

Türkei: Gefährdung von IHD-Mitgliedern, Vorgehen gegen «Samstagsmütter»

Schnellrecherche der SFH-Länderanalyse

Bern, 7. April 2020

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Fragestellung

Der Anfrage an die SFH-Länderanalyse sind die folgenden Fragen entnommen:

1. Besteht für Mitglieder und Führungspersonen der «İnsan Hakları Derneği» (*Human Rights Association of Turkey*, IHD) in der Türkei eine Gefährdung? Hat sich diese Gefährdung seit Herbst 2017 verschärft?
2. Gibt es Informationen zum Vorgehen gegen die «Samstagsmütter»?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die der SFH derzeit zur Verfügung stehen, sowie auf den Informationen von sachkundigen Kontaktpersonen.

1 Gefährdung von Menschen, die in «İnsan Hakları Derneği» (IHD) aktiv sind

IHD. «İnsan Hakları Derneği» (IHD, in englischer Sprache *Human Rights Association of Turkey*) ist nach eigenen Angaben die älteste Menschenrechtsorganisation in der Türkei. Nach eigenen Angaben ist IHD unter den Hauptakteuren in der Türkei, die im Menschenrechtsbereich tätig sind. IHD wurde 1986 gegründet und unterhielt im Juni 2019 insgesamt 26 Zweigstellen und fünf sogenannte «*Representatives Offices*» und hatte knapp 8000 Mitglieder. IHD ist auf internationaler Ebene Mitglied der *International Federation of Human Rights* sowie des *Euro-Mediterranean Human Rights Network*. Auf nationaler Ebene ist sie zudem Mitglied der *Human Rights Joint Platform* (IHOP). Personen oder Verwandte von Personen, die glauben, dass sie in der Türkei eine Rechtsverletzung erlitten haben, wenden sich an IHD und bitten um Hilfe. Die IHD verfasst Schattenberichte für internationale Organisationen und Menschenrechtsgremien, einschliesslich des Europarats und der UNO-Menschenrechtsorgane. Die IHD erstellt ausserdem regelmässig Themen- und Jahresberichte und teilt diese mit Presseagenturen, Massenmedien und relevanten Organisationen. Die IHD fokussiert sich auf 25 Hauptthemen und verfügt über verschiedene Kommissionen. Zahlreiche Führungsmitglieder sind im anwaltschaftlichen Bereich tätig (*UK Home Office*, 2019).

Repressionen, Strafverfolgungen und Angriffe gegen Menschenrechtsverteidiger_innen halten auch aktuell an, Verhaftungswellen. Nach Angaben einer gemeinsamen Stellungnahme der internationalen Menschenrechtsorganisationen *Amnesty International* (AI), *International Federation for Human Rights* (FIDH), *World Organisation Against Torture* (OMCT) und *Frontline Defenders* vom 23. März 2020 hält die Repression gegen Menschenrechtsverteidiger_innen in der Türkei weiter an (AI et al., 2020). In den letzten vier Jahren haben die türkischen Behörden nach Angaben von *Human Rights Watch* (HRW) breit ausgelegte und vage Terrorismusvorwürfe und andere Anklagepunkte verwendet, um vermeintliche Regierungsgegner_innen, Journalist_innen, Aktivist_innen und Menschenrechtsverteidiger_innen wegen der friedlichen Ausübung ihrer Meinungsfreiheit und anderer gewaltfreier Aktivitäten festzunehmen und strafrechtlich zu verfolgen (HRW, 17. Januar 2020). Nach Angaben von *Dunja Mijatović*, *Menschenrechtskommissarin des Europarats*, ist das akuteste Problem, mit dem Menschenrechtsverteidiger_innen zurzeit in der Türkei konfrontiert sind, ein weit verbreitetes Muster von Gerichts- und Strafverfahren, die sich gegen sie wegen ihrer rechtmässigen und legalen Aktivitäten richten. So ist die *Menschenrechtskommissarin des Europarats*

der Ansicht, dass die anhaltenden gegen die türkische Zivilgesellschaft und die Menschenrechtsverteidiger_innen gerichteten gerichtlichen Massnahmen die schwerwiegendste Komponente eines kontinuierlichen und konzertierten Drucks auf die Menschenrechtsverteidiger_innen darstellen. Mit diesem Druck werde bewusst versucht, ihnen das Handwerk zu legen und sie daran zu hindern, über anhaltende Menschenrechtsverletzungen in der Türkei zu berichten. Die abschreckende Wirkung dieser Aktionen ist nach Einschätzung der *Menschenrechtskommissarin des Europarats* in der Türkei stark spürbar. Die Kommissarin stellt ferner fest, dass die Aufhebung des Ausnahmezustands im Juli 2018 bisher zu keiner bemerkbaren Lockerung dieses Drucks geführt hat (*Council of Europe*, 2020). Seit dem 18. Juli 2018 gehen die türkischen Behörden im Rahmen verschiedener Bestimmungen weiterhin gegen verschiedene gesellschaftliche Gruppen vor, um abweichende Meinungen zu unterdrücken und ein Klima der Angst aufrechtzuerhalten. Menschenrechtsverteidiger_innen und Gewerkschaftsvertreter_innen wurden in aufeinander folgenden Verhaftungswellen inhaftiert (AI, 1. Februar 2019).

Deutliche Verschärfung des staatlichen Vorgehens gegen türkische Menschenrechtsaktivist_innen in den letzten Jahren. Die *Menschenrechtskommissarin des Europarats* zeigt sich so in ihrem Bericht vom Februar 2020 beunruhigt über das extreme Ausmass, das die aktuelle Situation erreicht hat. Die Mehrheit der langjährigen zivilgesellschaftlichen Partner_innen ihres Büros in der Türkei, die international anerkannte, prominente Menschenrechtsverteidiger_innen sind, seien schwerwiegenden Anklagen und dem Risiko langer Gefängnisstrafen in der Türkei ausgesetzt. Die *Menschenrechtskommissarin des Europarats* betonte, dass weitere Beobachter_innen der aktuellen Lage in der Türkei diese Einschätzung mit ihr teilen würden (*Council of Europe*, 2020).

