Devlet Yapılanması* (FETÖ/PYD), or 'Fethullah's Terror Organisation/Parallel State Structure'.²²⁷ In this general country of origin information report, the Gülen network is referred to by the term 'Gülen movement'. The Gülen movement is not on the EU list of terrorist organisations.²²⁸

According to the Turkish government, the Gülen movement is primarily responsible for the failed coup of 15 July 2016, which left at least 241 dead and more than 2,100 injured. Following this coup attempt, Turkey was in a state of emergency from 21 July 2016 to 19 July 2018.²²⁹ Gülen denies any involvement in the failed coup.

According to some human rights organisations, Turkey experts and Turkish opposition parties, the Turkish government is using the failed coup not just to dismantle the Gülen movement but also to settle scores with diverse groups and individuals who deviate from the norm set by the government. This might include human rights defenders, Kurdish activists, academics, journalists, Alevis, atheists,²³⁰ Kemalists²³¹ and people on the left of the political spectrum.²³²

4.2 Arrests and dismissals of (alleged) Gülenists

More than four years after the failed coup, (alleged) Gülenists are still being arrested by the Turkish authorities. In some cases this involves individual arrests and in others mass arrests. In particular, the mass arrests of (alleged) Gülenists receive a great deal of attention in the (pro-government) media.²³³ For example, in early June 2020, the Turkish authorities issued arrest warrants for 149 suspected Gülenists. Most of the suspects were military or police officers.²³⁴ On 13 October 2020, Anadolu Agency (AA), the news agency of the Turkish government, announced that 89 soldiers had been arrested in 25 cities. They were all suspected of having links with the Gülen movement.²³⁵

²²⁶ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 9.

²²⁷ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 9.

²²⁸ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 36.

²²⁹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 9.

²³⁰ Atheism is not prohibited by law in Turkey. The atheist association *Ateizm Derneği* is based in Istanbul. The association claims to have 250 members. De Volkskrant, 'Veel Turkse atheïsten vrezen hun bureu', 7 January 2020. For more information about the Turkish Association of Atheists, visit the English-language website: **Error! Hyperlink reference not valid.**

²³¹ Kemalists see themselves as the heirs to the political ideology of Mustafa Kemal Atatürk, the founder of the modern Turkish state. Kemalists are committed to a secular society and are united in the CHP, the largest opposition party in Turkey.

²³² EUobserver, *Leaked document sheds light on Turkey's 'controlled coup'*, 11 March 2019. Reuters, *Turkey's Erdogan says main opposition should be probed for Gulen links*, 19 February 2020. Confidential source, 5 November 2020. Confidential source, 10 November 2020.

²³³ Reuters, *Turkey issues detention warrants for 167 over suspected Gulen links – media*, 13 October 2020. Confidential source, 14 October 2020. Confidential source, 10 November 2020.

²³⁴ Al Jazeera, *Turkey seeks arrest of 149 for suspected Gulen links*, 8 June 2020.

²³⁵ AA, *Turkey, 89 FETO-linked suspects arrested, sources say*, 13 October 2020.

During the reporting period, (alleged) Gülenists who held positions in public administration and the judiciary, amongst others, were also sacked. In early September 2020, the Ministry of the Interior sacked 43 governors on the grounds that they were members of the Gülen movement or were linked to it.²³⁶ On 14 October 2020, the *Hakimler ve Savcılar Kurulu* (HSK), or the 'Council for Judges and Prosecutors', sacked eight judges and three prosecutors for being members of the Gülen movement or being associated with it.²³⁷

4.3 Involvement in the Gülen movement

Past involvement in the Gülen movement can be a reason for negative treatment by the Turkish authorities in the present. This negative treatment by the Turkish government can take various forms, such as a criminal investigation, an exit ban, a sacking, an arrest and/or criminal prosecution, the freezing of assets, the cancellation of sickness benefits or the seizure of a passport.²³⁸ According to confidential sources, some high-ranking AKP members who had ties with the Gülen movement in the past²³⁹ were able to avoid criminal prosecution thanks to their political connections.²⁴⁰

The Turkish authorities say that, in the group of (alleged) Gülen supporters, they make a distinction based on the degree of involvement in the Gülen movement. In March 2020, the 16th Criminal Chamber of the Constitutional Court, which investigates the possibility to appeal in all Gülen cases, stated that there are seven levels of involvement:

1. The first layer consists of the people who provide the Gülen movement with (financial) support driven by good intentions.
2. The second layer consists of a loyal group of people who work in Gülen-related organisations²⁴¹ and are familiar with the ideology of the Gülen movement.
3. The third layer consists of ideologues who embrace and propagate the Gülen ideology in their surroundings.
4. The fourth layer consists of inspectors who monitor the various forms of service provided by the Gülen movement.
5. The fifth layer consists of officials responsible for creating and implementing the policies of the Gülen movement.
6. The sixth layer consists of an elite group that facilitates contact between the different layers and dismisses people from their positions.
7. The seventh layer consists of seventeen people who were directly chosen by Gülen and are at the top of the Gülen movement.

According to the 16th Criminal Chamber of the Constitutional Court, members from the third layer should be criminally prosecuted.²⁴² One confidential source questions

²³⁶ BalkanInsight, *Turkey sacks 43 governors for alleged Gülenist links*, 8 September 2020.

²³⁷ International Commission of Jurists (ICJ), *Turkey, dismissal of judges and prosecutors fundamentally unfair*, 21 October 2020.

²³⁸ Alarabiya News, *Why is Turkey's Erdogan persecuting the Gülen movement?*, 10 June 2020. Confidential source, 14 October 2020. Confidential source, 5 November 2020. Confidential source, 6 November 2020. Confidential source, 10 November 2020. Confidential source, 17 November 2020.

²³⁹ In the past, the AKP government and the Gülen movement worked together until they underwent a public break-up in 2013.

²⁴⁰ Confidential source, 5 November 2020. Confidential source, 10 November 2020. Confidential source, 17 November 2020.

²⁴¹ For example schools, student houses, banks, media and NGOs.

²⁴² AA, *Yargıtay 16. Ceza Dairesinden FETÖ üyeliği kriterleri* (*The 16th Supreme Court Criminal Office Judges FETÖ Membership Criteria*), 8 March 2020.

the extent to which the above subdivision can be used when assessing a person's involvement in the Gülen movement, especially since the second and third layers seem to merge.²⁴³

Information from confidential sources suggests that virtually anyone with a Gülen background, apart from a few senior AKP officials, can be prosecuted. However, it can be deduced that some professional groups in the Gülen movement receive more negative attention than others. One source states that Gülenist police officers, army officers and diplomats in particular are treated negatively by the Turkish authorities and that this is less the case for academics and students with a Gülenist background.²⁴⁴ Another source says that when (alleged) Gülenists are being criminally prosecuted, the Turkish authorities focus first on military personnel, then police officers, then people in the legal profession, followed by a residual category consisting of, among others, media workers and educators.²⁴⁵

The fact that particularly soldiers with an (alleged) Gülen background attract the negative attention of the authorities is evident from the examples in section 4.2 and is also clear from the following. In November 2020, AA, the Turkish government's news agency, reported that since the 2018 state of emergency had been lifted, 5,587 soldiers had been reportedly sacked because of (alleged) links with the Gülen movement. This brought the total number of soldiers who had been sacked since the failed 2016 coup to 20,566.²⁴⁶

People who have been released but who are still under legal investigation can be hampered by the Turkish authorities in various ways. Sometimes the passports of these people are declared invalid and/or an exit ban is imposed on them.²⁴⁷ People under investigation lose their jobs or cannot get their jobs back.²⁴⁸ People under investigation also run the risk of being rearrested, according to a confidential source.²⁴⁹

4.4 Gülenists and the judicial process

The previous general country of origin information report outlined the criteria that the Turkish government used to indict and prosecute (alleged) Gülen supporters.²⁵⁰ Conversations with confidential sources show that the Turkish government used the same criteria during the reporting period of this general country of origin information report. The following criteria were cited by the sources consulted:

- People who have a bank account with Bank Asya
- People who have an app called ByLock on their mobile phone
- People who have a subscription to the *Zaman* newspaper
- People who have been educated at a Gülen school
- People who have sent their children to a Gülen school
- People who have an employment contract with a company, news organisation or NGO affiliated with the Gülen movement
- People who have donated money to a Gülenist NGO

²⁴³ Confidential source, 30 October 2020.

²⁴⁴ Confidential source, 14 October 2020. Confidential source, 30 October 2020.

²⁴⁵ Confidential source, 10 November 2020.

²⁴⁶ AA, *Turkey nabs 196 FETO suspects trying to escape abroad*, 19 November 2020.

²⁴⁷ Confidential source, 14 October 2020. Confidential source, 5 November 2020. Confidential source, 6 November 2020. Confidential source, 10 November 2020.

²⁴⁸ Confidential source, 14 October 2020. Confidential source, 10 November 2020.

²⁴⁹ Confidential source, 5 November 2020.

²⁵⁰ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 30.

- People who have spoken positively about Gülen in public (such as posting positive messages about Gülen on social media, for example).²⁵¹

The following also showed that having installed the ByLock app was still a criterion for the criminal prosecution of (alleged) Gülenists. In late October 2019, pro-government newspaper *Hürriyet* announced that MIT had shared a list of one thousand ByLock users with Ankara's chief prosecutor. An arrest warrant was issued for 53 people.²⁵² In July 2020, the Supreme Court and Constitutional Court confirmed in two separate rulings that the act of downloading the ByLock app was sufficient evidence of ties with Gülen.²⁵³

If someone has travelled back and forth many times between Turkey and Pennsylvania, where Gülen resides, it could be seen by the Turkish government as evidence that this person was involved in the failed 2016 coup attempt.²⁵⁴ In late September 2020, a spokesperson for the Turkish Ministry of Justice announced that 276 of the 289 lawsuits directly related to the failed coup had been resolved. According to the spokesperson, this had led to the conviction of 4,134 people. Thirteen coup d'etat lawsuits were still pending.²⁵⁵

On 26 November 2020, a three-year mass trial, during which 337 people were sentenced to life imprisonment, came to a conclusion. Most of the people convicted were former Air Force officers who had allegedly attempted to seize state power by force in 2016. Of the 337 people convicted, 291 had received an aggravated life sentence, the most severe prison sentence in the TPC. This meant that they do not have the option of an early release, even if they develop serious medical complaints,²⁵⁶ and that they must serve their sentence of life imprisonment under an aggravated detention regime.²⁵⁷

The previous general country of origin information report stated that the independence of the legal system had been seriously weakened and that (alleged) Gülenists were often convicted after an unfair trial.²⁵⁸ The situation remained unchanged during the reporting period of this general country of origin information report. Judges, prosecutors and lawyers cannot practice their profession independently of the Turkish authorities. Lawyers of (alleged) Gülenists therefore run the risk of themselves being suspected of having links with the Gülen movement.²⁵⁹ For example, on 11 September 2020, the Public Prosecution Service in Ankara issued arrest warrants for sixty lawyers with (alleged) Gülenists as clients. On the same day, 43 lawyers from this group were arrested, leading to criticism from both the Istanbul Bar Association and the International Commission of Jurists

²⁵¹ Confidential source, 5 November 2020. Confidential source, 6 November 2020. Confidential source, 10 November 2020. Confidential source, 17 November 2020.

²⁵² *Hürriyet*, *MIT ByLock'cu isimleri savcılığa gönderdi: 1000 kişili* ('MIT sent names of ByLock users to prosecutor's new list of 1,000 people'), 26 October 2019.

²⁵³ Confidential source, 16 July 2020.

²⁵⁴ Confidential source, 17 November 2020.

²⁵⁵ Cable News Network (CNN) Türk, *Son dakika ... Adalet Bakanlığı: 289 darbe davasının 276'sı karara bağlandı* ('Breaking news... Ministry of Justice: 276 out of 289 coup d'état cases resolved'), 25 September 2020.

²⁵⁶ Confidential source, date withheld at source's request.

²⁵⁷ Algemeen Nederlands Persbureau (ANP), *Levenslange celstraffen voor mislukte staatsgreep Turkije*, 26 November 2020. Reuters, *Turkish court sentences 2016 coup leaders to life in jail*, 26 November 2020. Al Jazeera, *Turkey jails hundreds for life over 2016 failed coup attempt*, 26 November 2020. The New York Times, *Turkey jails hundreds for life in '16 coup attempt*, 27 November 2020.

²⁵⁸ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 25.

²⁵⁹ Confidential source, 7 October 2020 Confidential source, 5 November 2020. Confidential source, 6 November 2020. Confidential source, 10 November 2020. Confidential source, 17 November 2020.

(ICJ).²⁶⁰ At the time of writing, it was unclear how many lawyers were still in prison and how many had been (temporarily) released.²⁶¹

With respect to the judicial process related to (alleged) Gülenists, a confidential source noted the following. Moderate judges tend to differentiate between 'passive' and 'active' Gülenists, according to the source. In this regard, a Gülenist who has only a bank account with Asya Bank and/or a subscription to the Gülenist newspaper *Zaman* will receive less punishment than an executive director of a Gülenist news platform. Hardline judges, on the other hand, do not make this distinction, according to the same source.²⁶² With respect to the risks for lawyers with Gülen suspects, a confidential source noted the following. Lawyers whose client base consists largely of (alleged) Gülenists, in particular, run the risk of themselves being prosecuted as Gülenists.²⁶³

Based on the available information, it is difficult to determine the extent to which there is arbitrariness with regard to whether or not to prosecute (alleged) Gülenists criminally. One confidential source says that the decision of the Turkish authorities to prosecute or not prosecute (alleged) Gülenists seems to be very arbitrary. This source adds that the Turkish authorities may have the will to prosecute all Gülenists and other dissidents but not the means.²⁶⁴ Two other sources, on the other hand, state that the Turkish government consistently decides to prosecute people who meet one or more of the criteria specified at the start of this section. The outcome of these criminal cases is arbitrary, according to both sources, with moderate judges giving lower sentences to passive Gülenists than hardline judges.²⁶⁵

As mentioned above, the Turkish government regards the Gülen movement as a terrorist organisation. Because of this, (alleged) Gülenists are often sentenced to imprisonment on the basis of:

- Being a member of a terrorist organisation (Article 220 (2) of the TPC).²⁶⁶
- Being a leader of a terrorist organisation (Article 220 (5) of the TPC)
- Supporting a terrorist organisation (Article 220 (7) of the TPC).²⁶⁷
- Spreading propaganda for a terrorist organisation (Article 220 (8) of the TPC).²⁶⁸ ²⁶⁹

Those found guilty of direct involvement in the failed 2016 coup are often sentenced to imprisonment on the grounds of:

- Attempting to abolish, replace or prevent the implementation of the constitutional order through the use of force (Article 309 (1) of the TPC).²⁷⁰
- Attempting to assassinate the President (Article 310 (1) of the TPC).²⁷¹

²⁶⁰ ICJ, *Turkey, End detention of lawyers held for representing clients, says ICJ*, 14 September 2020. Reuters, *Turkey's arrest of lawyers draws international criticism*, 15 September 2020. HRW, *Turkey, Lawyers arrested in terror probe*, 16 September 2020.

²⁶¹ Confidential source, 23 December 2020.

²⁶² Confidential source, 10 November 2020.

²⁶³ Confidential source, 6 November 2020.

²⁶⁴ Confidential source, 14 October 2020. Confidential source, 30 October 2020.

²⁶⁵ Confidential source, 10 November 2020.

²⁶⁶ This carries a prison sentence of one to three years.

²⁶⁷ This carries a prison sentence of one to three years.

²⁶⁸ This carries a prison sentence of one to three years. If the propaganda has been disseminated by the media, the penalty will be reduced by half.

²⁶⁹ Commission of Venice, *Penal Code of Turkey*, 15 February 2016, page 72. Confidential source, 2 November 2020. Confidential source, 6 November 2020. Confidential source, 10 November 2020.

²⁷⁰ This carries a life sentence under aggravated circumstances.

²⁷¹ This carries a life sentence under aggravated circumstances.

- Attempting to abolish the Turkish government or prevent it from carrying out its duties through the use of force (Article 312 (1) of the TPC).²⁷² ²⁷³

4.5 Gülenists abroad

The previous general country of origin information report already stated that the fight of the Turkish authorities against the Gülen movement was not limited to the territory of Turkey itself. In this regard, the previous general country of origin information report stated that Turkey was requesting foreign governments to extradite alleged Gülenists. In some cases, extradition requests were granted, with foreign intelligence services cooperating with MIT.²⁷⁴ This situation remained unchanged during the reporting period of this general country of origin information report.²⁷⁵

In July 2020, the Turkish Ministry of Justice announced that Turkey had asked 105 countries to extradite a total of 807 Gülenists. So far, 116 Gülenists had been reportedly extradited from 27 countries, according to the same Ministry.²⁷⁶ There is no complete list of the 27 countries that responded to Turkey's extradition requests. One confidential source says that extradited Gülenists are put on trial after their return and face long prison terms.²⁷⁷ Another source reports that (extradited) Gülenists can be subjected to torture and ill-treatment in prison.²⁷⁸ The following examples show that extradited Gülenists are criminally prosecuted after their return.

On 1 January 2020, an alleged Gülenist named Harun Çelik was deported to Turkey by Albania. According to the Turkish government, this deportation was the result of a successful MIT operation. The Albanian authorities, on the other hand, denied that MIT was involved in the deportation of Çelik. According to Albania, Çelik was expelled because he had entered Albania on false papers. Çelik's lawyer called the deportation illegal because his client had allegedly applied to the Albanian authorities for international protection. After arriving in Turkey, Çelik was placed in detention before being questioned and tried.²⁷⁹ The UN Working Group on Enforced and Involuntary Disappearances expressed concern and called on the Albanian authorities to be open and transparent about Çelik's deportation.²⁸⁰

In late November 2020, Algeria extradited a Gülen suspect known by the initials 'N.N.K.' to Turkey. This person is said to have been the manager of a company in Algeria that was reportedly affiliated with the Gülen movement.²⁸¹

²⁷² This carries a life sentence under aggravated circumstances.

²⁷³ Commission of Venice, *Penal Code of Turkey*, 15 February 2016, page 103. Confidential source, 10 November 2020. Confidential source, 26 November 2020. The New York Times, *Turkey jails hundreds for life in '16 coup attempt*, 27 November 2020.

²⁷⁴ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 35 and 36. One notorious example was Kosovo's extradition of six alleged Gülenists to Turkey in March 2018. This deportation was the result of cooperation between MIT and the Kosovar police and security services.

²⁷⁵ Confidential source, 5 November 2020. Confidential source, 6 November 2020. Confidential source, 10 November 2020. Confidential source, 17 November 2020.

²⁷⁶ Daily Sabah, *Turkey's fight for extradition of FETÖ members hits snags*, 13 July 2020.

²⁷⁷ Confidential source, 10 November 2020.

²⁷⁸ Confidential source, 5 November 2020.

²⁷⁹ HDN, *FETÖ suspect detained in Albania brought to Turkey*, 2 January 2020. BI, *Turkey hails 'Gülenist' deportation from Albania as MIT 'success'*, 3 January 2020.

²⁸⁰ United Nations (UN) Working Group on Enforced and Involuntary Disappearances, UA ALB 1/2020, 20 March 2020.

²⁸¹ Daily Sabah, *Turkey nabs senior FETÖ member in Algeria in joint operation*, 24 November 2020. The Arab Weekly (AW), *Turkish businessman extradited by Algeria over suspected Gülen connection*, 24 November 2020. Confidential source, 10 December 2020.

On 6 January 2021, the Turkish Interior Ministry announced that Ukraine had extradited two alleged Gülenists, Salih Fidan and Samet Gure, to Turkey. Both suspects were in Ankara awaiting charges at the time of reporting. According to the same Ministry, Fidan and Gure reportedly worked for educational institutions in Iraq that were affiliated with the Gülen movement. According to the Turkish authorities, Gure is also said to have deposited money into a Bank Asya account after the public break between the Gülen movement and the AKP in 2013.²⁸²

4.6 The social position of (alleged) Gülenists

Gülenists find themselves in a difficult social position. There is no unambiguous answer to the question of how they are treated by non-Gülenist fellow citizens. The treatment of (alleged) Gülenists by non-Gülenist fellow citizens can range from solidarity to hostility.²⁸³ Gülenists should take into account that a large part of Turkish society, consisting of both pro-government citizens and secularists, harbours feelings of resentment and antipathy towards the Gülen movement.²⁸⁴ In addition, there is a social stigma attached to being a Gülenist. Many non-Gülenist citizens distance themselves from (alleged) Gülenists. This attitude is not always based on hatred and aversion but is a form of self-protection. Non-Gülenist citizens are afraid that they will be criminally prosecuted if they are associated with Gülenists.²⁸⁵

As a result of the hostility and the stigma, (alleged) Gülenists have difficulty surviving in Turkish society. Employers are not inclined to employ (alleged) Gülenists for fear of themselves being regarded as supporters or members of the Gülen movement. If an employer finds out that an employee has a Gülen background, there is a good chance that the Gülenist employee will be sacked.²⁸⁶ There are stories that some unemployed Gülenists have been condemned to the informal economy on the street or to a life as a self-sufficient farmer in the village of their ancestors.²⁸⁷

Gülenists who have been dismissed from government service cannot rebuild a career in government.²⁸⁸ During the two-year period of the state of emergency in Turkey (July 2016 to July 2018), 125,678 civil servants were dismissed from their positions. The Turkish government set up a committee to deal with complaints about these dismissals. This committee is known in English as the Inquiry Commission on the State of Emergency Measures, or OHAL Commission.²⁸⁹ for short. In early October 2020, this Turkish government commission reported that it had received 101,500 requests to overturn a forced dismissal. Of this number, 10,200 applications were granted and 91,300 were rejected, according to the OHAL Commission. Around ten percent of the applications were therefore granted. According to the OHAL Commission, there are currently 24,800 applications pending.²⁹⁰

²⁸² AA, Turkey, *Senior FETO members brought from Ukraine*, 6 January 2020.

²⁸³ Confidential source, 6 November 2020.

²⁸⁴ Confidential source, 14 October 2020. Confidential source, 5 November 2020. Confidential source, 17 November 2020.

²⁸⁵ Confidential source, 5 November 2020. Confidential source, 10 November 2020. Confidential source, 17 November 2020.

²⁸⁶ Confidential source, 5 November 2020. Confidential source, 10 November 2020. Confidential source, 17 November 2020.

²⁸⁷ Confidential source, 10 November 2020. Confidential source, 6 November 2020.

²⁸⁸ Confidential source, 6 November 2020.

²⁸⁹ 'OHAL' is a contraction of *Olağanüstü Hal*, which means 'State of Emergency' in Turkish.

²⁹⁰ OHAL Commission, *Announcement on the decisions of the Inquiry Commission on the State of Emergency Measures*, 2 October 2020.

There is less information available about the level of access to education, medical care and housing for Gülenists, and the little available information is fragmented. One source says that (alleged) Gülenists released from prison do have access to housing, education and health care.²⁹¹ Another source says that landlords sometimes evict tenants with an (alleged) Gülen background and that doctors refuse medical care to a patient with an (alleged) Gülen history. According to the same source, such practices are particularly prevalent in small communities in which people know each other.²⁹²

4.7 The position of relatives of (alleged) Gülenists

There is no unambiguous answer to the question of how the Turkish government deals with the relatives of (alleged) Gülenists. Particularly relatives of high-ranking Gülenists are at risk of attracting the negative attention of the Turkish authorities.²⁹³ The following are some examples of relatives of well-known Gülenists who have encountered problems with the Turkish authorities in one way or another. These examples can by no means be considered exhaustive.

On 24 October 2019, Zeynep Gülen, Fethullah Gülen's niece, was arrested during an identity check in Istanbul. The public prosecutor accused her of being a member of a terrorist organisation and demanded a prison sentence of 7.5 to 15 years. The evidence against Zeynep Gülen included the fact that she had an account with Asya Bank, into which she was said to have deposited 75,000.00 TL²⁹⁴ on the instructions of Gülen. After being charged, she was released on parole. Zeynep denied that she had any links with the Gülen movement and was acquitted on 31 March 2020.²⁹⁵

Enes Kanter is a top basketball player with the Boston Celtics. He is openly critical of President Erdoğan and his government and is an outspoken supporter of Gülen. In 2018, his father Mehmet Kanter began a fifteen-year prison sentence for allegedly being a member of the Gülen movement. According to Enes, the prison sentence imposed on his father was a means of inducing him to turn himself in to the Turkish authorities. In June 2020, it was announced that Mehmet had been released.²⁹⁶

Former football star Hakan Şükür openly supported Gülen in the conflict between Gülen and Erdoğan and has since led a life in exile in the US as a terror suspect. In October 2020, his father Selmet Şükür was sentenced to fifteen years in prison for membership of a terrorist organisation. Selmet is on parole due to health problems on condition of house arrest and an exit ban.²⁹⁷

²⁹¹ Confidential source, 6 November 2020.

²⁹² Confidential source, 10 November 2020.

²⁹³ Confidential source, 14 October 2020. Confidential source, 5 November 2020. Confidential source, 6 November 2020. Confidential source, 10 November 2020.

²⁹⁴ On 24 November 2020, 75,000.00 TL was worth 7,919.24 euros, according to CoinMill.com, an online exchange rate converter.

²⁹⁵ Ahaber, *FETÖ elebaşının yeğeni Zeynep Gülen tutuklandı* ('Zeynep Gülen, niece of FETÖ leader, has been arrested'), 28 October 2019. Ahaber, *Terör örgütü elebaşı Fethullah Gülen'in yeğeni Zeynep Gülen skandal kararla tahliye edildi* ('Zeynep Gülen, the niece of terrorist leader Fethullah Gülen, has been released'), 6 May 2020.

²⁹⁶ The Guardian, *NBA's Enes Kanter says father acquitted of terrorism charges*, 19 June 2020. Reuters, *Father of Turkish NBA player Kanter acquitted of terrorism links*, 19 June 2020. Confidential source, 5 November 2020.

²⁹⁷ Sabah, *FETÖ'cü Hakan Şükür'ün babası Selmet Şükür ile ilgili son dakika gelişmesi: 15 yıla kadar hapsi istendi...* (Latest news: Prison sentence of 15 years demanded for Selmet Şükür, father of FETÖ member Hakan Şükür...), 22 October 2020.

The Australian Ministry of Foreign Affairs and Trade also reported that relatives of (alleged) Gülenists are being disadvantaged by the Turkish government in other ways. The authorities took the following measures against relatives of (alleged) Gülenists:

- Confiscation of passports
- Invalidation of passports
- Refusal of passport applications
- Imposition of an exit ban.²⁹⁸

The way relatives of (alleged) Gülenists are treated by non-Gülenist citizens depends on the specific situation.²⁹⁹ One source notes that relatives of (alleged) Gülenists must explicitly distance themselves from the Gülen movement and their Gülenist relative in order to survive socially.³⁰⁰

²⁹⁸ DFAT, *DFAT Country information report Turkey*, 10 September 2020, pages 28 and 52.

²⁹⁹ Confidential source, 6 November 2020. Confidential source, 17 November 2020.

³⁰⁰ Confidential source, 17 November 2020.

5 Ethnic minority groups

5.1 Introduction

This chapter takes a closer look at the position of Kurds and Armenians in Turkey and their political representatives. Subsection 5.2.2 makes it clear that Kurds faced various forms of discrimination during the reporting period. Subsection 5.2.3 indicates that not all citizens who were displaced during the wave of violence in 2015/2016 have returned to their original places of residence. Section 5.3 describes the position of the HDP, a left-wing opposition party that defends the rights of ethnic minorities, amongst other things. Section 5.4 describes how the Turkish authorities treat PKK members, PKK supporters and their relatives. Section 5.5 deals with the position of the Armenian minority.

5.2 Kurds

5.2.1 Introduction

Since the early twentieth century, the Kurds have been scattered across Turkey, Iran, Iraq and Syria.³⁰¹ The Kurds in Turkey traditionally live in the southeast of the country. Nationalist and identity-conscious Kurds refer to Southeastern Turkey as *Bakur*, which literally means 'North'. The region in Turkey with a predominantly Kurdish population makes up the northern part of the Kurdish distribution area.³⁰² Estimates of the percentage of Kurds in Turkey range from sixteen to nineteen percent.³⁰³ There is no accurate information about this subject because Turkey does not hold censuses based on ethnicity. Around 75% to 80% of the Kurds in Turkey speak the *Kurmanji* version of the Kurdish language and about 20% to 25% percent speak the *Zazaki* version. The percentages quoted are rough estimates because there is no reliable statistical data on the numbers of Kurmanji and Zazaki speakers in Turkey.³⁰⁴

5.2.2 Discrimination against Kurds

During the reporting period of this general country of origin information report, the Kurds in Turkey were granted less space to express their cultural identity. The Turkish authorities do not provide Kurdish language education, but private education in Kurdish is permitted on paper. In practice, however, most if not all private educational institutions offering Kurdish language tuition have been closed by order of the Turkish authorities.³⁰⁵

In early August 2020, the Faculty of Kurdish Language and Literature at Dicle University, located in the predominantly Kurdish province of Diyarbakır, announced that its curriculum would henceforth be taught in Turkish and not Kurdish. In addition, students in this faculty were no longer permitted to write their theses in Kurdish. This change was ordered by the *Yüksek Öğretim Kurulu* (YÖK), or 'Council

³⁰¹ In addition, historically there have also been smaller Kurdish communities in the Caucasus and elsewhere.

³⁰² Confidential source, 10 August 2020. Confidential source, 12 August 2020.

³⁰³ Yetkin Report, *How many Kurds, Sunnis and Alevis live in Turkey?*, 18 November 2019. Central Intelligence Agency (CIA), *Turkey, population, ethnic groups*, last updated on 1 July 2020.

³⁰⁴ Confidential source, 7 August 2020. Confidential source, 12 August 2020. Confidential source, 1 September 2020. Confidential source, 6 December 2020.

³⁰⁵ Confidential source, 7 August 2020. Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 1 September 2020. Confidential source, 6 December 2020.

of Higher Education'.³⁰⁶ It cannot be ruled out that this change in language policy has also been implemented at other universities with a Kurdish language and literature faculty or that this will happen in the future.³⁰⁷

On 30 May 2020, the Turkish authorities demolished a library in Siirt, a city in Southeastern Turkey. The library was named after Celadet Ali Badirkhan, a Kurdish author, linguist and intellectual. Self-aware Kurds experienced the demolition of the library as an attack on the cultural identity of the Kurds. The trustee appointed by the Turkish authorities said that the demolition of the library was related to the construction of a tram track (for more information about trustees appointed by the Turkish state, see subsection 5.3.2).³⁰⁸

On 18 June 2020, a Turkish court in Diyarbakır sentenced Kurdish musician Azad Bedran to three years and nine months in prison on the grounds that his songs, music videos and concerts are propaganda for a terrorist organisation, which in this case refers to the PKK. At the time of writing, Bedran was still at large and said that he would appeal against the sentence.³⁰⁹

On 13 October 2020, a Kurdish-language play called *Bêrû*³¹⁰ was scheduled to open in the Istanbul City Theatre. However, just before the performance was due to start, the Istanbul district council decided to ban the performance because it reportedly contained propaganda for the PKK and therefore posed a threat to public order. The HDP, an opposition party that defends the political and cultural rights of ethnic and religious minorities, condemned the ban. The mayor of Istanbul, who was affiliated with the CHP (Turkey's largest opposition party), criticised the ban. He argued that the play had already been performed several times in Turkish and that the only difference was that it would now be performed in Kurdish.³¹¹

According to media reports, there were several incidents of violence with an anti-Kurdish dimension during the reporting period. On 31 May 2020, a twenty-year-old man named Barış Çakan was stabbed to death in a park in Ankara, Turkey's capital city. Çakan was of Kurdish descent and his family initially said that he had been killed for playing Kurdish music. Çakan's family later withdrew this explanation. According to the HDP, the Turkish government had put pressure on the next of kin not to refer to the fatal stabbing as an ethnically motivated act. A spokesman for the Turkish authorities said the violent death of Çakan was reportedly not a hate crime but the result of an argument that got out of hand. According to the spokesman, the perpetrators had asked Çakan to turn down the volume of his music so as not to

³⁰⁶ Arab News, *Turkey bans writing of university dissertations in Kurdish*, 31 July 2020. Bianet, *Medium of instruction in Kurdish language department changed to Turkish*, 3 August 2020. Confidential source, 7 August 2020. Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 1 September 2020. Ahval News, *Erdoğan continues repression of Kurdish political and cultural rights*, 9 November 2020. Confidential source, 6 December 2020.

³⁰⁷ Confidential source, 7 August 2020. Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 1 September 2020. Confidential source, 6 December 2020.

³⁰⁸ Rûdaw, *Turkish government condemned for demolishing library named after legendary Kurdish writer*, 31 May 2020. Confidential source, 10 August 2020. Confidential source, 14 August 2020. Confidential source, 6 December 2020.

³⁰⁹ Rûdaw, *Kurdish singer sentenced to nearly four years by Turkish court for songs*, 20 June 2020. Freemuse, *Musician sentenced to jail for 'making terrorist propaganda' with music video*, 2 July 2020. Confidential source, 21 July 2020.

³¹⁰ Bêrû literally means 'faceless', but can also mean 'shameless' in a figurative sense.