Verleumdungskampagnen und Hassreden durch türkische Beamt_innen und Medien gegen Menschenrechtsverteidiger_innen. Die *Menschenrechtskommissarin des Europarats* zeigte sich zutiefst besorgt darüber, dass türkische Beamt_innen auch auf höchster Ebene regelmässig Menschenrechtsverteidiger_innen und im Bereich der Menschenrechte tätige NGOs ins Visier nehmen und sie häufig als Terrorist_innen und Staatsfeinde abstempeln würden. So habe es viele solcher Angriffe gegeben, die sich gegen Aktivist_innen der Zivilgesellschaft und ihre legitimen Aktivitäten richteten. Bei diesen Angriffen sei zudem die Botschaft vermittelt worden, dass das Berichten über mutmassliche von den Behörden begangene Menschenrechtsverletzungen den Zielen von Terrororganisationen diene und somit einen Angriff auf den türkischen Staat darstelle. In zunehmendem Masse scheinen laut der *Menschenrechtskommissarin des Europarats* türkische Regierungsvertreter_innen und regierungsfreundliche Medien bestimmte Menschenrechtsverteidiger_innen in einer konzertierten und virulenten Weise ins Visier zu nehmen. Diese Angriffe können nach Ansicht der *Menschenrechtskommissarin des Europarats* durchaus als regelrechte Verleumdungskampagnen bezeichnet werden, sind teilweise diffamierend und gelegentlich sogar als Hassreden einzustufen (*Council of Europe*, 2020).

Faktische Straflosigkeit für Morde an Menschenrechtsverteidiger_innen. Die *Menschenrechtskommissarin des Europarats* bezeichnet als weiteres schwerwiegendes Problem in der Türkei, dass Morde an Menschenrechtsverteidiger_innen in der Türkei straflos bleiben. So seien beispielsweise in den zwei bekannten Fällen, den Ermordungen des Journalisten und Menschenrechtsverteidigers Hrant Dink im Jahr 2007 und des Vorsitzenden der *Diyarbakir Bar Association* und Menschenrechtsverteidigers Tahir Elçi keine Fortschritte bei der Aufklärung zu verzeichnen. Obwohl in beiden Fällen klare Hinweise auf eine Beteiligung der türkischen Sicherheitskräfte an den Morden bestehen, seien die Verfahren bisher durch massive

Mängel gekennzeichnet und haben bisher keine Aufklärung geleistet (Council of Europe, 2020).

Verfolgungsgefahr für IHD-Mitglieder mit oben genanntem Profil. Es gibt zahlreiche Hinweise, dass Mitglieder und Führungspersonen der IHD zum Ziel behördlicher Verfolgung werden. Nachfolgend einige Beispiele aus den letzten Jahren: In einem gemeinsamen Statement von *Amnesty International* und weiteren Menschenrechtsorganisationen (AI et al. (2020) wird darauf hingewiesen, dass im März 2020 ein Vorstandsmitglied der Menschenrechtsvereinigung IHD für seine legitimen Menschenrechtsaktivitäten zu über sechs Jahren Gefängnis verurteilt wurde. Die Verurteilung spiegle die sehr harschen Bedingungen wider, unter welchen Menschenrechtsverteidiger_innen in der Türkei tätig seien (AI et al. (2020). Weiter ging die Polizei am 12. Oktober 2019 beispielsweise mit massiver Gewalt gegen einen Sitzstreik vor den Büros von IHD in Istanbul vor. Zu diesem Zeitpunkt hielten die sogenannten «Samstagsmütter» (mehr dazu in Kapitel 2) ihren wöchentlichen friedlichen Sitzstreik vor dem Büro von IHD Istanbul ab. Eren Keskin, die Vorsitzende der Istanbul-Sektion von IHD, die bei der Veranstaltung eine Presseerklärung zu den Verschwundenen und der Militäroperation in Syrien verlas, wurde in den darauffolgenden Tagen zum Ziel von weiteren polizeilichen Aktionen. So suchte die Polizei am Abend des 22. Oktober 2019 ihr Haus auf und befragte ihre Mutter über ihren Aufenthaltsort. Am nächsten Tag wurde sie von der Polizei vorgeladen und zu «terroristischer Propaganda» im Rahmen ihrer Beiträge in sozialen Medien verhört (OMCT, 25. Oktober 2019). Ende Januar 2018 wurden verschiedene IHD-Mitglieder wegen ihrer Beiträge in sozialen Medien zu den Militäroperationen in Afrin verhaftet und inhaftiert. So wird über die willkürliche Verhaftung und gerichtliches Schikaniere von sechs Mitgliedern des IHD berichtet. Darunter habe sich das IHD-Vorstandsmitglied Nuray Çevirmen, das IHD-Mitglied Ali Dağdelen, Kars IHD-Zweigstellen-Präsident Ahmet Adigüzel, der ehemalige Präsident der IHD-Zweigstelle Çanakkale und das gegenwärtige IHD-Vorstandsmitglied Hayrettin Pişkin, das Vorstandsmitglied der Malatya IHD-Zweigstelle Mehmet Tuncel, und Abuzer Yavas, der *Substitute Branch Executive* in derselben IHD-Zweigstelle befunden. Am Abend des 22. Januar 2018 wurde so Nuray Çevirmen von der Anti-Terror-Einheit des *Ankara Security Department* festgenommen und am 25. Januar 2018 freigelassen. Gegen sie wird wegen «Propaganda für eine terroristische Organisation» und «Anstiftung zu Missgunst und Feindseligkeit» ermittelt. Am selben Tag wurde Ahmet Adigüzel von der Anti-Terror-Einheit des *Ardahan Security Department* in der Nordosttürkei verhaftet. Er wurde am 24. Januar 2018 unter dem Vorwurf der «Propaganda für eine terroristische Organisation» im geschlossenen Gefängnis vom Typ T in Ardahan offiziell in Haft gesetzt. Weiter wurde Hayrettin Pişkin am 24. Januar 2018 in Çanakkale (Nordwesttürkei) verhaftet und im Çanakkale E-Type-Gefängnis in Untersuchungshaft genommen, wo er unter dem Vorwurf der «Propaganda einer terroristischen Organisation» inhaftiert wurde. Der Anklagepunkt der «Propaganda für eine terroristische Organisation» basiert auf Artikel 220/8 des türkischen Strafgesetzbuches und sieht bis zu drei oder viereinhalb Jahre Gefängnis vor, falls das mutmassliche Verbrechen durch Verbreitung mittels Presse oder Rundfunk begangen wird. Darüber hinaus wurden am 24. Januar 2018 Mehmet Tuncel, Ali Dağdelen und Abuzer Yavas in Malatya (Osttürkei) verhaftet und in Gewahrsam genommen. Die drei Menschenrechtsverteidiger wurden zunächst aufgrund von Beiträgen in den sozialen Medien festgenommen. Da sich laut der Quelle später herausstellte, dass Mehmet Tuncel keinen Social-Media-Account besass, beschuldigte die Polizei Mehmet Tuncel und Abuzer Yavas der «Teilnahme an der Beerdigung eines bewaffneten Kämpfers», welche auf das Jahr 2001 zurückging. Laut *World Organisation Against Torture* (OMCT, 1. Februar 2018) habe im August 2017 eine Serie von Verhaftungen gegen IHD-