³¹¹ Agence France-Presse (AFP), *Istanbul authorities ban Kurdish-language play*, 13 October 2020. Ahval News, *Governor bans Istanbul's first municipal-backed Kurdish play*, 13 October 2020. DW, *Turkey bans Kurdish-language play in Istanbul*, 17 October 2020. Ahval News, *Erdoğan continues repression of Kurdish political and cultural rights*, 9 November 2020.

disturb the Islamic call to prayer.³¹² This resulted in a disagreement that ended in a fatal stabbing, according to the Turkish authorities.³¹³

In early September 2020, a group of sixteen Kurdish seasonal workers from Southeastern Turkey was attacked in Sakarya, a province in the northwest along the Black Sea. The assailants made xenophobic remarks while beating the group with sticks. Şilan Demir was one of the Kurdish seasonal workers who was beaten. She was nineteen years old and was carrying a baby on her back. The AKP denied that the incident had taken place. The opposition, on the other hand, condemned the incident and called for a criminal investigation.³¹⁴

For more information about violence and discrimination against Kurdish conscripts, see section 8.4.

5.2.3

Reconstruction and displaced persons in Southeastern Turkey

The previous general country of origin information report stated that the conflict between the Turkish state and the PKK underwent a peak of violence in 2015/2016. This particularly caused damage to the urban districts in Southeastern Turkey, including the old town of Diyarbakır, also known as *Sur*. The same general country of origin information report stated that the subsequent reconstruction and allocation of housing to internally displaced persons were not implemented transparently.³¹⁵

According to information from a confidential source, not all displaced persons had returned to their former places of residence. The following dates in this paragraph are from the aforementioned source. Before the wave of violence of 2015/2016, the city of Şırnak had a population of between 60,000 and 65,000. Forty percent of those residents had not returned to Şırnak. At the time of writing, 8,000 displaced persons from Cizre had not returned, nor had 11,000 displaced persons from Nusaybin. For Diyarbakır/Sur, the number of non-returned displaced persons stood at 30,000.³¹⁶

The displaced persons who did not return often stayed in villages around the city that they had migrated from or moved to other cities in Southeastern Turkey and other parts of the country. Some of the displaced persons stayed with relatives. *Toplu Konut İdaresi Başkanlığı* (TOKİ), a construction and housing agency of the Turkish government,³¹⁷ was responsible for building new homes. In Sur, TOKİ built new homes with a higher value than the previous homes. The new homes were often not affordable for the people who had been displaced.³¹⁸

³¹² Known in Arabic as *adhān* or *azān*.

³¹³ The Guardian, *Killing of Kurd in Turkey sparks discrimination accusations*, 2 June 2020. Voice of America (VOA) News, *Death of young Kurdish man sparks hate crime debate in Turkey*, 11 June 2020.

³¹⁴ BBC, *Sakarya'da fındık toplayan mevsimlik işçilere saldırı iddiasıyla ilgili neler biliniyor; olayla ilgili kim, ne dedi? (What is known about the alleged attack on seasonal workers picking hazelnuts in Sakarya; who said what?)*, 5 September 2020. Ahval News, *Kurdish lives also matter*, 9 September 2020, last updated on 10 September 2020.

³¹⁵ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 11 and 12.

³¹⁶ Confidential source, 17 September 2020.

³¹⁷ TOKİ is known in English as the *Housing Development Administration of the Republic of Turkey*. TOKİ has an English website: www.toki.gov.tr/en/.

³¹⁸ Confidential source, 21 July 2020. Confidential source, 7 August 2020. Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 4 September 2020. Confidential source, 17 September 2020. Confidential source, 7 October 2020.

5.3 HDP

5.3.1 Introduction

The HDP defends not only the political and cultural rights of the Kurdish community but also those of other religious and ethnic minorities. The left-wing HDP also has other spearheads, such as women's and gay rights, the environment and the democratisation of Turkish society. As such, the HDP also includes non-Kurds in its ranks, such as Yazidis,³¹⁹ Alevis,³²⁰ left-progressive Turks and ethnic Arabs, Turkmen and Armenians. Nevertheless, the core members and supporters of the HDP are predominantly Kurdish.³²¹

The HDP's pursuit of a diverse and inclusive society is expressed in its logo, which represents a tree. The tree trunk consists of two purple hands. Between the green leaves, there are five-pointed stars of different colours. The purple colour of the trunk symbolises the HDP's support for women's rights. The two hands represent equality between men and women. The green leaves reflect the HDP's environmental awareness and the stars of different colours represent the diverse communities the HDP represents.³²²

5.3.2 Restriction of the HDP's scope

The previous general country of origin information report stated that the Turkish government was reducing the political scope of the HDP.³²³ This development continued during the reporting period of this general country of origin information report. In the municipal elections of 31 March 2019, the HDP won 65 mayoral seats in the southeast and east of Turkey, where most of the Turkish Kurdish community lives. At the time of writing, 59 HDP mayors had been removed from office by the Turkish government. Some of them were in detention. The HDP mayors that were removed from office were replaced by pro-government trustees. These trustees were not democratically elected by the electorate but appointed by the Turkish state. The Turkish government accused the HDP mayors of providing financial and logistical support to the PKK. The HDP denied any ties with the PKK.³²⁴

The replacement of democratically elected HDP mayors raised concern and criticism. The European Commission for Democracy through Law, also known as the 'Venice Commission', is an advisory body of the CoE.³²⁵ In June 2020, this commission issued a written statement in which it declared that the replacement of mayors undermined the outcome of democratic processes.³²⁶ In July 2020, 69 Members of the European Parliament (MEPs) wrote an open letter to Josep Borrell, EU High Representative for Foreign Affairs and Security Policy. In this letter, the MEPs

³¹⁹ Yazidis are an ethno-religious minority. They predominantly speak Kurmanji and practice a syncretic religion.

³²⁰ Alevis constitute their own branch within Islam and should not be confused with the Alawis in Syria.

³²¹ Confidential source, 21 July 2020. Confidential source, 7 August 2020. Confidential source, 12 August 2020. The New York Times, *How Turkey's military adventures decrease freedom at home*, 15 October 2020. For more information about the HDP, visit the party's English-language website: <https://hdp.org.tr/en>.

³²² Confidential source, 16 December 2020.

³²³ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 8, 29, 36 and 37.

³²⁴ VOA News, *Kurdish crackdown continues in Turkey, despite health emergency*, 23 March 2020. AFP, *Cities angered by removal of pro-Kurdish mayors in Turkey*, 25 April 2020. De Volkskrant, *Koerdische burgemeesters ontslagen en vervangen door 'vertrouwelingen' van de Turkse regering*, 16 May 2020. Al Monitor, *Turkey's pro-Kurdish crackdown on mayors amounts to coup, says opposition party*, 19 May 2020. Washington Post, *Turkey's pro-Kurdish mayors in jeopardy*, 21 July 2020. Confidential source, 21 July 2020. Vertrouwelijke bron, 7 August 2020. Confidential source, 12 August 2020. Confidential source, 14 August 2020. The Economist, *Turkey locks up Kurdish mayors*, 15 oktober 2020. NRC, *Honderden arrestaties in Turkije om 'banden PKK'*, 16 February 2021.

³²⁵ This commission is made up of independent experts such as judges, academics and parliamentarians. For more information about the Commission of Venice, visit: www.venice.coe.int.

³²⁶ Commission of Venice, *Turkey, Opinion on the replacement of elected candidates and mayors, Opinion No. 979/2019*, 18 June 2020.

condemned the actions of the Turkish authorities against the HDP mayors and called for immediate action.³²⁷

The Turkish government took action not only against HDP mayors but also against HDP MPs. In early June 2020, the Turkish authorities withdrew the parliamentary immunity of three opposition parliamentarians, namely Leyla Güven and Musa Farisoğulları of the HDP and Enis Berberoğlu of the CHP (for more information about the Berberoğlu case, see section 3.5.2).³²⁸ Güven and Farisoğulları were detained on suspicion of maintaining links with the PKK. Their seats in parliament will remain empty until the upcoming parliamentary elections in 2023.³²⁹

At the time of writing, Farisoğulları was reportedly in detention in Diyarbakır. According to a confidential source, he was suffering from shortness of breath but the prison authorities reportedly refused him a fan.³³⁰ On 21 December 2020, a court sentenced Güven to 22 years in prison for being a member of a terrorist organisation and for spreading propaganda for a terrorist organisation. The HDP appealed against this sentence. The next day, on 22 December 2020, Güven was arrested and transferred to prison in Elazığ in eastern Turkey.³³¹

In September 2020, a court sentenced HDP MP Remziye Tosun to ten years in prison for 'membership of a terrorist organisation'. She had allegedly treated injured PKK militants in 2016, according to Turkish authorities. At the time of writing, her appeal was pending and she was still at liberty, despite an international travel ban.³³²

In September 2020, the Turkish authorities issued arrest warrants for 82 people, including 20 prominent members of the HDP. One of them was Ayhan Bilgen, an ethnic Turkmen and HDP mayor of the northeastern city of Kars. This meant that the HDP had lost its last major city. The Turkish state held the group of over eighty people responsible for the violence that broke out during protests in October 2014.³³³ According to the HDP, the Turkish police were responsible for the violence.³³⁴

On 15 February 2021, Turkish police arrested 718 people. According to the HDP, 139 HDP members were arrested, including at least 1 spokesperson and 12 senior party officials. The Turkish authorities accused those arrested of having links with

³²⁷ Members of the European Parliament, *A call for immediate action to stop Turkey's attacks against peace and democracy, in Kurdistan and everywhere*, 6 July 2020.

³²⁸ As far as is known, the Turkish authorities did not withdraw the parliamentary immunity of other MPs during the reporting period. Confidential source, 23 December 2020.

³²⁹ Reuters, *Turkish parliament strips status of three opposition MPs*, 4 June 2020. HDN, *Three former opposition parties' lawmakers arrested*, 4 June 2020. The Guardian, *Three Turkish opposition MPs expelled from office and arrested*, 5 June 2020. Middle East Eye (MEE), *Turkey detains three opposition MPs after removing their parliamentary seats*, 5 June 2020.

³³⁰ Confidential source, 14 August 2020.

³³¹ Al Jazeera, *Turkish court sentences Kurdish former MP to 22 years in jail*, 21 December 2020. BBC, *Leyla Güven, Turkey sentences Kurdish politician to 22 years in prison*, 22 December 2020. Bianet, *Leyla Güven transferred to Elazığ Prison*, 23 December 2020.

³³² Al Jazeera, *Pro-Kurdish politician Tosun sentenced to jail by Turkish court*, 11 September 2020. Bianet, *HDP deputy Remziye Tosun handed 10-year prison sentence on terrorism charges*, 11 September 2020.

³³³ In September 2014, ISIS began besieging Kobani, a city predominantly inhabited by Syrian Kurds. The siege of Kobani sparked a humanitarian drama and Turkish Kurds took to the streets, calling on the Turkish government to relieve the city. The protests degenerated into violent riots, killing 37. Most of the people who died were members of the HDP.

³³⁴ Al Jazeera, *Turkey orders dozens of arrests including opposition mayor*, 25 September 2020. De Standaard, *Politie arresteert ruim 80 Koerden*, 26 September 2020. The Independent, *Turkey crackdown on leftist Kurdish opposition party*, 29 September 2020. POLITICO, *Turkey ousts Kurdish opposition's last mayor*, 30 September 2020. Human Rights Watch (HRW), *Turkey, Politicians and activists detained, Government uses 2014 protests as pretext for political crackdown*, 2 October 2020. The Economist, *Turkey locks up Kurdish mayors*, 15 October 2020.

the PKK. An incident in Northern Iraq prompted this mass arrest. The Turkish armed forces discovered the corpses of thirteen Turks in a cave complex there. According to the Turkish government, these thirteen people had been kidnapped and executed by the PKK. The PKK, on the other hand, said that the bodies were those of Turkish soldiers who had been taken prisoner by the PKK and were killed as a result of Turkish air strikes.³³⁵

5.3.3 *Treatment of HDP members and their relatives*

HDP members can experience problems caused by the Turkish authorities. For example, special masked anti-terror units, with or without dogs, often carry out night raids on the homes of people with a HDP background. They arrest the people they regard as suspects using loud noise, physical coercion or violence.³³⁶

The arrest of HDP activist Sevil Rojbin Çetin on 26 June 2020 caused a stir in the media. Masked police officers reportedly entered her apartment and unleashed two dogs on her. After she had been mauled by both dogs, the police reportedly blindfolded and handcuffed her, put a firearm to her head, stood on her back, spat on her, threw water on her and called her names. The struggle had torn her clothing to the point that Çetin was reportedly half naked. It was claimed that the police photographed her in this position. She was then taken to the police station.³³⁷

Over the past five years, more than 16,000 HDP members and employees have been arrested and detained, according to a confidential source. Over 5,000 of these people were given prison sentences; the remaining 11,000 were released or acquitted. According to the same source, it was not easy to keep track of the exact number of arrested and detained HDP members because HDP members were being constantly arrested and released and some HDP members were in incommunicado detention³³⁸ so the outside world was unable to enquire about their arrest and detention.³³⁹

Some of the HDP members were imprisoned far from their original places of residence, with the result that their relatives found it logistically difficult to visit them regularly.³⁴⁰ Former HDP leader Demirtaş was serving his prison sentence in Edirne, a town near the Turkish-Greek border, located 1,200 kilometres from his home address (for more information about the various lawsuits against him, see subsection 3.5.3).³⁴¹ Mızraklı, the dismissed HDP mayor of Diyarbakır, was in custody in Kayseri, a province in Central Anatolia (for more information about his conviction, see subsection 3.5.6).³⁴² The distance between Diyarbakır and the prison in Kayseri is 540 kilometres.³⁴³ Gültan Kışanak, a Kurdish politician from

³³⁵ NOS, *Honderden arrestaties in Turkije vanwege banden met PKK na vondst lichamen*, 16 February 2021. NRC, *Honderden arrestaties in Turkije om 'banden PKK'*, 16 February 2021.

³³⁶ Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 1 September 2020. Confidential source, 17 September 2020. Confidential source, 7 October 2020.

³³⁷ HDP, *More detentions and arrests against the HDP and unlawful closure of the Democratic Society Congress (DTK) in Diyarbakir, Turkey*, 29 June 2020. Bianet, *HDP says police tortured its members with dogs*, 29 June 2020. HRW, *Turkey, Police, watchmen involved in torture, ill-treatment*, 29 July 2020. Confidential source, 17 September 2020. Confidential source, date withheld at source's request.

³³⁸ This term refers to a detention practice where detainees are denied all contact with the outside world, including with their lawyers and/or family members.

³³⁹ Confidential source, 14 August 2020.

³⁴⁰ Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 1 September 2020. Confidential source, 17 September 2020. Confidential source, 7 October 2020.

³⁴¹ Confidential source, 1 September 2020. FT, *Political prisoner says Turkey let down by European rights court*, 15 September 2020.

³⁴² Bianet, *Ousted Diyarbakir mayor Selcuk Mizrakli handed prison sentence on terrorism charges*, 9 March 2020. Confidential source, 14 August 2020. Confidential source, 17 September 2020.

³⁴³ This is evident from a route description from Diyarbakır to Bünyan Cezaei, which was generated with Google Maps on 28 August 2020. *Cezaei* means 'prison' in Turkish. Bünyan is located in the Central Anatolian province of Kayseri.

Diyarbakır,³⁴⁴ was being detained in Kandıra, a location east of Istanbul. The distance between Kandıra and Diyarbakır is almost 1,300 kilometres.³⁴⁵

As a rule, HDP members who are in custody and in prison had access to a lawyer.³⁴⁶ However, according to two confidential sources, there were times when prison authorities refused entry to a visiting lawyer, citing the corona crisis as the reason.³⁴⁷ For a description of the living conditions and access to medical care in the prison system, see section 3.6.

Relatives of HDP members who are not themselves a formal part of the HDP are mistrusted by the Turkish authorities. As a result, they can encounter difficulties in society. These difficulties can take different forms. For example, relatives of HDP members can be denied certain services and products, such as a loan, building permit or subsidy. It can also happen that the passport application of a relative of a HDP member is deliberately delayed. And in some cases relatives of HDP members can lose their jobs just because their relative is active for the HDP.³⁴⁸

5.4 Treatment of PKK members, PKK supporters and relatives of PKK members

It is difficult to obtain verifiable information about how the Turkish authorities treat PKK fighters if they are captured and how they deal with people who actively support the PKK's armed struggle. The latter can also include providing food and shelter to the PKK, for example.³⁴⁹ This is because the armed conflict between the Turkish state and the PKK is taking place in the inhospitable regions close to Turkey's border with Iraq. In view of the armed conflict taking place there, independent journalism is almost impossible. Four confidential sources claimed that captured PKK fighters and people who support the PKK can become the victims of summary executions or torture in detention.³⁵⁰ None of these sources could substantiate this claim with concrete examples. As far as is known, no reports of summary executions were recorded in public sources during the reporting period.