Aktivist_innen begonnen. Damals wurden Gülseren Yoleri, Präsidentin der IHD-Sektion Istanbul und Mitglied des IHD-Zentralvorstands (*IHD Executive Committee member*), und Dogan Ozkan, Vorstandsmitglied des IHD Istanbul, während einer Demonstration zur Unterstützung der zwei entlassenen Lehrern Nuriye Gülmen und Semih Özakça verhaftet. Beide wurden Opfer von Misshandlungen während ihrer Verhaftung und dreitägigen Haft. Im November 2017 wurden schliesslich der IHD-Präsident Öztürk Türkdogan, sowie die zwei Mitglieder des Zentralvorstands Sevim Salihoglu und Derya Uysal und das IHD-Mitglied Besra Varli verhaftet, als sie in Ankara zum selben Thema demonstrierten (OMCT, 1. Februar 2018).

Das Beispiel Mehmet Raci Bilici. Am 12. März 2020 wurde Mehmet Raci Bilici, nationales Vorstandsmitglied von IHD und ehemaliger Vorsitzender der IHD-Zweigstelle in Diyarbakır, von einem Gericht wegen «Mitgliedschaft in einer terroristischen Organisation» (Artikel 314/2 des türkischen Strafgesetzbuches) zu sechs Jahren und drei Monaten Haft verurteilt. Das Gericht verhängte ein internationales Reiseverbot gegen Mehmet Raci Bilici, der bis zu seiner Berufung nicht inhaftiert ist. Bilici sei aufgrund seiner legitimen Menschenrechtsarbeit zwischen 2011 und 2014 im Namen des IHD als Vorstandsmitglied und ehemaliger Vorsitzender des IHD-Zweigs Diyarbakır verurteilt worden. In der Anklageschrift hatte der Staatsanwalt die Verurteilung von Mehmet Raci Bilici aufgrund von Abhör- und Tonaufnahmen von Aktivitäten, an denen er in den Jahren 2015 und 2016 teilgenommen hatte, sowie einiger seiner Social-Media-Beiträge beantragt (AI et al., 2020).

Das Beispiel Gülseren Yoleri. *World Organisation Against Torture* berichtete im Februar 2020, dass zuverlässige Quellen über die willkürliche Verhaftung und das gerichtliche Schikania von Gülseren Yoleri, einer Menschenrechtsanwältin und Präsidentin der IHD-Sektion in Istanbul, berichteten. Polizeibeamte verhafteten laut der Quelle am 6. Februar 2020 Gülseren Yoleri in ihrem Haus in Istanbul und brachten sie zur *Sarıyer District Police Directorate*, um ihre Aussage im Rahmen einer Strafuntersuchung aufzunehmen, die gegen sie im Zusammenhang mit einer Rede vom Oktober 2019 über die laufende Militäroperation in Syrien eingeleitet wurde. Nach Einschätzung der Quelle zielt die willkürliche Verhaftung und die gerichtliche Schikania von Gülseren Yoleri darauf ab, sie für die rechtmässige Ausübung ihrer Meinungsfreiheit und ihre Aktivitäten im Bereich der Menschenrechte zu bestrafen (OMCT, 13. Februar 2020).

Das Beispiel Eren Keskin. Eren Keskin ist eine weitere bekannte Anwältin und Menschenrechtsverteidigerin, sowie Mitvorsitzende von IHD. Sie wurde bereits zu 17 Jahren Gefängnis und Geldstrafen in Höhe von 460'000 TL (rund 66'000 CHF nach Wechselkurs vom 7. April 2020) verurteilt und muss in mehr als 100 sie betreffenden Fällen mit weiteren Strafen rechnen (*Council of Europe*, 19. Februar 2020).

Zahlreiche weitere Strafuntersuchungen und Prozesse gegen IHD-Mitglieder. Viele andere Mitglieder der türkischen Menschenrechtsvereinigung sowie der andere Mitvorsitzender Öztürk Türkdogan sehen sich mit zahlreichen Strafuntersuchungen und laufenden Prozessen konfrontiert (*Council of Europe*, 19. Februar 2020).

2 Vorgehen gegen Sitzstreiks der «Samstagsmütter» seit Sommer 2018

Routinemässiges Verbot von regierungskritischen Versammlungen. Obwohl die Versammlungsfreiheit im türkischen Recht theoretisch garantiert ist, haben die türkischen Behörden in den letzten Jahren routinemässig Versammlungen von Regierungskritiker_innen aus Sicherheitsgründen verboten, während regierungsnah Kundgebungen erlaubt sind (*Freedom House*, 4. März 2020).

Einschränkung von öffentlichen Versammlungen durch Gesetz 7145. Das Gesetz 7145 wurde im Juli 2018 vom türkischen Parlament verabschiedet, mit dem erklärten Ziel, nach dem Ende der Notstandsregelung einen wirksamen Kampf gegen terroristische Organisationen zu ermöglichen. Mit diesem Gesetz werden viele der während des Ausnahmezustands gewährten ausserordentlichen Befugnisse in allgemeines Recht umgesetzt. Das Gesetz 7145 erweitert die Befugnis der Gouverneure, die Bewegungsfreiheit einzuschränken und öffentliche Versammlungen innerhalb der Grenzen der von ihnen regierten Provinz zu verbieten, und erlaubt es der Polizei, einige Verdächtige bis zu 12 Tage lang ohne Anklage festzuhalten. Die türkischen Behörden müssen nach Ansicht von *Amnesty International* alle Notstandsmassnahmen und andere gesetzliche Änderungen, die nicht nachweislich notwendig und verhältnismässig sind oder die unverhältnismässige Einschränkungen der Ausübung der Menschenrechte mit sich bringen, wieder aufheben. Dazu gehören zum Beispiel die Artikel 1, 8 und 9 des Gesetzes 7145, die die Bewegungsfreiheit und das Recht auf friedliche Versammlung einschränken; Artikel 13, der die polizeiliche Haft für Verdächtige von «terroristischen» Straftaten verlängert, sowie Artikel 26, der die Fortsetzung der willkürlichen Entlassungen aus dem öffentlichen Sektor für weitere drei Jahre erlaubt (AI, 1. Februar 2019).

August 2018: Gewaltsame Auflösung und Verbot der Sitzstreiks der «Samstagsmütter». Seit den 1990er Jahren versammelten sich die sogenannten «Samstagsmütter», um des Verschwindens von Angehörigen nach ihrer Inhaftierung durch die Sicherheitskräfte in den 1980er und 1990er Jahren zu gedenken und um Rechenschaft zu fordern (USDOS, 2020). Das friedliche Zusammenkommen der «Samstagsmütter», die seit Mitte der 1990er Jahre wöchentliche Mahnwachen abhielten, ist seit August 2018 verboten (AI, 1. Februar 2019). Die Gruppe, die hauptsächlich aus weiblichen Verwandten der Verschwundenen bestand, musste ihren Sitzstreik am 25. August 2018 auflösen, nachdem die Polizei Tränengas und Wasserwerfer eingesetzt hatte und 50 Personen verhaftet wurden ((AI, 1. Februar 2019; BBC, 2018). Seitdem ist es ihnen nicht mehr erlaubt, an ihrem traditionellen Ort ihre Versammlung abzuhalten, obwohl diese Treffen und Reden ausnahmslos friedlich waren (AI, 1. Februar 2019). Der Sitzstreik wurde von den Behörden verboten, weil er in sozialen Medien in Verbindung mit der Kurdischen Arbeiterpartei (PKK) erwähnt worden war, hiess es laut BBC (2018) in einer Erklärung der lokalen Regierung. USDOS (2020) hält in seinem jüngsten Menschenrechtsbericht zur Türkei fest, dass die Polizei von Istanbul die Zusammenkünfte der «Samstagsmütter» weiterhin verhinderte. Innenminister Suleyman Soylu habe die Gruppe beschuldigt, das «Konzept der Mutterschaft für den Terrorismus zu missbrauchen» (USDOS, 2020).

3 Quellen

AI et al., 2020:

«Dublin, London, Paris-Geneva, March 23 2020 – Repression of human rights defenders continues in Turkey where a board member of the Human Rights Association (IHD) was convicted and sentenced to over six years in prison for his legitimate human rights»

activities. The Observatory (FIDH-OMCT) along with Front Line Defenders and Amnesty International deplore this new conviction which, once again, reflects the **harsh context in which human rights defenders operate in Turkey.**

On March 12, 2020, Mehmet Raci Bilici, national board member of the Human Rights Association (IHD) and former chair of the organisation's Diyarbakır branch, was sentenced by Diyarbakır Heavy Penal Court No.5 to six years and three months imprisonment for "membership to a terrorist organisation" (Article 314/2 of the Turkish Penal Code). The Court imposed an international travel ban on Mehmet Raci Bilici, who is not detained pending his appeal. This conviction is based on his legitimate human rights work between 2011 and 2014 on behalf of IHD as a board member and former chair of IHD's Diyarbakır branch. At the time of writing, the Court's reasoned judgment had not yet been issued. The verdict is subject to appeal – if it is upheld, Mehmet Raci Bilici would not be able to practice as a lawyer in accordance with the Attorneyship Act of Turkey.

In the indictment, the Prosecutor had requested Mehmet Raci Bilici's conviction based on wiretaps and audio surveillance of activities that he had participated in and some of his social media posts in 2015 and 2016. The activities subjected to surveillance were his monitoring of human rights violations, participation in meetings of human rights organisations and of the Democratic Society Congress, an umbrella organisation focusing on Kurdish rights and politics. The social media posts included in the indictment do not represent evidence of criminal acts, let alone any connection to terrorism.

Mehmet Raci Bilici was previously detained on 15 March 2017 and released on bail with judicial controls – a travel ban and reporting to a police station once a week - on 21 March 2017 within the scope of the same case. The judicial controls were eventually lifted in spring 2018.

The Observatory for the Protection of Human Rights Defenders, Amnesty International and Front Line Defenders are deeply concerned that **Mehmet Raci Bilici has been convicted of 'membership of a terrorist organisation' on the basis of his activities as a human rights defender. This unjust verdict amounts to judicial harassment;** it is an attempt to punish and silence Mehmet Raci Bilici in order to stop him and others from carrying out legitimate human rights activities (...).» Quelle: Amnesty International, International Federation for Human Rights, World Organisation Against Torture, Frontline Defenders (AI et al.), Turkey, Joint Statement: Human rights defender Mehmet Raci Bilici unfairly convicted, 23. März 2020: www.omct.org/human-rights-defenders/urgent-interventions/turkey/2020/03/d25754/.

AI, 1. Februar 2019:

«After two years of rapid deterioration in the human rights situation, Turkey's state of emergency finally ended on 18 July 2018. This long overdue and welcome news, however, was not accompanied by concrete steps to normalize the human rights situation in the country. Instead, many of the measures introduced during the state of emergency remain in force today and continue to have a profound and devastating impact on public life in Turkey.

The state of emergency was used to consolidate draconian government powers to silence critical voices and strip away fundamental rights and freedoms. Far from being reversed, many of these measures have continued unabated since the end of the state of emergency.

Since 18 July 2018, the Turkish authorities have continued to target different groups in society under various provisions in order to crack down on dissent and maintain a climate of fear. Human rights defenders and trade union representatives have been rounded up in successive waves of detentions. The government has introduced into ordinary law dismissal procedures similar to those it used during the state of emergency to dismiss over 130,000 public sector workers and introduced suspensions for newly qualified doctors who fail opaque security checks. As many as 123 journalists and other media workers remain in prison while many university students are on trial facing terrorism related charges for merely expressing dissenting views or participating in peaceful protests.

The human rights cost of the state of emergency has been massive and the consequences of the government crackdown in the aftermath of the attempted coup of 15 July 2016 continue to be keenly felt today. Over one hundred thousand public sector workers, publicly labelled as having links to terrorist organizations and banned from public service for life, are still waiting for an effective remedy, while facing destitution and tremendous social stigma. **Meanwhile, tens of thousands of people are languishing in lengthy and punitive pre-trial detention, in many cases, without credible evidence of internationally recognizable criminal acts.**

Human Rights in Turkey in 2018: A Perpetual State of Emergency

During the two-year long state of emergency, legislation has been amended by 32 executive decrees that have the force of law. More than 300 amendments by state of emergency executive decrees were made to more than 150 separate laws many with human rights implications. In addition to amendments that were introduced to existing laws during the state of emergency, thus embedding in law what should have remained exceptional measures, **the Law 7145 was passed by the Turkish Parliament in July 2018 with the stated aim of enabling an effective fight against terrorist organizations after the end of the emergency rule. This law transposes many of the extraordinary powers granted during the state of emergency into ordinary law.**

The Law 7145 extends the power of governors to restrict movement and ban public assemblies within the boundaries of the province they govern and allows police to hold some suspects for up to 12 days without charge. Turkish authorities must repeal all emergency measures and other legal changes which are not demonstrably necessary and proportionate, or which entail disproportionate restrictions on the exercise of human rights. This includes, for example, Articles 1, 8 and 9 of Law 7145 that imposes restrictions on freedom of movement and right to peaceful assembly; Article 13 that extends police custody for suspects of “terrorism” related crimes as well as Article 26 that allows the arbitrary dismissals from public sector to continue for another three years.