Relatives of PKK members can face home raids, during which household effects can be damaged. These people can also be deliberately impeded by the Turkish authorities. This might include the denial of certain government services and products, deliberately delaying a passport application and/or job loss.³⁵¹

On 11 September 2020, an armed clash took place between the Turkish government army and the PKK in southeastern province of Van in which three government soldiers and one to three PKK fighters were reportedly killed. On the same day, the military authorities detained two Kurdish farmers named Osman Şiban and Servet Turgut and took them away in an army helicopter. Two hours after their arrest, they were admitted to hospital with serious injuries. According to medical reports, the

³⁴⁴ Kişanak is connected to the DBP (for more information about the DBP, see section 3.8). Confidential source, 17 September 2020. Confidential source, 18 September 2020.

³⁴⁵ Confidential source, 1 September 2020. Confidential source, 17 September 2020. Confidential source, 18 September 2020.

³⁴⁶ Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 1 September 2020. Confidential source, 17 September 2020.

³⁴⁷ Confidential source, 14 August 2020. Confidential source, 17 September 2020.

³⁴⁸ Confidential source, 14 August 2020. Confidential source, 1 September 2020. Confidential source, 17 September 2020.

³⁴⁹ Confidential source, 18 December 2020. Confidential source, 24 December 2020.

³⁵⁰ Confidential source, 12 August 2020. Confidential source, 1 September 2020. Confidential source, 17 September 2020. Confidential source, 7 October 2020.

³⁵¹ Confidential source, 12 August 2020. Confidential source, 1 September 2020. Confidential source, 17 September 2020. Confidential source, 7 October 2020.

injuries were consistent with a fall from a great height. Şiban was released from hospital on 20 September 2020, while Turgut died of his injuries on 30 September 2020. According to the Turkish authorities, both men supported the PKK and had accidentally fallen off a high rocky outcrop while resisting arrest. This statement was found implausible by the relatives and their lawyers, human rights activists and HDP politicians. They referred to the statements of eyewitnesses who had seen Şiban and Turgut boarding the helicopter in good health. Human rights organisations and the HDP called on the Turkish state to conduct an independent investigation.³⁵²

5.5 Armenians

5.5.1 Introduction

The previous general country of origin information report showed that religious and ethno-religious minorities were facing aggression, intolerance and discrimination, among other things.³⁵³ This situation remained unchanged during the reporting period of this general country of origin information report. One ethno-religious minority that experienced aggression, intolerance and discrimination during the reporting period was the Armenian community. Around 50,000 to 60,000 Armenians live in Turkey, of which around 10,000 are based in Istanbul.³⁵⁴

5.5.2 Vandalism against church buildings

On 9 May 2020, a man tried to set fire to an Armenian Orthodox church building in Bakirköy, a neighbourhood in the European part of Istanbul. The fire was quickly extinguished and the damage was limited to a blackened exterior door. The police managed to arrest the suspect using footage from security cameras. He claimed to have attempted arson because he believed that Christianity had spread the coronavirus. The suspect reportedly had mental health problems.³⁵⁵ Two weeks later, on 23 May 2020, a man removed a cross from the fence of an Armenian Apostolic church in Üsküdar, a neighbourhood in the Asian part of Istanbul. This time, too, the police managed to arrest the suspect with the help of surveillance cameras.³⁵⁶

5.5.3 Nationalist provocations in Armenian neighbourhoods

On 27 September 2020, a conflict flared up between Armenia and Azerbaijan over a mountainous region called Nagorno-Karabakh and seven districts surrounding it. The conflict also had repercussions for the social position of ethnic Armenians in Turkey. This is because the Turkish government rallied behind Azerbaijan, emphasising the ethno-linguistic affinity between Turks and Azeris and pointing to Islam as a common denominator.³⁵⁷ In the context of a belligerent and nationalist climate, on 28 September 2020 a motorcade of nationalist Turks honked through Kumkapi, a predominantly Armenian neighbourhood in Istanbul. On 5 October 2020, the same scene was repeated in Kurtuluş, another Istanbul neighbourhood with a

³⁵² Duvar English, *Hospital reports prove two men detained in Turkey's east were thrown from military helicopter*, 23 September 2020. Al Monitor, *Turkish army accused of throwing Kurdish farmers from helicopter*, 24 September 2020. Amnesty International (AI), *Turkey, Torture allegations must be independently investigated*, 25 September 2020. HRW, *Turkey, man dies after military custody*, 1 October 2020.

³⁵³ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 42.

³⁵⁴ The New York Times, *How Turkey's military adventures decrease freedom at home*, 15 October 2020. Eurasianet, *War in the Caucasus hits close to home for Turkey's Armenians*, 21 October 2020.

³⁵⁵ Ahval News, *Man arrested for attempt to set fire to Armenian church over pandemic*, 9 May 2020. Duvar English, *Man attempts to burn down Istanbul church, blames Christianity 'for spread of coronavirus'*, 9 May 2020.

³⁵⁶ Asia News, *Man rips cross from Armenian church in latest attack against Christian sites in Istanbul*, 28 May 2020. Bianet, *Hate attack on Armenian Church in Istanbul*, 28 May 2020. HDN, *Suspect detained over attack on Armenian church in Istanbul*, 28 May 2020.

³⁵⁷ Incidentally, most Turkish Muslims adhere to Sunni Islam and most Islamic Azeris are part of the Shia branch of Islam.

predominantly Armenian population. The Armenian minority experienced both actions as provocative and intimidating. The HDP, which defends the interests of ethnic and religious minorities, condemned both events.³⁵⁸

5.5.4 *Turkish-Armenian HDP MP threatened*

Garò Paylan, a HDP MP of Armenian descent, criticised Turkey's involvement in the armed conflict between Azerbaijan and Armenia and called for a peaceful solution to the conflict. In early October 2020, a right-wing nationalist think tank published a full-page advertisement in the pro-government newspaper *Sabah* that accused Paylan of treason and called on the Public Prosecution Service to launch a criminal investigation against him.³⁵⁹

³⁵⁸ Duvar English, *Car envoy stages demonstration in support of Azerbaijan near Armenian Patriarchate in Istanbul*, 28 September 2020. Bianet, *Cars with Azerbaijan flags tour around Istanbul Armenian Patriarchate amid Karabakh clashes*, 29 September 2020. The New York Times, *How Turkey's military adventures decrease freedom at home*, 15 October 2020. The Observers/France 24, *Turkish ultranationalists storm Armenian neighbourhoods in Istanbul as fighting rages in Nagorno-Karabakh*, 15 October 2020.

³⁵⁹ Duvar English, *Turkish nationalist think tank targets HDP MP Paylan in message on Armenia-Azerbaijan conflict*, 2 October 2020. Bianet, *HDP MP Garò Paylan: There are no winners in war and no losers in peace*, 5 October 2020. The New York Times, *How Turkey's military adventures decrease freedom at home*, 15 October 2020. Eurasianet, *War in the Caucasus hits close to home for Turkey's Armenians*, 21 October 2020.

6 Women

6.1 Introduction

The previous general country of origin information report stated that the legislative and institutional framework in Turkey is based on equality between men and women but that there is gender inequality in many areas, such as in public administration, on the labour market, in education and in healthcare. The previous general country of origin information report also stated that domestic violence against women is widespread and that 440 women died in 2018 as a result of gender-based violence.³⁶⁰

This picture of the social position of women in Turkey remained unchanged during the reporting period of this general country of origin information report. Data from the World Economic Forum (WEF)³⁶¹ shows that 37.5% of women in Turkey participate in working life, while the percentage is 78.1% for men. Of the legislators, senior employees and managers, 14.8% are women and 85.2% are men. Gender inequality also exists in national politics. 17.5% of parliamentarians are women and 82.5% are men, and among ministers the female-male distribution is 11.8% and 88.2% respectively.³⁶²

6.2 Violence against women

In July 2020, an event took place that once again highlighted the issue of violence against women. In Muğla, a province on the Aegean Sea, 27-year-old student Pinar Gültekin was beaten and strangled by her ex-boyfriend, who then burned her body. The murder of Pinar Gültekin prompted women's rights activists to demonstrate against violence against women.³⁶³

According to the We Will End Femicide Platform,³⁶⁴ a women's rights organisation that monitors violence against women, 474 women were murdered by men close to them in 2019. This meant that the number of women who were murdered had increased compared to 2018 (see section 6.1).³⁶⁵ In a gender survey conducted by Kadir Has University in Istanbul in 2020, 68% of the 620 female respondents said that violence against women was the biggest social problem for women in Turkey.³⁶⁶

It was not just the murder of Pinar Gültekin that prompted the women's movement to take to the streets. The AKP's intention to leave the Istanbul Convention also led to a great deal of commotion. This Council of Europe convention, which dates from 2011, was aimed at combatting violence against women and domestic violence. Turkey was the first country to ratify the Istanbul Convention, but the AKP appeared to want to reverse this because it believed that the treaty undermined traditional family norms and structures and incited homosexuality and extramarital relations.

³⁶⁰ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 44.

³⁶¹ For more information about the WEF, visit: www.weforum.org.

³⁶² WEF, *Global Gender Gap, Report 2020*, published in 2019, page 343.

³⁶³ Al Jazeera, *Protests in Turkey over brutal murder of young woman*, 22 July 2020. The Guardian, *Murder in Turkey sparks outrage over rising violence against women*, 23 July 2020.

³⁶⁴ Known in Turkish as *Kadın Cinayetlerini Durduracağız Platformu*. For more information about the relevant NGO, visit: <http://kadincinayetleriniidurduracagiz.net/for-english>.

³⁶⁵ We Will End Femicide Platform, *2019 annual report*, 20 January 2020.

³⁶⁶ Kadir Has-Universität, *The perception of gender and women in Turkey, 2020*, published in 2020, page 32.

Women's rights activists and human rights organisations, on the other hand, wanted Turkey to stay in the Istanbul Convention.³⁶⁷ and also wanted the associated treaty obligations to be efficiently implemented and enforced by the Turkish authorities.³⁶⁸

On 5 August 2020, thousands of women demonstrated in fifteen cities, including Istanbul, Izmir, Ankara, Adana and Antalya. In Izmir, the police resorted to violence and arrested sixteen protesters.³⁶⁹ As far as is known, the authorities released the arrested women and did not prosecute them. At the time of writing, Turkey had not left the Istanbul Convention and it was unclear whether the Turkish government intended to bring up this issue again.³⁷⁰

On 26 May 2020, the Turkish Interior Ministry released a statement declaring that domestic violence and violence against women in Turkey had reportedly decreased during the corona crisis.³⁷¹ Women's rights organisations, on the other hand, claimed that the opposite was true. According to the We Will End Femicide Platform, which had its own telephone helpline, the number of reports received had increased by 55.4% in April 2020 compared to the first three months of 2020.³⁷² Women's rights organisations also pointed out that the police telephone helpline was often inaccessible and that requests for help using the KADES application³⁷³ went unanswered. Women were also prevented from escaping from their abusive partners by moving to relatives outside the city because of travel restrictions between the cities due to the corona crisis. In addition, restraining orders for perpetrators of violence were usually not enforced, according to women's rights organisations.³⁷⁴

On 29 December 2020, Turkey was again shocked by the murder of a woman. This time the victim was 48-year-old Aylin Sözer, an academic who worked in Istanbul. Police arrested a suspect who was said to be Sözer's ex-boyfriend. He had cut her throat, after which he had tried to set her body on fire, police said. The murder sparked outrage on social media and the opposition called on the Turkish government to implement the Istanbul Convention.³⁷⁵

³⁶⁷ The pro-government women's organisation KADEM also wanted Turkey to stay in the Istanbul Convention. President Erdoğan's daughter Sümeyye Erdoğan Bayraktar was the deputy head of KADEM. 'KADEM' stands for *Kadın ve Demokrasi Derneği*, which is translated into English as *Women and Democracy Association*. For more information about KADEM, visit the English-language website: <https://kadem.org.tr/en/>.

³⁶⁸ Mor Çatı, *The Istanbul Convention is on the side of women, do not let misogyny persist!*, 23 July 2020. NOS, *Turkse vrouwen straat op voor behoud Istanbul Conventie, 'verdrag redt levens'*, 31 July 2020. Duvar English, *Turkish pro-gov't women's rights organization KADEM voices support for Istanbul Convention*, 3 August 2020. AI, *Turkey, Convention on combating violence against women must be implemented not abandoned*, 5 August 2020. Al Jazeera, *Thousands rally in Turkey to demand end of violence against women*, 5 August 2020. Independent, *Femicide in Turkey is rising*, 6 August 2020.

³⁶⁹ Al Jazeera, *Thousands rally in Turkey to demand end of violence against women*, 5 August 2020. The Independent, *Femicide in Turkey is rising*, 6 August 2020.

³⁷⁰ Confidential source, 4 and 7 January 2021.

³⁷¹ Turkish Interior Ministry, *Aile İçi ve Kadına Yönelik Şiddet Olaylarında Azalma Görüldü (Decrease in domestic violence and violence against women)*, 26 May 2020.

³⁷² We Will End Femicide Platform, *Nisan 2020 Başvuru Karşılama Raporu (April 2020, Report on notifications received)*, 5 May 2020.

³⁷³ KADES is an abbreviation for *Kadın Destek*, which in English means 'Women's Support'. The KADES app was launched by the Turkish police on 24 March 2018. The app can be installed on smartphones with IOS and Android operating systems. When a woman presses the 'emergency button' on the app, the police are supposed to come to her rescue. Daily Sabah, *New app allows victims of domestic violence to notify Turkish police with single button*, 25 March 2020.

³⁷⁴ We Will End Femicide Platform, *Nisan 2020 Başvuru Karşılama Raporu (April 2020, Report on notifications received)*, 5 May 2020. Mor Çatı, *İçişleri Bakanlığının "Şiddet azaldı" açıklamasına dair (According to a statement from the Ministry of the Interior, violence has decreased)*, 29 May 2020. Confidential source, 1 May 2020.

³⁷⁵ Bianet, *Male violence, Kemal D. detained for 'killing' Aylin Sözer*, 29 December 2020. Al Jazeera, *Turkish police arrest suspect in killing of female academic*, 30 December 2020.

6.3 Legal protection for women

Formally, legal remedies exist to protect women from violence, but in practice there is often a lack of will to enforce them.³⁷⁶ Police officers on duty are known to discourage women from reporting domestic violence and encourage them to reconcile with their abusive partners. Victims of violence against women are also not taken seriously by the police and are not notified of their rights. If the police refuse to draw up an official report, the woman can turn to the Public Prosecutor's Office. However, not every woman is aware of the existence of this procedure and not every Public Prosecutor is willing to prosecute.³⁷⁷

Women can also be reluctant to report domestic violence to the police for socio-economic reasons. The percentage of women who are not in paid work is 62.5%. These women are financially dependent on their husbands or male relatives. If a non-working woman files a complaint against her abusive husband, father or uncle, her livelihood is in danger. In addition, women may be ashamed to report a crime and are afraid that reporting the crime will damage their family's reputation.³⁷⁸

6.4 Women's shelters

Turkey has a total of 145 women's shelters.³⁷⁹ Together, these women's shelters have a reception capacity of 3,482 beds.³⁸⁰ The shelters are managed by a number of different parties. According to a confidential source, the Ministry of Family, Labour and Social Services,³⁸¹ the municipalities and the Directorate General of Migration Management³⁸² manage 110, 32 and 2 women's shelters, respectively. *Mor Çatı*³⁸³ is the only women's rights organisation to run a shelter, the source said. According to the same source, most government shelters are overcrowded and provide only basic services, and they also lack professional counselling and psychological support. The living conditions in these women's shelters resemble prison conditions. Women are allowed outside under strict conditions, their mobile phones are stored in a safe when they arrive and they are searched for security reasons,³⁸⁴ the same source said.³⁸⁵

³⁷⁶ Netherlands Helsinki Committee (NHC), *Defending human rights in Turkey*, Canan Arın, 21 September 2020.

³⁷⁷ Confidential source, 18 September 2020. Confidential source, 22 September 2020. Confidential source, 30 September 2020.

³⁷⁸ Confidential source, 18 September 2020. Confidential source, 30 September 2020.

³⁷⁹ Confidential source, 22 September 2020.

³⁸⁰ Confidential source, 22 September 2020. Confidential source, 30 September 2020.

³⁸¹ Referred to in Turkish as *Çalışma ve Sosyal İşler Bakanlığı*.

³⁸² Referred to in Turkish as *Göç İdaresi Genel Müdürlüğü*.

³⁸³ *Mor Çatı* means 'Purple Roof'. For more information about this organisation, visit the English-language website: <https://en.morcati.org.tr/>.

³⁸⁴ The women remain clothed while being searched.

³⁸⁵ Confidential source, 22 September 2020 and 18 December 2020.

7 Sexual minorities (LHBTI)³⁸⁶

7.1 Introduction

The previous general country of origin information report stated that homosexuality is legal in Turkey, but that the social climate for sexual minorities had deteriorated since 2015 and LGBTI rights had come under pressure.³⁸⁷ This development continued during the reporting period of this general country of origin information report. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), an international NGO dedicated to LGBTI rights, publishes an annual ranking called Rainbow Europe. This ranking shows the extent to which European countries are committed to LGBTI rights on the basis of policy, legislation and regulations. Out of a total of 49 countries, Turkey was ranked in 48th place in 2020, with only Azerbaijan lower on the list.³⁸⁸

That reality of homophobia in Turkish society was also shown by a gender study conducted by Kadir Has University in 2020. This survey involved 1,216 respondents and showed that a majority of people had a negative attitude towards LGBTI relationships and rights. According to 77% of the respondents, same-sex relationships were contrary to social norms and values, while 45% believed that LGBTI people should be granted the same rights as heterosexuals.³⁸⁹

7.2 Negative statements by the Turkish government

The previous general country of origin information report found that LGBTI people were treated negatively by the Turkish government.³⁹⁰ Prominent government representatives also expressed negative views about homosexuality during the reporting period of this general country of origin information report.

In April 2020, top imam Ali Erbaş, the head of the Directorate of Religious Affairs,³⁹¹ said during a television service that homosexuality could encourage corruption and decay. His statement was widely criticised by human rights groups and bar associations, after which President Erdoğan defended him. Twitterers who rallied behind Erbaş made massive use of the hashtag *#YallahHollandaya* ('Go to the Netherlands'), which made it clear that they identified the Netherlands with homosexuality.³⁹²

³⁸⁶ LGBTI is the abbreviation for 'lesbian, gay, bisexual, transgender and intersex people'.

³⁸⁷ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 42-44.

³⁸⁸ ILGA Europe, *Rainbow Europe 2020*, 14 May 2020.

³⁸⁹ Kadir Has-Universiteit, *The perception of gender and women in Turkey, 2020*, published in 2020, page 61.

³⁹⁰ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 43 and 44.

³⁹¹ The Directorate of Religious Affairs is a state body that regulates religious life in Turkey. In Turkish, this directorate is known as *Diyanet*. For more information, visit the English-language website of the Turkish Directorate of Religious Affairs: <https://www.diyamet.gov.tr/en-US/Home/Index/>.

³⁹² NRC, *'Ga naar Holland' is trending als homofobe sneer in Turkije*, 27 April 2020. Confidential source, 1 May 2020. Al Monitor, *Turkey's gay community fights homophobia alongside COVID-19*, 4 May 2020. Al Monitor, *Turkey cries 'LGBT' propaganda after official faces backlash for paedophilia tweet*, 30 June 2020. POLITICO Europe, *Turkey's LGBTQ community at risk amid rise in homophobic rhetoric*, 24 July 2020.

On 28 June 2020, Kerem Kınık, the head of the Turkish Red Crescent Society,³⁹³ posted a message on Twitter comparing homosexuality to paedophilia. His comparison was condemned by the International Federation of Red Cross and Red Crescent Societies in Geneva, which includes the Turkish Red Crescent. A senior adviser to President Erdoğan said that 'LGBT propaganda is a major threat to freedom of expression'.³⁹⁴

The previous general country of origin information report found that the Radio and Television Supreme Council, known in Turkish as *Radyo ve Televizyon Üst Kurulu* (RTÜK),³⁹⁵ regularly imposed sanctions on TV channels that broadcast series and video clips with homosexual themes.³⁹⁶ RTÜK also deemed it inappropriate to broadcast TV series with homosexual scenes and characters during the reporting period of this general country of origin information report. In July 2020, RTÜK refused to issue a licence to Netflix to record the Turkish drama series *If Only*, because the script featured a gay character. RTÜK asked Netflix to delete the gay character, but the streaming service refused and decided not to run the series.³⁹⁷

7.3 LGBTI events and expressions in public

The previous general country of origin information report stated that the governor of Ankara had imposed a ban on the activities of LGBTI organisations in November 2017 and the ban was extended on 3 October 2018. On 19 April 2019, the Ankara court lifted the ban.³⁹⁸ Despite this, the government of Ankara imposed a second ban on the activities of LGBTI organisations. On 23 March 2020, an administrative court in Ankara lifted this second ban.³⁹⁹ However, during the reporting period, LGBTI organisations could not verify whether local authorities in Ankara would actually allow LGBTI activities, because physical meetings could not take place due to the corona measures.⁴⁰⁰

The previous general country of origin information report stated that the governor of Istanbul had banned the annual Pride march.⁴⁰¹ The governor of Istanbul invoked two laws, namely the Law on Meetings and Demonstrations and the Provincial Administration Law. The ban was challenged in court, but the appeal was initially declared to be unfounded. The appeal was pending at the time of writing.⁴⁰² In view of the ban and the corona measures, the Istanbul Pride Week Committee organised the Pride March online in June 2020.⁴⁰³ One week before Pride Week, the same committee hosted the annual Hormonal Tomato LGBTI+phobia Awards on YouTube,⁴⁰⁴ a live event that presented 'awards' to prominent individuals and

³⁹³ The Turkish Red Crescent Society is known in Turkish as *Türk Kızılayı*. For more information, visit the English-language page of the Turkish Red Crescent website: <https://kizilay.org.tr/>.

³⁹⁴ Al Monitor, *Turkey cries 'LGBT' propaganda after official faces backlash for pedophilia tweet*, 30 June 2020. POLITICO Europe, *Turkey's LGBTQ community at risk amid rise in homophobic rhetoric*, 24 July 2020.

³⁹⁵ RTÜK is a government commission that determines what is suitable for broadcasting in Turkey and is controlled by the ruling party. For more information, visit RTÜK's English-language website: <https://www.rtuk.gov.tr/en>.

³⁹⁶ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, pages 43 and 44.

³⁹⁷ FT, *Netflix cancels Turkish drama 'If Only' in row over gay character*, 20 July 2020. AD, *Netflix schrapt Turkse serie nadat overheid protesteert tegen lhbt-personage*, 22 July 2020.

³⁹⁸ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 43.

³⁹⁹ Star Observer, *Court overturns bans on pride events in Turkey*, 29 March 2020.

⁴⁰⁰ Confidential source, 18 September 2020. Confidential source, 22 September 2020.

⁴⁰¹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 43.

⁴⁰² Confidential source, 18 September 2020. Confidential source, 22 September 2020.

⁴⁰³ Bianet, *Pride Week in digital, We don't say: 'We are here, too', We say: 'We are here'*, 10 June 2020. HDN, *Pride celebrated online due to COVID-19 across Turkey*, 29 June 2020. Kaos GL, *Newsletter, Vol. 8*, 13 July 2020, page 1.

⁴⁰⁴ Also known as the *Genetically Modified Tomato Awards*.

organisations that had made homophobic statements. YouTube interrupted the broadcast because it allegedly violated the regulations governing use. The event then moved to another digital platform, namely Zoom.⁴⁰⁵ It is unknown whether YouTube censored the event on its own initiative or at the request of the Turkish authorities.⁴⁰⁶

The previous general country of origin information report stated that riot police brutally broke up of a Pride event at METU in Ankara on 10 May 2019, taking 21 students and one academic into custody.⁴⁰⁷ The Turkish authorities ended up criminally prosecuting eighteen students and one academic. On 10 December 2020, the case was adjourned until the next hearing, to be held on 30 April 2021.⁴⁰⁸

In late January 2021, another group of students came in contact with the police and the judiciary. At an exhibition at Boğaziçi University in Istanbul, a poster was put on display that caused a stir. The poster showed the Kaäba.⁴⁰⁹ in Mecca, Islam's main shrine, surrounded by flags of the LGBTI community. Police arrested five people in connection with the poster. One person was released, two people were issued house arrest and two others remained in custody. Senior government officials claimed that the poster's creators had abused the right to freedom of expression in order to incite hatred and attack religious norms and values. Progressive students, on the other hand, argued that the authorities were guilty of hate speech and violation of the right to freedom of expression.⁴¹⁰ The incident took place in the context of a broader student protest against the presidential appointment of the rector of Boğaziçi University (for more information, see subsection 1.1.2).

7.4 Homophobic violence and legal protection

Victims of homophobic violence usually did not turn to the police and if they did, in many cases they were not properly treated or protected by the police. This was revealed in a survey by Kaos GL, an Ankara-based LGBTI rights organisation.⁴¹¹ Kaos GL investigated 150 cases of violence against homosexuals and transgender people that had taken place in 2019. The vast majority of homophobic acts of violence took place in public spaces, such as at school, at work, in the hospitality industry, on public transport and on the street.⁴¹² In 26 of the 150 violent incidents, the victims filed a complaint with the police. In the survey, most respondents said that they had not reported the crime because they had no confidence in the procedure, did not want to be discriminated against by the police, or were concerned that their sexual orientation would become known to the media or their families. Of the 26 complaints, the police behaved supportively in 2 cases, neutrally in 4 cases, cynically, violently or condescendingly in 8 cases and indifferently in 12 cases. For four of the complaints, the police recognised the violent incident as a hate crime.

⁴⁰⁵ Duvar English, *YouTube censors famous awards ceremony of Istanbul LGBTI+ Pride Week*, 27 June 2020. Kaos GL, *Newsletter*, Vol. 8, 13 July 2020, page 1. Confidential source, 18 September 2020.

⁴⁰⁶ Confidential source, 18 December 2020.

⁴⁰⁷ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 43.

⁴⁰⁸ Reuters, *Turkish judge refuses to throw out trial of student Pride marchers*, 12 November 2019. Gay Star News (GSN), *Turkey is about to put 19 people on trial for organizing a Pride*, 8 December 2020. ILGA Europe, *Turkish court postpones trial of 19 Pride attendees, infringing their right to fair judicial process*, 10 December 2020.

⁴⁰⁹ Also spelled as *Ka'aba*.

⁴¹⁰ The Independent, *Students arrested in Turkey over Mecca poster with LGBT flags*, 31 January 2021. BBC, *Turkey LGBT, Four students arrested over artwork*, 31 January 2021. Bloomberg, *Outcry, arrests in Turkey over Mecca poster with LGBT flags*, 31 January 2021.

⁴¹¹ For more information about Kaos GL, visit the English-language website: <https://kaosgl.org/en/>.

⁴¹² Kaos GL, *Homophobia and transphobia based hate crimes in Turkey, 2019 review*, May 2020, pages 10 and 29.

Eight of the 26 complaints were brought to court.⁴¹³ At the time of writing, it was unknown whether the eight lawsuits had already been resolved and, if so, whether this had resulted in criminal convictions.⁴¹⁴

If a police officer refuses to draw up a police report, the victim can turn to the Public Prosecutor. The latter can then order the responsible police station to investigate the violent incident after all.⁴¹⁵ This option is not free from irregularities. According to two confidential sources, a Public Prosecutor does not always prosecute or an investigation can drag on for years.⁴¹⁶ Two sources say that LGBTI people are reluctant to turn to the Public Prosecutor because they do not believe they will receive a fair trial and/or are afraid of being exposed to homophobia and/or government discrimination.⁴¹⁷

On 26 November 2020, a court in Izmir ruled in a case involving the murder of a transgender person. On 9 January 2019, a trans woman named Hande Buse Şeker was robbed, assaulted and murdered by an off-duty police officer. The court sentenced the perpetrator to life imprisonment for manslaughter, but LGBTI rights organisations were not satisfied with this verdict and lodged an appeal. They wanted the perpetrator to be sentenced to life imprisonment under aggravated circumstances and to be convicted not just of manslaughter but also of torture.⁴¹⁸

For information about homosexuality and homophobia in relation to military service, see section 8.5.

⁴¹³ Kaos GL, *Homophobia and transphobia based hate crimes in Turkey, 2019 review*, May 2020, pages 34, 35, 41 and 42.

⁴¹⁴ Confidential source, 21 December 2020.

⁴¹⁵ Confidential source, 22 September 2020. Confidential source, 25 September 2020. Confidential source, 28 September 2020.

⁴¹⁶ Confidential source, 30 September 2020. Confidential source, 19 October 2020.

⁴¹⁷ Confidential source, 30 September 2020. Confidential source, 19 October 2020.

⁴¹⁸ Kaos GL, *Volkan Hicret, the murderer of Hande Şeker is sentenced for life*, 28 November 2020.

8 Draft evaders and deserters

8.1 Changes in the military service system

As far as is known, two changes were made in relation to compulsory military service during the reporting period. On 17 February 2020, Section 39 of the Military Draft Law (Act No. 7179) was amended. This legislative amendment involved the following. Previously, conscripted citizens abroad could purchase an exemption to their military service if they had a permanent residence permit and had worked for at least three years in their country of residence. Thanks to this amendment, conscripts with a permanent residence permit abroad no longer need to have worked for three years in their country of residence if they wish to buy out their military service.⁴¹⁹

In addition, the buy-out amount for military service has been increased. From 1 January to 30 July 2020, the buy-out amount was 35,054.00 TL, which was worth 5,261.00 euros in foreign currency. From 30 July to 31 December 2020, the buy-out amount had increased to 37,070.00 TL, equal to 5,563.00 euros in foreign currency.⁴²⁰ When a conscript buys out his military service, he is still obliged to follow one month of basic military training.⁴²¹

As far as is known, there have been no changes in relation to the legal penalties for desertion.⁴²²

8.2 Freedom of movement for draft evaders and deserters

Before discussing the limited freedom of movement for draft evaders and deserters, it is important to first explain the difference between the two groups because the terms 'draft evaders' and 'deserters' are often confused. A draft evader is a person who does not heed the call to report for military service. A deserter, on the other hand, is already serving as a conscript or professional soldier, but then leaves the army illegally.

In Turkey, draft evasion and desertion are considered to be two different types of crime and are punished as such. Article 63 (1) (a) of the Law of 1930 on Absentee Conscripts, Draft Evaders, Persons Unregistered (For Military Service) and Deserters imposes the following prison terms to draft evaders:

- The draft evader will receive a maximum prison sentence of one month if he appears voluntarily within seven days of the start of his term of military service.
- The draft evader will receive a prison sentence of up to three months if he is arrested within seven days of the start of his term of military service.

⁴¹⁹ Confidential source, 16 and 17 November 2020.

⁴²⁰ CNN Türk, *2020 Temmuz bedelli askerlik ücreti açıklandı!, Bedelli askerlik fiyatı ne kadar oldu? ('The buy-out amount for military service as of July 2020 has been announced!, How much will it cost to purchase exemption to military service?')*, 5 August 2020.

⁴²¹ Ministry of Foreign Affairs, *Thematic country of origin information report Turkey, Military service*, July 2019, page 17. DFAT, *DFAT Country information report Turkey*, 10 September 2020, page 38. Confidential source, 6 November 2020.

⁴²² Confidential source, 12 November 2020.

- The draft evader will be sentenced to three months to one year in prison if he appears voluntarily between seven days and three months after the start of his term of military service.
- The draft evader will receive a prison sentence of four months to one-and-a-half years if he is arrested between seven days and three months after the start of his term of military service.
- The draft evader will receive a prison sentence of four months to two years if he appears of his own free will within three months after the start of his term of military service.
- The draft evader will receive a prison sentence of six months to three years if he is arrested three months or more after the start of his term of military service..⁴²³

Desertion is punishable by one to three years of imprisonment under section 66 (1) (a) of the 1930 law cited above..⁴²⁴

The freedom of movement of draft evaders and deserters is limited. They run the risk of being registered as draft evaders or deserters in the GBT, the data system of the legal authorities and the security apparatus (for more information about the GBT, see section 3.4). Therefore, during an identity check in the street or during a passport check at the airport, they may be identified by the authorities as a draft evader or deserter..⁴²⁵ For this reason, some draft evaders and deserters are reluctant to try to legally leave Turkey, according to a confidential source..⁴²⁶

According to a confidential source, the Turkish authorities pursue an active investigation policy against deserters. The same source says that in some cases the authorities actively try to track down draft evaders but not in other cases. This source does not say in which cases a draft evader is actively traced and in which cases this does not take place..⁴²⁷

8.3 Punishments and sanctions for draft evaders and deserters

Draft evaders and deserters may experience personal problems with the Turkish authorities because of their draft evasion or desertion. These problems can take various forms, such as ever-increasing fines, frozen bank accounts, confiscation of assets, cessation of salaries and retirement benefits, exit bans and criminal prosecution..⁴²⁸

According to a confidential source, draft evaders and deserters can be punished disproportionately or discriminatively if they link their draft evasion or desertion to political motives, such as Kurdish activism..⁴²⁹ Another source says that Kurdish draft evaders and deserters can be punished disproportionately or discriminatively if they come from a region that is known as a PKK stronghold and/or have relatives

⁴²³ Refworld, *Turkey, Law of 1930 on Absentee Conscripts, Draft Evaders, Persons Unregistered (For Military Service) and Deserters (unofficial translation by UNHCR)*, 23 May 1997.