(...)

Freedom of Expression, Association and Right to Peaceful Assembly

The peaceful gathering of the ‘Saturday Mothers’, a group that held weekly vigils for victims of enforced disappearances since the mid-1990s, has been banned since August 2018. The group, primarily composed of female relatives of the disappeared, was forced to disperse on 25 August 2018 after the police used tear gas and water cannons. They have not been permitted to hold their vigil in their traditional location ever since despite the fact that their gatherings and speeches made during them are entirely peaceful in

nature.» Quelle: AI – Amnesty International: Turkey: Amnesty International's brief on the human rights situation: Turkey's state of emergency ended but the crackdown on human rights continues [EUR 44/9747/2019], 1. Februar 2019, S. 2, 5-6,; www.ecoi.net/en/file/local/1457405/1226_1549275543_eur4497472019english.PDF.

BBC, 2018:

«Police in the Turkish city of Istanbul have forcefully broken up a regular protest by mothers remembering relatives who disappeared during violence in the 1990s. Officers used water cannon and tear gas and detained about 50 people, including veteran protester Emine Ocak, said to be in her 80s. The group, called the Saturday Mothers, have met in central Istanbul since 1995 and this was to be their 700th protest.

Rights groups condemned the crackdown. It was "shameful, cruel treatment of families seeking justice for state crimes", said Emma Sinclair-Webb from Human Rights Watch.

The sit-in was banned by the authorities because it had been publicised on social media accounts linked to the Kurdistan Workers' Party (PKK), a local government statement said. *The PKK launched an armed struggle against the Turkish government in 1984, calling for an independent Kurdish state within Turkey. Tens of thousands of people have been killed since it began. The Turkish government considers the PKK a terrorist group.*

All of those detained - including Ms Ocak, whose son Hasan disappeared after being detained in 1995 - were released after giving statements to the police, Turkish lawyer Efan Bolac said.

The disappearances that are the subject of the protests took place during the height of the PKK insurgency.

Activists say the Turkish state has never investigated what happened to those who disappeared after being detained.

The Saturday Mothers' sit-ins are said to have taken inspiration from the Plaza de Mayo, a group of Argentine mothers who demonstrated after their children disappeared during Argentina's military dictatorship.

Police prevented them from holding their sit-ins for a decade between 1999 and 2009 but this is the first time in recent years that police have intervened.

Social media users have been sharing a photograph from 1997 which also showed Ms Ocak being detained.» Quelle: British Broadcasting Corporation (BBC), Turkey police fire tear gas at mothers' protest, 25. August 2018:

www.bbc.com/news/world-europe-45311134.0.

Council of Europe, 2020:

**«INTIMIDATION AND REPRESSION OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS
POLITICAL DISCOURSE AND SMEAR CAMPAIGNS**

The Commissioner is deeply concerned that Turkish officials, including at the highest level, regularly target human rights defenders and rights-based NGOs, frequently labelling them as terrorists and public enemies. There have been many such attacks targeting civil society activists and their legitimate activities, in particular by suggesting that reporting on human rights violations allegedly perpetrated by the authorities furthers the aims of terrorist organisations and is by extension an attack on the Turkish state.

Increasingly, government representatives and pro-government media seem to be targeting certain human rights defenders in a concerted and virulent manner, in what could be described as smear campaigns and considered defamatory, occasionally amounting to hate speech. One of the most noteworthy of these smear campaigns concerned the human rights defender Osman Kavala, and started in pro-government media immediately after his arrest in 2017. The arguments used in this campaign, mainly based on information leaked from a secret investigation file (see above), were subsequently taken over by officials in public statements.

The Commissioner's attention was also drawn to numerous statements by the Turkish Minister of the Interior, **publicly labelling persons as terrorists before any judicial decision establishing guilt in disregard of the principle of presumption of innocence, which is particularly worrying coming from the hierarchical superior of law enforcement forces.** The Commissioner regrets to note that statements from the same Minister have frequently targeted civil society organisations, including for example the bar association and medical association of Diyarbakir, openly qualifying them as auxiliaries of terrorist organisations.

In this connection, the Commissioner recalls that, in the aftermath of the Gezi events, her predecessor had already pointed to the problem of police reports targeting professional associations, such as the Union of Chambers of Turkish Engineers and Architects, Turkish Medical Association and bar associations as "anti-governmental civil society organisations". He had also noted that the Turkish authorities had also proceeded to legislative changes to deprive the Union of Chambers of Turkish Engineers and Architects of their income in what could be considered a reprisal for their peaceful and lawful involvement in the Gezi events. This shows that **the official statements referred to above do not remain only at the level of discourse, but lead to concrete repressive actions by the authorities, sometimes immediately.** As another example, the Commissioner referred to the fact that the police and local authorities started to prevent NGOs, including Amnesty International, from visiting certain areas of the country following a statement of the President of the Republic in April 2016 whereby NGOs publishing reports on the human rights situation needed to be "countered".

As will be examined below, the judiciary also seems to be increasingly influenced by this kind of discourse, by **launching proceedings against NGOs and human rights defenders immediately after statements by politicians or defamatory articles published in pro-government newspapers.** The Commissioner observes that this assessment was recently confirmed by the ECtHR. (...)

JUDICIAL ACTIONS TARGETING HUMAN RIGHTS DEFENDERS

The Commissioner considers that **the most acute problem facing human rights defenders in Turkey is a widespread pattern of judicial actions and criminal proceedings targeting them for their lawful and legitimate activities.** Turkish prosecutors do not hesitate to bring **spurious charges** against human rights defenders for conducting such legitimate activities and are the driving force behind this pattern. In the opinion of the Commissioner, this state of affairs should be seen against the background of the various problems affecting the Turkish judiciary and criminal proceedings she examined in the previous chapter, and is a perfect illustration of those problems.