⁴²⁴ Refworld, *Turkey, Law of 1930 on Absentee Conscripts, Draft Evaders, Persons Unregistered (For Military Service) and Deserters (unofficial translation by UNHCR)*, 23 May 1997.

⁴²⁵ Ministry of Foreign Affairs, *Turkey country of origin information report, Military service*, July 2019, page 10. *RvE, Implementation of the Ülke Group of cases against Turkey, Application No. 39437/98*, 20 April 2020. Department of Foreign Affairs and Trade (DFAT) of the Australian government, *DFAT Country information report Turkey*, 10 September 2020, page 39. Confidential source, 6 November 2020. Confidential source, 12 November 2020.

⁴²⁶ Confidential source, 6 November 2020.

⁴²⁷ Confidential source, 6 November 2020.

⁴²⁸ Department of Foreign Affairs and Trade (DFAT) of the Australian government, *DFAT Country information report Turkey*, 10 September 2020, pages 38 and 39. Confidential source, 12 November 2020.

⁴²⁹ Confidential source, 12 November 2020.

who are known PKK members.⁴³⁰ For more information about the position of Kurdish conscripts, see section 8.4.

8.4 Military service and ethnic and religious minorities

During the reporting period, it became clear that conscripts belonging to an ethnic and/or religious minority may experience personal problems due to their ethnicity and/or religion. In August 2020, *Vicdani Ret Derneği*, a Turkish association that protects the interests of draft evaders, reported that Kurds, Alevites and Armenians were losing their lives under suspicious circumstances during military service. The military authorities traced the causes of death to suicides, shooting accidents and heart attacks, but according to *Vicdani Ret Derneği*, these were hate crimes committed by other military personnel. The association did not substantiate the allegations with concrete evidence and called for further investigations.⁴³¹

Although it remains unclear to which extent members of ethnic and religious minorities are victims of violence, it can be concluded that there are anti-Kurdish sentiments in the Turkish armed forces.⁴³² For example, in August 2020 it was revealed that twenty-year-old Osman Özçalımlı, a Kurdish conscript, had died suddenly. Shortly before his death, he is said to have had a telephone conversation with his father. During that conversation, Osman reportedly said that his colleagues called him a 'terrorist' because of his Kurdish background and threatened him. According to the authorities, Osman died of a heart attack, but a forensic autopsy revealed the cause of death to be a fall from a great height. Osman's next of kin then filed a lawsuit.⁴³³

In September 2020, it became clear that a Kurdish conscript named Doğan Çetin had been severely mistreated by two soldiers for speaking in favour of Kurdish language teaching. After receiving medical treatment, he filed a complaint with the Public Prosecutor.⁴³⁴ The two suspects were then interrogated. They said that Çetin had made pro-PKK remarks, after which the prosecutor also opened a criminal investigation against Çetin. Çetin's lawyer dismissed the incriminating statements of the two suspects as defamation.⁴³⁵

Conscripts cannot choose where they will be stationed. In this way, for example, conscript Kurds can be stationed in Southeastern Turkey. In principle, the Turkish Armed Forces only use professional soldiers in the armed struggle against the PKK, because they are much better equipped and trained for combat activities.⁴³⁶

There are no legal remedies or grounds for conscripts to refuse deployment in certain areas. This also applies to Kurdish conscripts who are stationed in Southeastern Turkey. According to two sources, draft evasion in a certain area can lead to a fine or criminal prosecution.⁴³⁷ Another source states that Kurdish

⁴³⁰ Confidential source, 6 November 2020.

⁴³¹ *Vicdani Ret Derneği, Kışlada Kürt, Ermeni ve Aleviler hedef haline geldi (Kurds, Armenians and Alevites are targets in the barracks)*, 11 August 2020.

⁴³² Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 6 November 2020.

⁴³³ *Mezopotamya Agency (MA), Family of Kurdish-origin soldier file lawsuit after suspicious circumstances of son's death*, 6 August 2020.

⁴³⁴ *Bianet, Land Forces Command investigates battery of conscript*, 14 September 2020.

⁴³⁵ *MA, Irkçi saldırıya uğrayan askere soruşturma (Investigation into the soldier who is the victim of a racist attack)*, 4 November 2020.

⁴³⁶ *Ministry of Foreign Affairs, Thematic country of origin information report Turkey, Military service*, July 2019, page 7. Confidential source, 12 August 2020. Confidential source, 6 November 2020. Confidential source, 13 November 2020.

⁴³⁷ Confidential source, 6 November 2020. Confidential source, 12 November 2020.

conscripts are imprisoned and tortured if they refuse to be deployed in Southeastern Turkey.⁴³⁸

As far as is known, there is no clear-cut system that determines the deployment of conscripts in certain regions.⁴³⁹ However, one confidential source notes that in some cases a conscript's skills are linked to an appropriate position. For example, a conscript with strong digital skills can be assigned an IT position, according to the source.⁴⁴⁰

8.5 Military service and LGBTI people

In the past, the Turkish Armed Forces' Physical Capabilities Regulation described homosexuality as an 'advanced psychosexual disorder'. In 2013, this regulation was changed, after which homosexuality came under the heading of 'sexual identity and behavioural disorders'.⁴⁴¹ Based on this change, having a homosexual identity and orientation in itself does not constitute grounds for exemption from military service. The authorities only grant a waiver from military service when the homosexual identity and orientation of the conscript can be perceived as offensive and/or if the homosexual conscript finds it uncomfortable to do military service.⁴⁴² In practice, this means that particularly homosexuals whose appearance and behaviour can be experienced as 'feminine' are not considered suitable for military service, according to a confidential source.⁴⁴³

If an LGBTI conscript does not wish to do military service due to the problematic relationship between homosexuality and the Turkish armed forces, he must of his own accord apply to a medical committee for an exemption. The attitude of the medical committee can range from supportive and tolerant to homophobic. In case of the latter, committee members sometimes deliberately delay the procedure. In various ways, the commission can investigate whether the conscript's homosexual orientation can lead to what the authorities regard as 'undesirable' or 'uncomfortable' situations. The person can be expected to demonstrate that he is a member of an LGBTI organisation or show by means of a photograph that he has participated in a Pride event, for example. Another method is for the homosexual conscript to take along a family member or friend who testifies that he is homosexual. The person in question may also be obliged to answer a long list of questions about, among other things, his mental state, religious beliefs, decision-making and thinking skills and private life. In still other cases, the mere declaration that he is homosexual is sufficient.⁴⁴⁴

Most sources say that in the past, LGBTI conscripts had to produce video and photographic material to demonstrate that they had committed homosexual acts,

⁴³⁸ Confidential source, 14 August 2020.

⁴³⁹ Confidential source, 12 August 2020. Confidential source, 14 August 2020. Confidential source, 12 November 2020. Confidential source, 16 November 2020.

⁴⁴⁰ Confidential source, 6 November 2020.

⁴⁴¹ AI Monitor, *Gays seeking military exemption in Turkey no longer need to provide visual proof of their homosexuality*, 17 November 2015. Kaos GL, *Human rights of LGBTI+ people in Turkey, 2019 report*, May 2020, page 76. Confidential source, 12 November 2020.

⁴⁴² AI Monitor, *Gays seeking military exemption in Turkey no longer need to provide visual proof of their homosexuality*, 17 November 2015. Confidential source, 12 November 2020. Confidential source, 12 November 2020.

⁴⁴³ Confidential source, 12 November 2020.

⁴⁴⁴ Confidential source, 9 November 2020 and 17 February 2021. Confidential source, 12 November 2020. Confidential source, 12 and 13 November 2020 and 11 February 2021.

but that this no longer occurs.⁴⁴⁵ One source, on the other hand, says that an LGBTI person must sometimes use visual material to demonstrate that he is homosexual.⁴⁴⁶

When a homosexual is released from military service, he receives an exemption report. This type of report is informally referred to as a 'pink slip' or 'pink bill'. These terms can be experienced as hurtful and homophobic. The report does not explicitly state the grounds for the exemption. Homosexuals are afraid, however, that an exemption report will reduce their chances on the labour market, especially with regard to government jobs.⁴⁴⁷

8.6 Military service and (alleged) Gülenists

Gülen suspects and supporters of conscription age are supposed to perform their military service even if their passport has been invalidated, their Turkish nationality has been revoked and they are on a 'blacklist'. Conscript Gülen suspects and supporters do, however, have the option of purchasing an exemption to their military service, just like any other conscript.⁴⁴⁸ As mentioned above, a conscript is left with one month of basic military training if he buys out his military service (see section 8.1). This also applies to Gülen suspects and supporters who buy out their military service. During that month, the Gülen suspect or supporter can still become the target of bullying if his commander and colleagues are aware of his (alleged) Gülen background, according to a confidential source.⁴⁴⁹ Another source says that Gülenists are reportedly victims of assault, torture or murder during military service because they are regarded as 'terrorists'. The same source was unable to substantiate this possible scenario with concrete examples.⁴⁵⁰

⁴⁴⁵ Al Monitor, *Gays seeking military exemption in Turkey no longer need to provide visual proof of their homosexuality*, 17 November 2015. Ministry of Foreign Affairs, *Thematic country of origin information report Turkey, Military service*, July 2019, pages 16 and 17. Confidential source, 12 November 2020.

⁴⁴⁶ Confidential source, 9 November 2020.

⁴⁴⁷ Confidential source, 9 and 16 November 2020. Confidential source, 12 and 13 November 2020.

⁴⁴⁸ Confidential source, 6 November 2020. Confidential source, 6 November 2020. Confidential source, 12 and 13 November 2020.

⁴⁴⁹ Confidential source, 6 November 2020.

⁴⁵⁰ Confidential source, 12 November 2020 and 6 January 2021.

9 Refugees and displaced persons

9.1 Deported Syrians

According to UN refugee agency United Nations High Commissioner for Refugees (UNHCR), on 30 September 2020 there were 4 million refugees and asylum seekers in Turkey, including 3.6 million Syrians.⁴⁵¹ Turkey offers temporary protection (TP) to Syrians and stateless persons from Syria.⁴⁵² Syrians and stateless persons from Syria who are granted TP are, in principle, not returned to Syria unless they want to return voluntarily.⁴⁵³ Articles 8 (1) and 12 (1) of the Temporary Protection Regulation (TPR) stipulate the grounds on which a person's temporary TP can be withdrawn. One of the grounds for withdrawal is if a person has been convicted of a serious crime and is considered to be a threat to public order and national security (Article 8 (1) (f) of the TPD).⁴⁵⁴

The previous general country of origin information report stated that several dozen Syrians had been deported to Syria by the Turkish authorities.⁴⁵⁵ During the reporting period, international human rights organisations sporadically reported on the expulsion of Syrians. In late October 2019, HRW reported having spoken to eighteen Syrians who had been deported to Syria between July and September 2019. AI reported having verified twenty forced expulsion cases at the end of October 2019.⁴⁵⁶

In May 2020, AI again reported a forced expulsion of Syrians. It involved a group of six Syrians in the Central Turkish city of Konya. They were all in possession of a *Geçici Koruma Kimlik Belgesi*,⁴⁵⁷ or an identity card that entitles the holder to TP in Turkey.⁴⁵⁸ Despite this, they were arrested by the police and held for one week. During that week, the men were not told why they had been arrested. The group was also not given the opportunity to speak to a lawyer. Each of the men was verbally pressured to sign a form stating he agreed to his deportation. On 22 May 2020, the group was deported to Syria by way of the Turkish-Syrian border crossing at Bab al-Hawa.⁴⁵⁹

The Turkish authorities denied that Syrians had been involuntarily deported to Syria and stressed their commitment to the safe and voluntary return of Syrians to Syria.⁴⁶⁰

⁴⁵¹ UNHCR, *Turkey*, September 2020, page 1.

⁴⁵² Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 48.

⁴⁵³ UNHCR, *Temporary protection in Turkey*, undated, consulted on 12 January 2020.

⁴⁵⁴ Refworld, *Temporary protection regulation, Part 1, Objective, scope, basis and definitions* (officieuze vertaling van UNHCR), 22 October 2014, pages 3 and 5.

⁴⁵⁵ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 47.

⁴⁵⁶ AI, *Turkey, Syrians illegally deported into war ahead of anticipated 'safe zone'*, 25 October 2019.

⁴⁵⁷ Popularly called *Kimlik* for short.

⁴⁵⁸ For more information about residence documents for Syrians in Turkey, see: Ministry of Foreign Affairs, *Thematic country of origin information report for Syria, Documents*, December 2019, pages 48-50.

⁴⁵⁹ AI, *Turkey, Halt illegal deportation of people to Syria and ensure their safety*, 29 May 2020.

⁴⁶⁰ AA, *Turkey denies claims of deporting Syrians illegally*, 26 October 2019. AA, *'Safe, voluntary return of Syrians a Turkish priority'*, 5 October 2020.

9.2 Uyghurs

9.2.1 *Introduction*

Turkey has a historical, linguistic and religious connection with the Uyghurs, a Muslim minority in the western Chinese province of Xinjiang who speak a language related to Turkish.⁴⁶¹ Since the 1950s, a constant stream of Uyghur migrants have settled in Turkey. Estimates of the number of Uyghurs in Turkey range from 35,000 to 50,000 people. This means that Turkey is home to the largest Uyghur diaspora community in the world. Many Uyghurs have settled in Zeytinburnu, a district in Istanbul.⁴⁶²

9.2.2 *Turkish nationality*

There is no unambiguous answer to the question of whether Uyghurs in Turkey can obtain Turkish nationality and, if so, how. According to one confidential source, Uyghurs can obtain Turkish citizenship in two ways. They can submit a regular application, for which applicants must demonstrate, among other things, that they legally resided in Turkey for five years. The same source states that Uyghurs can also obtain Turkish nationality by applying for it in the context of exceptional citizenship. In that case, they do not have to comply with a long list of bureaucratic conditions, as is the case with a regular application. For Uyghurs, exceptional citizenship is granted if it serves Turkey's interests or any other interest. An application for exceptional citizenship is presented by the Ministry of the Interior to the Council of Ministers or the President. If the person concerned does not pose a threat to national security and public order, the request can be granted.⁴⁶³

On the other hand, another confidential source says that while Uyghurs can apply for Turkish nationality in a regular way, these applications are no longer granted in the same way as in the past. According to the same source, the rejections are not further substantiated and the Uyghur applicants have no legal remedies to object or appeal. The source says that it has also become very problematic for Uyghurs to obtain Turkish nationality through the 'fast track' of exceptional citizenship.⁴⁶⁴

9.2.3 *Residence granted on humanitarian grounds*

There is also no unambiguous answer to the question of whether Uyghurs can obtain residence in Turkey on humanitarian grounds. One confidential source says that Uyghurs can indeed obtain residence on humanitarian grounds. In that case, a residence permit for a period of one year is first issued. If the holder does not pose a threat to national security, on renewal he is usually granted a residence permit for long-term residence. The exact duration of this extension is not specified, but it can be up to ten years. As the difficult situation for Uyghurs in China persists, the same source said that the Turkish authorities are renewing residence permits for Uyghurs.⁴⁶⁵ However, another confidential source says that in the past it was relatively easy for Uyghurs to be granted residence on humanitarian grounds, but

⁴⁶¹ Formerly referred to as 'Sinkiang' in Dutch. Self-aware Uyghurs refer to Xinjiang as 'East Turkestan'.

⁴⁶² Radio Free Asia (RFA), *Uyghur mother, daughters deported to China from Turkey*, 9 August 2019. Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 49. VOA News, *Uighurs concerned China is luring Turkey into silence on Xinjiang*, 19 February 2020. Ministry of Foreign Affairs, *General country of origin information report for China*, July 2020, page 84. The Telegraph, *How Turkey is sending Muslim Uighurs back to China without breaking its promise*, 26 July 2020. Confidential source, 2 November 2020. The Guardian, *Pressure on Turkey to protect Uighurs as China ratifies extradition treaty*, 29 December 2020.

⁴⁶³ Confidential source, 2 and 9 November 2020.

⁴⁶⁴ Confidential source, 10 November 2020. According to two US newspaper articles, China's growing influence over Turkey means that the Turkish government is less critical of the human rights situation in Xinjiang and is inhibiting Uyghur activists in Turkey from criticising the Chinese authorities. National Public Radio (NPR), *'I thought it would be safe', Uighurs in Turkey now fear China's long arm*, 13 maart 2020. The Diplomat, *China buys Turkey's silence on Uyghur oppression*, 21 August 2020.