In a written submission to the Court in April 2017, the Commissioner's predecessor had already cited **many examples of serious interferences with NGOs,** including by the judiciary, concluding that "there are clear indications that human rights defenders working on the human

rights situation in South-Eastern Turkey [...] have been subjected to various forms of reprisals and intimidation in retaliation for their legitimate activities”. Among numerous examples of similar actions taken by the Turkish judiciary since that submission, **the Commissioner notes the fact that a criminal investigation for aiding and abetting a terrorist organisation was initiated in 2018 against a number of prominent human rights defenders in connection with the publication of a report in 2016 on alleged human rights violations during the curfews in Cizre.**

The Commissioner also refers to numerous statements published by her Office on the situation of human rights defenders in Turkey in 2017 and 2018, for example concerning the sentencing of a human rights defender; the detention of the former Chair of Amnesty International Turkey; the unjustified arrest and criminal proceedings against eight human rights defenders in July 2017; the arrest of thirteen prominent academics, civil society activists and human rights defenders in November 2018; and the bill of indictment regarding the Gezi trial on 20 February 2019.

The Commissioner is alarmed by the extreme levels this situation has reached, where the majority of the long-time civil society partners of her Office in Turkey, who are internationally recognised, prominent human rights defenders, are facing serious charges and the risk of lengthy prison sentences in the country. The Commissioner stresses that she is not isolated in this assessment.

She notes, for example, that the Parliamentary Assembly of the Council of Europe found that the extensive interpretation of the Anti-Terror Law led “to the criminalisation and prosecution of human rights defenders and lawyers” and called on the Turkish authorities for their release.

The Commissioner also refers to a joint statement by UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association, on the **situation of human rights defenders**, on the promotion and protection of the right to freedom of opinion and expression, on the promotion and protection of human rights while countering terrorism, and the Chair-Rapporteur of the Working Group on Arbitrary Detention of November 2017, in which **the UN experts affirmed that cases concerning human rights defenders demonstrated “a worrying pattern of silencing people whose work legitimately calls into question the views and policies of the Government. Most of these accusations of terrorism are based solely on actions such as downloading data protection software, publishing opinions disagreeing with the Government’s anti-terrorism policies, organizing demonstrations, or providing legal representation for other activists”.**

The Commissioner has been closely following **criminal proceedings targeting human rights defenders, which are too numerous to enumerate in this report.** She notes, for example, the cases against the **President of the Turkish Human Rights Foundation, Şebnem Korur Fincancı, who was sentenced to two years and six months for having signed the Academics for Peace petition referred to above**, whereas the fact that she had made statements following a fact-finding visit to Cizre in March 2016 was added to her file as evidence. While she was acquitted in July 2016 in a trial concerning her having acted as a symbolic co-editor of the Özgür Gündem newspaper, the prosecutor appealed this decision. **Eren Keskin, another well-known lawyer and human rights defender, co-chair of the Turkish Human Rights Association, was sentenced to 17 years in prison and fines amounting to 460 000 lira (around 70 000 Euros) and is facing the prospect of further sentences in more than**

100 cases concerning her. Many other members of the Turkish Human Rights Association, as well as its other co-chair Öztürk Türkdoğan, are also facing numerous investigations and ongoing trials.

(...)

As noted above, the ECtHR recognised for the first time that criminal proceedings against a human rights defender pursued ulterior purposes in its aforementioned judgment concerning Osman Kavala. In this judgment, the Court considered that this ulterior purpose was not only to silence the applicant as a human rights defender, but **also to have a dissuasive effect on the work of human rights defenders in general**. In this respect, **the Court took into account that the prosecution documents referred to multiple and completely lawful acts, many of which were carried out in cooperation with Council of Europe bodies**, as well as “to ordinary and legitimate activities on the part of a human-rights defender and the leader of an NGO, such as conducting a campaign to prohibit the sale of tear gas to Turkey or **supporting individual applications**”.

The Commissioner considers that the same considerations apply to the co-defendants of Osman Kavala in the Gezi trial (some of whom had already been tried and acquitted in connection with the Gezi events), as well as 13 prominent human rights defenders and academics who were arrested in connection with this case in November 2018. As regards the latter, **the Commissioner also views the form of these arrests and the questions put to these persons as a clear sign of a will to intimidate and silence human rights defenders in Turkey**. She notes in particular that, **instead of summoning them for questioning, the prosecutor ordered their arrest with raids to their houses before sunrise**. She understands that their lengthy interrogations included, for example, many questions concerning their travels abroad, meetings they attended and the decisions taken at these meetings, all part of their legitimate human rights work.

In a written submission to the ECtHR, the Commissioner observed that **a press note distributed by the Istanbul Directorate of Security in this connection already posited as an established fact that Osman Kavala was the head of a criminal organisation, while only citing lawful activities specifically protected under the ECHR and forming part of the work of human rights defenders**. **One such legitimate activity was used as a basis to detain an academic working on civil society issues, Yiğit Aksakoğlu, who was later released by the trial court**. The Commissioner considered that this event indicated, on the one hand, ignorance of or deliberate disregard for Convention standards and the case-law of the Court, and on the other hand, an unduly biased and hostile attitude towards civil society actors by the prosecuting authorities.

Another prominent issue in the work of the Commissioner’s Office regarding human rights defenders in Turkey is **impunity regarding murders of human rights defenders**. **The two main cases which received a great deal of attention in this respect were the assassination of Hrant Dink, journalist and human rights defender, in 2007 and of Tahir Elçi, head of the Diyarbakir Bar Association and human rights defender, in 2016**. **The trials in both cases are still ongoing**. **Despite clear indications that the Turkish security forces might have been involved in both cases, either through complicity, wilful inaction or negligence, the trials have been marred with serious shortcomings and have failed to fully elucidate these murders so far**.

In conclusion, the Commissioner considers that the judicial actions targeting Turkish civil society and human rights defenders constitute the most worrying component of a

continuous and concerted pressure exerted on human rights defenders, in a deliberate attempt to silence them and to prevent them from reporting on ongoing human rights violations in Turkey. The chilling effect caused by these actions is very palpable in Turkey. The Commissioner further observes that the lifting of the state of emergency in July 2018 has so far not resulted in any noticeable easing of this pressure (...).» Quelle: Council of Europe, Commissioner for Human Rights: Commissioner for human rights of the Council of Europe Dunja Mijatović; Report following her visit to Turkey from 1 to 5 July 2019 [CommDH(2020)1], 19. Februar 2020, S. 36-39:
www.ecoi.net/en/file/local/2024837/CommDH%282020%291+-++Report+on+Turkey_EN.docx.pdf.

Freedom House, 4. März 2020:

«*Associational and Organizational Rights*

Is there freedom of assembly?