⁴⁶⁵ Confidential source, 2, 9 and 13 November 2020.

this is no longer the case. Nor can Uyghurs have their Turkish residence permits and visas renewed, according to this source.⁴⁶⁶

According to a confidential source, Uyghur holders of humanitarian residence permits are entitled to medical treatment in state hospitals and to free education for their children in state schools provided they pay the insurance costs. Uyghur holders of residence permits on humanitarian grounds must arrange their own income from work and housing. The same source also says that thousands of Uyghurs in Turkey depend on food parcels from aid organisations, such as the Turkish NGO *İnsani Yardım Vakfı* (İHH),⁴⁶⁷ and that they work illegally in restaurants and markets, for example.⁴⁶⁸ Another source says that recently arrived Uyghurs in Turkey cannot use Turkish government services and are left to their own devices or are dependent on the charity of the local host community.⁴⁶⁹

9.2.4 *Expulsion of Uyghurs*

As far as is known, Turkey did not directly expel Uyghurs to China during the reporting period.⁴⁷⁰ The previous general country of origin information report for Turkey and the most recent general country of origin information report for China referred to the expulsion of three Uyghurs to Tajikistan in June 2019. After arriving in Tajikistan, the three people were handed over to the Chinese authorities and taken to China.⁴⁷¹ This case involved Zinnetgöl Tursun.⁴⁷² and her two underage daughters.⁴⁷³

In late July 2020, British newspaper The Telegraph reported on a similar expulsion case. This time it concerned Aimuzi Kuwanhan, a 59-year-old Uyghur woman who, like Zinnetgöl, was allegedly deported to China via Tajikistan.⁴⁷⁴ According to a confidential source, the Turkish authorities denied that they had expelled Kuwanhan, but she has not been seen since the alleged deportation.⁴⁷⁵ Another source says that Uyghur individuals and groups are being deported to China via Central Asian countries such as Tajikistan and Kazakhstan, but was unable to substantiate this with specific examples.⁴⁷⁶

In late December 2020, China ratified an extradition treaty with Turkey that the two countries had signed in 2017. Human rights organisations and Uyghur interest groups called on the Turkish government not to ratify the extradition treaty with China. They feared that such a treaty would make it possible for Uyghurs to be deported directly from Turkey to China. At the time of writing, it was unclear whether the Turkish parliament would ratify the extradition treaty. The MHP, President Erdoğan's political ally, and the opposition were against the treaty.⁴⁷⁷

⁴⁶⁶ Confidential source, 6 November 2020.

⁴⁶⁷ İHH is known in English as the *Humanitarian Relief Foundation*. For more information, visit the English-language website: <https://www.ihh.org.tr/en>.

⁴⁶⁸ Confidential source, 2 and 9 November 2020.

⁴⁶⁹ Confidential source, 6 November 2020.

⁴⁷⁰ The Telegraph, *How Turkey is sending Muslim Uighurs back to China without breaking its promise*, 26 July 2020. Confidential source, 2 November 2020. Confidential source, 6 November 2020.

⁴⁷¹ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 50.

Ministry of Foreign Affairs, *General country of origin information report for China*, July 2020, page 85.

⁴⁷² Also spelled 'Zinatiguli Tuersun' and 'Jennetgul Tursun'.

⁴⁷³ Radio Free Asia (RFA), *Uyghur mother, daughters deported to China from Turkey*, 9 August 2019. Confidential source, 2 November 2020.

⁴⁷⁴ The Telegraph, *How Turkey is sending Muslim Uighurs back to China without breaking its promise*, 26 July 2020.

⁴⁷⁵ Confidential source, 9 November 2020.

⁴⁷⁶ Confidential source, 6 November 2020.

⁴⁷⁷ The Guardian, *Pressure on Turkey to protect Uighurs as China ratifies extradition treaty*, 29 December 2020. ND, 'Turkije geen veilige haven meer voor Oeigoeren', 30 December 2020. De Standaard, *Chinees-Turks verdrag verontrust Oeigoeren*, 31 December 2020. NOS, *Oeigoeren in Turkije vrezzen uitleveringsverdrag met China*, 12 January 2020.

9.2.5

Return of Uyghurs to Turkey

Very little information was available about Uyghurs who had resided in Turkey and now wanted to return to Turkey. One confidential source says that Turkey now tries to turn back Uyghurs at the border, even when they have the correct documents. This source adds that this strategy is not fully enforced and that lax customs officers may allow Uyghurs to cross the border.⁴⁷⁸ On the other hand, another source says that Uyghurs with a Turkish residence permit or a Turkish visa can enter Turkey without difficulty, but that undocumented Uyghurs can encounter problems with Turkish customs.⁴⁷⁹

⁴⁷⁸ Confidential source, 6 November 2020.

⁴⁷⁹ Confidential source, 18 November 2020.

10 Turks returning to Turkey

The previous general country of origin information report stated that Turkey has no legal provisions that make it a criminal offence to apply for asylum abroad.⁴⁸⁰ As far as is known, this situation remained unchanged during the reporting period of this general country of origin information report.⁴⁸¹

It is not easy to gather unambiguous and verifiable information about the possible problems that (involuntary) returnees experience upon arrival in Turkey. As far as is known, there is no monitoring system that monitors the experiences of (involuntary) returnees, nor is this problem being systematically studied by human rights organisations in Turkey.⁴⁸²

The previous general country of origin information report stated that the following groups may attract the negative attention of the Turkish authorities when they return to Turkey: (alleged) Gülenists, Kurdish or leftist opposition activists, human rights defenders and draft evaders and deserters.⁴⁸³ As far as is known, this situation remained unchanged during the reporting period of this general country of origin information report.⁴⁸⁴

Not every returnee will by definition attract the negative attention of the Turkish authorities. If there are negative comments about the returnee in one of the various databases of the Turkish security apparatus, such as PolNet (for more information about PolNet, see section 3.4), the returnee will be taken away for interrogation.⁴⁸⁵ According to a confidential source, such comments could relate to critical statements made by the person on social media or previous employment with an NGO that was shut down by order of the Turkish government, for example.⁴⁸⁶

Returnees with a valid passport and/or identity card will be less likely to be regarded as suspicious by the Turkish authorities, according to a confidential source. However, the same source notes that a valid travel document and/or ID does not guarantee a smooth and safe return to Turkey. If a returnee with a valid passport and/or a valid identity card is described in one of the databases as 'suspicious' or 'dangerous', he or she will still be interrogated and detained, according to the source.⁴⁸⁷

⁴⁸⁰ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 52.

⁴⁸¹ DFAT, *DFAT country information report Turkey*, 10 September 2020, page 49.

⁴⁸² Confidential source, 22 December 2020.

⁴⁸³ Ministry of Foreign Affairs, *General country of origin information report for Turkey*, October 2019, page 52.

⁴⁸⁴ DFAT, *DFAT country information report Turkey*, 10 September 2020, page 50. Confidential source, 22 December 2020.

⁴⁸⁵ Confidential source, date withheld at source's request. Confidential source, 22 December 2020.

⁴⁸⁶ Confidential source, date withheld at source's request.

⁴⁸⁷ Confidential source, 22 December 2020.

11 Appendices

11.1 Abbreviations and terms in other languages

AA	Anadolu Agency
AI	Amnesty International
AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
ATK	Adli Tıp Kurumu (Council of Forensic Medicine)
Bakur	North (Kurdish name for Southeastern Turkey)
Bekçi	neighbourhood guards or auxiliary police
BTK	Bilgi Teknolojileri ve İletişim Kurumu (Information and Communication Technologies Authority)
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
CoE	Council of Europe
CPJ	Committee to Protect Journalists
CPT	Committee for the Prevention of Torture
DBP	Demokratik Bölgeler Partisi (Democratic Regions Party)
DEVA	Demokrasi ve Atılım Partisi (Democracy and Progress Party)
DHKP/C	Devrimci Halk Kurtuluş Partisi/Cephesi (Revolutionary People's Liberation Party/Front)
ECHR	European Court of Human Rights
e-devlet	citizens' gateway to online government services
ESP	Ezilenlerin Sosyalist Partisi (Socialist Party of the Oppressed)
EU	European Union
FETÖ/PYD	Fethullahçı Terör Örgütü/Paralel Devlet Yapılanması (Fethullah's Terror Organisation/Parallel State Structure)
GBT	Genel Bilgi Toplama Sistemi (General Information Gathering System)
Gelecek Partisi	Future Party
HDN	Hürriyet Daily News
HDP	Halkların Demokratik Partisi (Peoples' Democratic Party)
Hizmet	Servitude movement (Gülenist term for the Gülen movement)
HRW	Human Rights Watch
HSK	Hakimler ve Savcılar Kurulu (Council of Judges and Prosecutors)
ICG	International Crisis Group
ICJ	International Commission of Jurists
İFÖD	İfade Özgürlüğü Derneği (Freedom of Expression Association)
İHD	İnsan Hakları Derneği (Human Rights Association)
İHH	İnsani Yardım Vakfı (Humanitarian Relief Foundation)
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IPI	International Press Institute
ISIS	Islamic State in Iraq and al-Sham
KADES	Kadın Destek (Women Support)
KAR	Kurdish Autonomous Region
Kimlik	residence document for Syrians in Turkey
LESSM	Law on the Execution of Sentences and Security Measures
MEP	Member of the European Parliament
METU	Middle East Technical University
MHP	Milliyetçi Hareket Partisi (Party of the Nationalist Movement)

MIT	Millî İstihbarat Teşkilâtı (National Security Service)
MP	Member of Parliament
NATO	North Atlantic Treaty Organisation
NGO	non-governmental organisation
OHAL	Olağanüstü Hal (state of emergency)
PKK	Partiya Karkerên Kurdistanê (Kurdistan Workers' Party)
RTÜK	Radyo ve Televizyon Üst Kurulu (Supreme Council for Radio and Television)
TBB	Türkiye Barolar Birliği (Union of Turkish Bar Associations)
TİHEK	Türkiye İnsan Hakları ve Eşitlik Kurumu (Human Rights and Equality Institution of Turkey)
TL	Turkish lira
TMA	Turkish Medical Association
TOKİ	Toplu Konut İdaresi Başkanlığı (Housing Development Administration of the Republic of Turkey)
ToR	Terms of Reference
TP	temporary protection
TPC	Turkish Penal Code
TPR	Temporary Protection Regulation
UNHCR	United Nations High Commissioner for Refugees
UYAP	Ulusal Yargı Ağı Bilişim Sistemi (National Judiciary Informatics System)
UN	United Nations
US	United States
WEF	World Economic Forum
YÖK	Yüksek Öğretim Kurulu (Council for Higher Education)

11.2 News Releases

Advocatenblad

—, *Politieke gevangenen blijven vast*, 28 April 2020.

Agence France-Presse (AFP)

—, *Cities angered by removal of pro-Kurdish mayors in Turkey*, 25 April 2020.

—, *Istanbul authorities ban Kurdish-language play*, 13 October 2020.

Ahaber

—, *FETÖ elebaşının yeğeni Zeynep Gülen tutuklandı ('Zeynep Gülen, niece of FETÖ leader, has been arrested')*, 28 October 2019.

—, *Terör örgütü elebaşı Fetullah Gülen'in yeğeni Zeynep Gülen skandal kararla tahliye edildi ('Zeynep Gülen, niece of terrorist leader Fethullah Gülen, has been released')*, 6 May 2020.

—, *Istanbul 2. Baro resmen kuruldu! (The 2nd Bar Association in Istanbul has been officially established!)*, 28 September 2020.

Ahval News

—, *Loathed, hunted down, Gülen Movement finished in Turkey*, 28 February 2018.

—, *Man arrested for attempt to set fire to Armenian church over pandemic*, 9 May 2020.

—, *Turkey's government arms night watchmen, sparking parliament brawl*, 11 June 2020.

- , *Turkish court upholds prison sentence for main opposition Istanbul chair Kaftancıoğlu*, 23 June 2020.
- , *Erdogan orders shutdown of Istanbul university linked to former ally Davutoğlu*, 30 June 2020.
- , *Kurdish lives also matter*, 9 September 2020, last updated on 10 September 2020.
- , *Erdogan ally calls for overhaul of Turkey's top court*, 30 September 2020.
- , *Governor bans Istanbul's first municipal-backed Kurdish play*, 13 October 2020.
- , *Turkey targets Kurdish journalists for reporting on helicopter drop of villagers*, 6 October 2020.
- , *Turkey faced with a constitutional crisis, says opposition deputy*, 14 October 2020.
- , *Erdogan continues repression of Kurdish political and cultural rights*, 9 November 2020.

Alarabiya News

- , *Why is Turkey's Erdogan persecuting the Gulen movement?*, 10 June 2020.
- , *Erdogan shuts down university in Istanbul linked to rival-ex-PM Davutoglu*, 30 June 2020.

Algemeen Dagblad (AD)

- , *Nederlandse vrouw die protestliederen maakt in hongerstaking in Turkse cel*, 20 January 2020.
- , *Netflix schrapt Turkse serie nadat overheid protesteert tegen lhbti-personage*, 22 July 2020.
- , *Turkije claimt arrestatie commandant Islamitische Staat*, 1 September 2020.

Algemeen Nederlands Persbureau (ANP)

- , *Levenslange celstraffen voor mislukte staatsgreep Turkije*, 26 November 2020.

Algemene Inlichtingen- en Veiligheidsdienst (AIVD)

- , *Niet-jihadistisch terrorisme*, undated.

Al Jazeera

- , *Turkey seeks arrest of 149 for suspected Gulen links*, 8 June 2020.
- , *Protests in Turkey over brutal murder of young woman*, 22 July 2020.
- , *Turkey passes controversial bill tightening grip on social media*, 29 July 2020.
- , *Thousands rally in Turkey to demand end of violence against women*, 5 August 2020.
- , *Turkey says it has arrested top ISIL figure in raid*, 1 September 2020.
- , *Pro-Kurdish politician Tosun sentenced to jail by Turkish court*, 11 September 2020.
- , *Turkey orders dozens of arrests including opposition mayor*, 25 September 2020.
- , *Turkey fines social media giants for breaching new internet law*, 4 November 2020.
- , *Turkey jails hundreds for life over 2016 failed coup attempt*, 26 November 2020.
- , *Turkish court sentences Kurdish former MP to 22 years in jail*, 21 December 2020.
- , *Turkey sentences exiled journalist Can Dunder to 27 years in jail*, 23 December 2020.
- , *Turkish police arrest suspect in killing of female academic*, 30 December 2020.
- , *Turkey slaps advertising ban on Twitter with new social media law*, 19 January 2021.
- , *US calls for release of jailed Turkish rights activist Kavala*, 11 February 2021.

AI Monitor

- , *Gays seeking military exemption in Turkey no longer need to provide visual proof of their homosexuality*, 17 November 2015.
- , *Turkey's gay community fights homophobia alongside COVID-19*, 4 May 2020.
- , *Turkey's crackdown on mayors amounts to coup, says opposition party*, 19 May 2020.
- , *Erdogan transforms neighborhood watchmen into loyalist force*, 8 June 2020.
- , *Turkey cries 'LGBT' propaganda after official faces backlash for pedophilia tweet*, 30 June 2020.
- , *Turkish army accused of throwing Kurdish farmers from helicopter*, 24 September 2020.
- , *Erdogan demands new laws to reel in Turkish medical group*, 15 October 2020.

Amnesty International (AI)

- , *Conviction of lawyers deals heavy blow to right to fair trial and legal representation*, 20 March 2019.
- , *Turkey, Syrians illegally deported into war ahead of anticipated 'safe zone'*, 25 October 2019.
- , *Turkey, Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19*, 13 April 2020.
- , *Turkey, Halt illegal deportation of people to Syria and ensure their safety*, 29 May 2020.
- , *Turkey, Stifling free expression during the COVID-19 pandemic*, 16 June 2020.
- , *Turkey, Convention on combating violence against women must be implemented not abandoned*, 5 August 2020.
- , *Turkey, Torture allegations must be independently investigated*, 25 September 2020.
- , *Turkey, Istanbul court accepts absurd new indictment against Osman Kavala*, 9 oktober 2020.
- , *The Büyükada story is far from over, We stand with Taner, İdil, Özlem and Günal*, 10 december 2020.

Anadolu Agency (AA)

- , *Turkey denies claims of deporting Syrians illegally*, 26 October 2019.
- , *Yargıtay 16. Ceza Dairesinden FETÖ üyeliği kriterleri (The 16th Criminal Office of the Supreme Court rules on FETÖ membership criteria)*, 8 March 2020.
- , *Turkish parliament passes penal reform law*, 14 April 2020.
- , *Turkish court gives Istanbul gunman 40-plus life terms*, 7 September 2020.
- , *'Safe, voluntary return of Syrians a Turkish priority'*, 5 October 2020.
- , *Turkey, 89 FETO-linked suspects arrested, sources say*, 13 October 2020.
- , *Turkey nabs 196 FETO suspects trying to escape abroad*, 19 November 2020.
- , *Turkey, Unemployment rate down in September*, 10 December 2020.
- , *Turkey, Senior FETO members brought from Ukraine*, 6 January 2020.
- , *Turkey, Cult leader gets over 1.000 years in prison*, 11 January 2021.

Arab News

- , *Turkey bans writing of university dissertations in Kurdish*, 31 July 2020.

Asia News

- , *Man rips cross from Armenian church in latest attack against Christian sites in Istanbul*, 28 May 2020.

Australian National Security of the Australian government

- , *Kurdistan Workers' Party (PKK)*, undated.

BalkanInsight

—, *Turkey sacks 43 governors for alleged Gülenist links*, 8 September 2020.

Bianet

- , *Ousted Diyarbakir mayor Selcuk Mizrakli handed prison sentence on terrorism charges*, 9 March 2020.
- , *Hate attack on Armenian Church in Istanbul*, 28 May 2020.
- , *Pride Week in digital, We don't say: 'We are here, too', We say: 'We are here'*, 10 June 2020.
- , *Constitutional Court: Rights of Selahattin Demirtaş violated*, 19 June 2020.
- , *Court of appeal upholds CHP Istanbul Chair Kaftancıoğlu's nine-year prison sentence*, 23 June 2020.
- , *HDP says police tortured its members with dogs*, 29 June 2020.
- , *Medium of instruction in Kurdish language department changed to Turkish*, 3 August 2020.
- , *HDP deputy Remziye Tosun handed 10-year prison sentence on terrorism charges*, 11 September 2020.
- , *Land Forces Command investigates battery of conscript*, 14 September 2020.
- , *Constitutional Court: rights of Enis Berberoğlu violated*, 17 September 2020.
- , *Lawyers make application for second bar association in Istanbul*, 25 September 2020.
- , *Cars with Azerbaijan flags tour around Istanbul Armenian Patriarchate amid Karabakh clashes*, 29 September 2020.
- , *Constitutional Court rejects appeal against law on 'multiple bar associations'*, 1 October 2020.
- , *HDP MP Garo Paylan: There are no winners in war and no losers in peace*, 5 October 2020.
- , *4 journalists arrest in Van province*, 12 October 2020.
- , *Erdogan calls Turkish Medical Association chair 'a terrorist', hints at new law*, 14 October 2020.
- , *Local court defies Constitutional Court ruling of right violation for Enis Berberoğlu*, 14 October 2020.
- , *YouTube to open a representative in Turkey*, 16 December 2020.
- , *Leyla Güven transferred to Elazığ Prison*, 23 December 2020.
- , *Male violence, Kemal D. detained for 'killing' Aylin Sözer*, 29 December 2020.

Bloomberg

- , *Turkey's opposition says Erdogan may be creating loyal security force*, 4 June 2020.
- , *Outcry, arrests in Turkey over Mecca poster with LGBT flags*, 31 January 2021.

British Broadcasting Corporation (BBC)

- , *Turkey's Wikipedia ban ends after almost three years*, 16 January 2020.
- , *Osman Kavala, Turkey 're-arrests' activist hours after acquittal*, 18 February 2020.
- , *Turkey's MPs vote to tighten grip on social media*, 29 July 2020.
- , *Turkey detains top Islamic State commander in raid*, 1 September 2020.
- , *Sakarya'da fındık toplayan mevsimlik işçilere saldırı iddiasıyla ilgili neler biliniyor; olayla ilgili kim, ne dedi? ('What is known about the alleged attack on seasonal workers picking hazelnuts in Sakarya; who said what?')*, 5 September 2020.
- , *Leyla Güven, Turkey sentences Kurdish politician to 22 years in prison*, 22 December 2020.
- , *Erdogan attacks Europe court's order for Demirtaş's release*, 23 December 2020.
- , *Turkey LGBT, Four students arrested over artwork*, 31 January 2021.

Cable News Network (CNN) Türk

- , *2020 Temmuz bedelli askerlik ücreti açıklandı!, Bedelli askerlik fiyatı ne kadar oldu? ('The buy-out amount for military service as of July 2020 has been announced!, How much will it cost to purchase exemption to military service?')*, 5 August 2020.
- , *Son dakika ... Adalet Bakanlığı: 289 darbe davasının 276'sı karara bağlandı ('Breaking news ... Ministry of Justice: 276 out of 289 coup d'état cases resolved')*, 25 September 2020.

Central Intelligence Agency (CIA)

- , *Turkey, Population, Ethnic groups*, last updated on 1 July 2020.

Coalition for Women in Journalism (CFWIJ)

- , *Turkey, We condemn the detainment of Nurcan Kaya*, 28 October 2019.

Committee to Protect Journalists (CPJ)

- , *Record number of journalists jailed worldwide*, 15 December 2020.

Council of Europe (CoE)

- , *Turkish news agency office raided and four journalists detained*, 13 October 2020.

Daily Sabah

- , *June 24, 2018 parliamentary election results*, undated.
- , *New app allows victims of domestic violence to notify Turkish police with single button*, 25 March 2020.
- , *Former Diyarbakır mayor sentenced to prison for PKK links*, 7 April 2020.
- , *Appeals court approves jail time for CHP Istanbul head Kaftancıoğlu*, 23 June 2020.
- , *Turkey's fight for extradition of FETÖ members hits snags*, 13 July 2020.
- , *Application submitted for 2nd bar association in Istanbul*, 25 September 2020.
- , *Turkey nabs senior FETÖ member in Algeria in joint operation*, 24 November 2020.

De Morgen (DM)

- , *Turkse evangelist veroordeeld tot meer dan duizend jaar cel voor misbruik en spionage*, 11 January 2021.

De Standaard

- , *Politie arresteert ruim 80 Koerden*, 26 September 2020.
- , *Chinees-Turks verdrag verontrust Oeigoeren*, 31 December 2020.

De Volkskrant

- , *Koerdische burgemeesters ontslagen en vervangen door 'vertrouwelingen' van de Turkse regering*, 16 May 2020.
- , *Hoe Turkije de rechtsstaat knevelt*, 31 August 2020.
- , *Turks-Nederlandse zussen om de beurt in de cel*, 14 December 2020.
- , *'Veel Turkse atheïsten vrezten hun burens'*, 7 January 2020.
- , *Turkse regering brengt sociale media onder controle*, 11 January 2020.

Deutsche Welle (DW)

- , *Turkey must free jailed rights activist Osman Kavala, rules EU court*, 10 December 2019.
- , *Turkey, Osman Kavala kept in jail despite European human rights court ruling*, 24 December 2019.

—, *Turkey bans Kurdish-language play in Istanbul*, 17 October 2020.

Diken

—, *Ilk 'alternatif baro' Istanbul'da kuruldu (First 'alternative bar association' established in Istanbul)*, 30 September 2020.

Duvar English

- , *Man attempts to burn down Istanbul church, blames Christianity 'for spread of coronavirus'*, 9 May 2020.
- , *YouTube censors famous awards ceremony of Istanbul LGBTI+ Pride Week*, 27 June 2020.
- , *Ankara court rejects former HDP co-chair Demirtaş's appeal for release despite Constitutional Court's ruling*, 6 July 2020.
- , *Turkish pro-gov't women's rights organization KADEM voices support for Istanbul Convention*, 3 August 2020.
- , *Turkish Interior Minister targets Constitutional Court President after top court permits intercity marches*, 14 September 2020.
- , *Hospital reports prove two men detained in Turkey's east were thrown from military helicopter*, 23 September 2020.
- , *Car envoy stages demonstration in support of Azerbaijan near Armenian Patriarchate in Istanbul*, 28 September 2020.
- , *Erdoğan says he supports nationalist ally's calls for overhauling top court, reinstatement of death penalty*, 1 October 2020.
- , *Turkish nationalist think tank targets HDP MP Paylan in message on Armenia-Azerbaijan conflict*, 2 October 2020.
- , *Erdoğan targets medical group critical of Turkey's COVID response, calls its chair 'terrorist'*, 15 October 2020.
- , *Russia's VKontakte only social media platform to appoint local representative to Turkey, says expert*, 2 November 2020.

English PEN

—, *Writer in residence Nurcan Baysal's home in Turkey raided*, 19 October 2019.

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—, *Leaked document sheds light on Turkey's 'controlled coup'*, 11 March 2019.

Eurasianet

—, *War in the Caucasus hits close to home for Turkey's Armenians*, 21 October 2020.

European Union

—, *Turkey, Statement by the spokesperson on the death of Ebru Timtik*, 29 August 2020.

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- , *Reform bill is new blow for Turkey's judicial system, say lawyers*, 13 July 2020.
- , *Netflix cancels Turkish drama 'If Only' in row over gay character*, 20 July 2020.
- , *Political prisoner says Turkey let down by European rights court*, 15 September 2020.
- , *Turkey fines social media giants for failing to comply with new law*, 4 November 2020.
- , *YouTube bows to pressure to set up Turkey office*, 16 December 2020.
- , *Europe's top human rights court orders Turkey to release jailed Kurdish politician*, 22 December 2020.

- , *Turkey's top court rules jailed activist's rights were not violated*, 29 December 2020.
- , *Turkey's youth unemployment compounds broader crisis*, 5 January 2021.
- , *Turkey's new political parties face struggle in battle against Erdogan*, 18 February 2021.

Freedom House

- , *Turkey, Büyükada trial verdict lays bare assault on human rights*, 9 July 2020.

Freemuse

- , *Turkey, Musician sentenced to jail for 'making terrorist propaganda' with music video*, 2 July 2020.

Gay Star News (GSN)

- , *Turkey is about to put 19 people on trial for organizing a Pride*, 8 December 2020.

Halkların Demokratik Partisi (HDP)

- , *More detentions and arrests against the HDP and unlawful closure of the Democratic Society Congress (DTK) in Diyarbakir, Turkey*, 29 June 2020.

Human Rights Watch (HRW)

- , *Turkey, Syrians being deported to danger*, 24 October 2019.
- , *'Repatriation' of Syrians in Turkey needs EU action*, 7 November 2019.
- , *Turkey should protect all prisoners from pandemic*, 23 March 2020.
- , *Turkey, Enforced disappearances, Torture*, 29 April 2020.
- , *Turkey, Free rights defender following European Court ruling*, 2 June 2020.
- , *Turkey, Probes over doctors' Covid-19 comments*, 10 June 2020.
- , *Turkey, Politically motivated conviction of activists*, 6 July 2020.
- , *The reform of bar associations in Turkey, Questions and answers*, 7 July 2020.
- , *Turkey, Police, watchmen involved in torture, ill-treatment*, 29 July 2020.
- , *Turkey, Lawyers arrested in terror probe*, 16 September 2020.
- , *Turkey, man dies after military custody*, 1 October 2020.
- , *Turkey, Politicians and activists detained, Government uses 2014 protests as pretext for political crackdown*, 2 October 2020.
- , *Turkey, 2nd politically motivated trial for rights defender*, 26 October 2020.
- , *Turkey, Opposition politicians detained for four years*, 19 November 2020.
- , *Turkey, Draft law threatens civil society*, 24 December 2020.

Hürriyet

- , *MIT ByLock'cu isimleri savcılığa gönderdi: 1000 kişili ('MIT sent names of ByLock users to prosecutor's new list of 1,000 people')*, 26 October 2019.

Hürriyet Daily News (HDN)

- , *ISIL's Istanbul nightclub attack hearing held behind closed doors for 'public security'*, 15 December 2017.
- , *21 members of religious Furkan Foundation, including head, detained in Turkey's Adana*, 30 January 2020.
- , *Parliament ratifies bill for release of almost 90.000 prisoners*, 14 April 2020.
- , *Suspect detained over attack on Armenian church in Istanbul*, 28 May 2020.
- , *Three former opposition parties' lawmakers arrested*, 4 June 2020.
- , *Turkey elections 2018 results – presidential and parliamentary polls, Turkish election results in English*, last adapted on 27 June 2020.
- , *CHP applies to Constitutional Court over multiple bar law*, 16 July 2020.

- , *Constitutional Court rules retrial of former CHP MP Berberoğlu over breach of rights*, 18 September 2020.
- , *MHP leader urges reshaping structure of Constitutional Court*, 1 October 2020.
- , *Turkish parliament ratifies bill increasing powers of 'night watchmen'*, 11 June 2020.
- , *Pride celebrated online due to COVID-19 across Turkey*, 29 June 2020.

İfade Özgürlüğü Derneği (İFÖD)

- , *YouTube precedent threatens free expression*, 18 December 2020.

International Commission of Jurists (ICJ)

- , *End detention of lawyers held for representing clients, says ICJ*, 14 September 2020.
- , *Turkey, dismissal of judges and prosecutors fundamentally unfair*, 21 October 2020.

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Europe

- , *Rainbow Europe 2020*, 14 May 2020.
- , *Turkish court postpones trial of 19 Pride attendees, infringing their right to fair judicial process*, 10 December 2020.

Joinup

- , *Turkey's eJustice system (UYAP)*, gepubliceerd op 10 June 2007, voor het laatst bijgewerkt op 11 June 2007.

Kadının İnsan Hakları – Yeni Çözümler Derneği (KİH-YÇ)

- , *As the bill amending the Law on the Execution of Sentences comes into force, government must take urgent action and uphold its responsibilities in combating violence against women!*, 17 April 2020.

Kaos GL

- , *Volkan Hicret, the murderer of Hande Şeker is sentenced for life*, 28 November 2020.

Lawyers for Lawyers

- , *18 lawyers sentenced to long prison terms*, 22 March 2019.

MetroPOLL Araştırma

- , *Turkey's pulse, November 2020*, posted on Twitter on 10 December 2020.

Mezopotamya Agency (MA)

- , *Family of Kurdish-origin soldier file lawsuit after suspicious circumstances of son's death*, 6 August 2020.
- , *Ajansımızın internet sitesine erişim engeli ('Our office's website blocked')*, 30 September 2020.
- , *İrkçi saldırıya uğrayan askere soruşturma (Investigation into the soldier who is the victim of a racist attack)*, 4 November 2020.

Middle East Eye (MEE)

- , *Turkey detains three opposition MPs after removing their parliamentary seats*, 5 June 2020.

Mor Çatı

- , *İçişleri Bakanlığı'nın "Şiddet azaldı" açıklamasına dair (According to a statement from the Ministry of the Interior, 'violence has decreased')*, 29 May 2020.
- , *The Istanbul Convention is on the side of women, do not let misogyny persist!*, 23 July 2020.

Nationaal Coördinator Terrorismebestrijding en Veiligheid (NCTV)

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- , *Kennisbank terroristische organisaties, Partiya Karkerên Kurdistan (PKK)*, last modified on 26 October 2018.

National Public Radio (NPR)

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Nederlands Dagblad (ND)

- , *'Turkije geen veilige haven meer voor Oeigoeren'*, 30 December 2020.
- , *Erdogan voegt twee faculteiten toe aan universiteit Istanbul*, 9 February 2021.

Nederlandse Omroep Stichting (NOS)

- , *Turks hooggerechtshof: oppositieleider heeft te lang vastgezeten*, 19 June 2020.
- , *Turkse rechtbank veroordeelt Duits-Turkse journalist voor terreurpropaganda*, 16 July 2020.
- , *Turkse vrouwen straat op voor behoud Istanbul Conventie, 'verdrag redt levens'*, 31 July 2020.
- , *'Zelfs al moeten we rooksignalen gebruiken, ze kunnen ons niet stoppen'*, 8 August 2020.
- , *Levenslang voor aanslagpleger nachtclub Istanbul*, 7 September 2020.
- , *Turbulente week voor Turkse economie, is de lira te redden?*, 14 November 2020.
- , *Gevluchte Turkse journalist veroordeeld tot ruim 27 jaar cel*, 23 December 2020.
- , *Turkije neemt anti-terreurwet aan, Amnesty boos*, 27 December 2020.
- , *Rellen bij protest Turkse studenten tegen benoeming Erdogan-gezinde rector*, 4 January 2020.
- , *Oeigoeren in Turkije vrezin uitleveringsverdrag met China*, 12 January 2020.
- , *Honderden arrestaties in Turkije vanwege banden met PKK na vondst lichamen*, 16 February 2021.

Netherlands Helsinki Committee (NHC)

- , *Defending human rights in Turkey, Canan Arin*, 21 September 2020.

Nieuwe Rotterdamse Courant (NRC)

- , *'Ga naar Holland' is trending als homofobe sneer in Turkije*, 27 April 2020.
- , *Erdogan zet ook advocatuur naar z'n hand*, 10 July 2020.
- , *Turkse buurtwacht laat autoriteit gelden*, 22 July 2020.
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