Although freedom of assembly is theoretically guaranteed in Turkish law, authorities have routinely disallowed gatherings by government critics on security grounds in recent years, while progovernment rallies are allowed to proceed. Restrictions have been imposed on May Day celebrations by leftist and labor groups, protests by purge victims, and opposition party meetings. Police use force to break up unsanctioned protests.

Commemorations by Saturday Mothers, a group that protests forced disappearances that took place during a 1980 coup d'état, have been routinely broken up by police; many participants, including elderly people, have been arrested. In August 2018, police stopped the group's assembly in Istanbul's Galatasaray Square, using tear gas and arresting participants. The government claimed that Saturday Mothers was connected to the PKK, an allegation the group denied. Saturday Mothers was not allowed to return to the square in 2019, and has held sit-ins in a local human rights office instead (...).»

Quelle: Freedom House: Freedom in the World 2020 - Turkey, 4. März 2020:

www.ecoi.net/en/document/2025957.html.

HRW, 17. Januar 2020:

«*(Istanbul) – A review of the situation in Turkey before the United Nations offers a chance to acknowledge and address the country's human rights crisis and the dramatic erosion of its rule of law framework, Human Rights Watch said today. On January 28, 2020, Turkey will undergo its third Universal Periodic Review (UPR) before the UN Human Rights Council in Geneva.*

Over the past four years, the Turkish authorities have detained and prosecuted perceived government opponents, journalists, activists, and human rights defenders on broad and vague terrorism and other charges for peacefully exercising their freedom of expression and other non-violent activities. The rights to assembly and association have been severely curtailed across the country and the government has exerted heavy political control over the courts, whose judges have all too easily handed down convictions and harsh sentences in defiance of human rights norms.

“The huge number of journalists, politicians, and perceived government critics in prison and on trial flies in the face of the Turkish government's public statements about the

state of human rights in the country” said Hugh Williamson, Europe and Central Asia director at Human Rights Watch. “Countries at the UN review should urgently press Turkey to address the sharp decline in respect for fundamental rights and freedoms and to carry out real reform (...).”» Quelle: Human Rights Watch, Turkey: UN Review Should Address Sharp Decline on Rights, Checks and Balances Illusive; Critics Under Attack, 17. Januar 2020: www.hrw.org/news/2020/01/27/turkey-un-review-should-address-sharp-decline-rights.

OMCT, 13. Februar 2020:

«The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), requests your intervention in the following situation in Turkey.

Description of the situation:

The Observatory has been informed by reliable sources about the arbitrary arrest and the judicial harassment of Ms. Gülseren Yoleri, a human rights lawyer and Istanbul Branch President of the Human Rights Association (İnsan Hakları Derneği – İHD).

According to the information received, on February 6, 2020, police officers arrested Ms. Gülseren Yoleri at her home in Istanbul and took her to Sarıyer District Police Directorate to take her statement in the framework of an investigation that was launched against her in relation to a speech she gave on October 12, 2019 denouncing the ongoing Turkish military intervention in Syria at the 759th gathering of the Saturday Mothers (see below). Ms. Yoleri was released after depositing her statement. As of issuing this Urgent Appeal, the investigation is still ongoing, and the prosecutor is yet to make a decision on whether to launch a criminal case or not.

On October 12, 2019, during the 759th gathering of the Saturday Mothers in Beyoğlu, Istanbul, the police attacked a sit-in action in front of İHD offices in Istanbul. At the time, the Saturday Mothers were holding their weekly peaceful sit-in action in front of the İHD İstanbul office. As usual, they displayed photos of their family members who were forcibly disappeared in the 90s. Ms. Gülseren Yoleri read a press statement demanding justice for those forcibly disappeared and denounced the ongoing Turkish military intervention in Syria. In response, the police dispersed the crowd using tear gas and truncheons. The Observatory firmly condemns the arbitrary arrest and the judicial harassment of Ms. Gülseren Yoleri, which seems to be only aimed at punishing her for the legitimate use of her freedom of expression and her human rights activities. The Observatory calls on the Turkish authorities to immediately and unconditionally put an end to any acts of harassment, including at the judicial level, against Ms. Gülseren Yoleri and all the human rights defenders in Turkey (...).» Quelle: World Organisation Against Torture (OMCT), Turkey, Arbitrary arrest and judicial harassment of Ms. Gülseren Yoleri, Istanbul Branch President of the Human Rights Association (İHD), 13. Februar 2020: www.omct.org/human-rights-defenders/urgent-interventions/turkey/2020/02/d25699/.

OMCT, 25. Oktober 2019:

«The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), requests your intervention in the following situation in **Turkey**.

Description of the situation:

The Observatory has been informed by reliable sources about the harassment of several individuals and groups as a reprisal for their calls for peace and the respect of human rights in the context of the “Operation Peace Spring”, Turkey’s military offensive in northern Syria that started on October 9, 2019.

According to the information received these acts include in particular: the raid of the house of Ms. **Nurcan Baysal**, a journalist and 2018 Global Laureate for Human Rights Defenders at Risk by Front Line Defenders; **the police intervention at the Human Rights Association (İnsan Hakları Derneği - İHD) offices in Istanbul; threats and judicial harassment against Ms. Eren Keskin, a human rights lawyer and co-President of İHD; the judicial harassment of Mr. Sezgin Tanrikulu, a human rights lawyer and Republican People’s Party (Cumhuriyet Halk Partisi - CHP) deputy, Ms. Pervin Buldan and Mr. Sezai Temelli, co-chairs of the People’s Democratic Party (Halkların Demokratik Partisi - HDP), Mses. Gülüstan Kılıç Koçyiğit and Leyla Güven and Mr. Berdan Öztürk, three HDP deputies.**

On October 19, 2019, at 5 a.m., 30 to 40 police officers raided Ms. Nurcan Baysal’s house in Diyarbakir to arrest her in relation to an investigation into her social media posts criticising “Operation Peace Spring”. Ms. Nurcan Baysal was not arrested as she was abroad on that date but her two children witnessed the police raid. The Observatory fears that Ms. Nurcan Baysal may be detained upon her return to Turkey beginning of December.

On October 12, 2019, the police attacked a sit-in action in front of İHD offices in Istanbul. At the time, the Saturday Mothers were holding their weekly peaceful sit-in action in front of the İHD İstanbul office. As usual, they displayed photos of their family members who forcibly disappeared in the 90s. The Chair of İHD’s Istanbul branch read the press statement demanding justice for those who were forcibly disappeared and denounced the ongoing Turkish military intervention in Syria. In response, the police dispersed the crowd using tear gas and truncheons.

On the same day, **Ms. Eren Keskin was targeted by the journalist Nedim Şener after she published a tweet accusing him of being against Kurdish people. During a TV show, Nedim Şener presented her as “a lawyer close to PKK and HDP” and insulted her. Ms. Eren Keskin reported that, since then, she has been receiving threats. In addition, in the evening of October 22, 2019, the police went to her house, she was not at home at that moment and her mother, who was at home, was asked about her whereabouts. Afterwards, police called Ms. Eren Keskin. She was invited to the Anadolu Public Prosecutor Office and interrogated on October 23, 2019, for “terrorist propaganda” in relation to her social media posts (related to the military operation and other human rights issues). She was released following the interrogation and not taken into police custody.**

Furthermore, the Observatory was informed of a series of acts of judicial harassment targeting other voices criticising the adverse human rights impacts of the Turkish military offensive in Syria. On October 12, 2019, a criminal investigation was launched against Mr. Sezgin Tanrikulu with charges of “insulting the Government of Turkey” for his tweet stating that “the Government should know that this is an unjust war and a war against Kurdish people”. He was also charged for his media interviews on the military offensive in Syria.

Additionally, on October 10, 2019, Ankara Chief Public Prosecutor’s Office launched a criminal investigation against Ms. Pervin Buldan and Mr. Sezai Temelli, co-chairs of HDP, over

charges of "terrorist propaganda" and "insulting the Government of Turkey" for a written statement criticising the "Operation Peace Spring" published on October 9, 2019^[4].

Another investigation was launched against MPs *Gülüstan Kılıç Koçyiğit*, *Leyla Güven* and *Berdan Öztürk* as well as the co-chairs of HDP on the grounds of "terrorist propaganda", "praising crime and criminals" and "insulting the Government of Turkey" for a joint press statement on the military offensive made on October 9, at the HDP head office.

The Observatory highlights that these acts of harassment followed a press release published on October 10, 2019 by the Public prosecutor prohibiting any criticism of "Operation Peace Spring". Afterwards the police, prosecutors and judges started to implement the prohibition of any criticism of the military intervention. Furthermore, since the launch of the military offensive, pro-government journalists have regularly threatened and insulted all those calling for peace, respect for human rights and an end to the military offensive.

The Observatory expresses its utmost concern over the **raid of Ms. Nurcan Baysal' house, the use of excessive force in front of İHD offices, threats against Ms. Eren Keskin, police intervention at her house and her judicial harassment, as well as the judicial harassment of Sezgin Tanrikulu, Sezai Temelli, Berdan Öztürk, Gülüstan Kılıç Koçyiğit, Pervin Buldan and Leyla Güven, which is only aimed at intimidating and silencing the activists.**

The Observatory calls on the Turkish authorities to immediately end any act of harassment, including at the judicial level, against Sezgin Tanrikulu, Sezai Temelli, Berdan Öztürk and Mses. Gülüstan Kılıç Koçyiğit, Pervin Buldan, Leyla Güven, Nurcan Baysal and Eren Keskin, all İHD members as well as all human rights defenders in Turkey (...)

Quelle: OMCT – World Organisation Against Torture, Turkey: Harassment of several individuals and groups as a reprisal for their calls for peace and the respect of human rights in the context of the "Operation Peace Spring", 25. Oktober 2019:

www.omct.org/human-rights-defenders/urgent-interventions/turkey/2019/10/d25573/.

OMCT, 1. Februar 2018:

«The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Turkey**.

Description of the situation:

The Observatory has been informed by reliable sources **about the arbitrary arrest and judicial harassment of six members of İHD (İnsan Hakları Derneği – Human Rights Association) including Executive Board Member Ms. Nuray Çevirmen, İHD member Mr. Ali Dağdelen, Kars Branch President Mr. Ahmet Adigüzel, Former President of İHD Çanakale Branch and current Executive Board Member Mr. Hayrettin Pişkin, Malatya Branch Executive Member Mr. Mehmet Tuncel, and Malatya Substitute Branch Executive Mr. Abuzer Yavas as well as of the ongoing detention of the last four.**

According to the information received, **since January 22, 2018, a number of İHD members were arrested and detained in reaction to postings on social media denouncing Turkey's military incursion in Afrin, northern Syria against the Syrian Kurdish People's Protection Units (YPG) militia.**

On the evening of January 22, 2018, Ms. Nuray Çevirmen was detained at the anti-terror unit of Ankara Security Department and released on January 25, 2018. She is being

investigated on charges of “making propaganda of a terrorist organisation” and “instigating people to grudge and hostility”.

On the same day, Mr. Ahmet Adigüzel was detained at the anti-terror unit of Ardahan Security Department (north-eastern Turkey) before being formally placed in detention on January 24, 2018, in Ardahan T-Type Closed Prison on charges of “making propaganda of a terrorist organisation”.

In addition, on January 24, 2018, Mr. Hayrettin Piskin was arrested in Çanakkale (north-western Turkey) and taken into custody in Çanakkale E-Type Prison pending trial on charges of “making propaganda of a terrorist organisation”.

Charges of “making propaganda of a terrorist organisation” are based on Article 220/8 of the Turkish Penal Code, which carries up to three years in prison or four and a half years, should the alleged crime be committed through the press or broadcasting.

Furthermore, on January 24, 2018, Messrs. Mehmet Tuncer, Ali Dağdelen and Abuzer Yavas were arrested and taken into custody, in Malatya (eastern Turkey). The three human rights defenders were initially detained over social media posts. However, as it was later revealed that Mr. Mehmet Tuncel has no social media account, police forces changed the accusation against Messrs. Mehmet Tuncer and Abuzer Yavas to “attending a funeral of an armed militant” which would date back to 2001.

Mr. Ali Dağdelen who remains under investigation on charges of “making propaganda of a terrorist organisation” was released on January 26, 2018, while Messrs. Mehmet Tuncer and Abuzer Yavas were transferred to E Type Prison in Malatya.

The Observatory recalls that the series of arrests ordered against IHD activists began earlier in August, 2017, when Ms. Gülseren Yoleri, President of the IHD Istanbul Branch and IHD Executive Committee member, and Mr. Dogan Ozkan, member of IHD Istanbul executive board were arrested during another demonstration in support of Ms. Nuriye Gülmen and Mr. Semih Özakça, two teachers who have been victims of the wave of dismissals of civil servants which followed the 2016 failed coup in Turkey. Both were victims of ill-treatment during their arrest and three days detention.

In November 2017, Mr. Ozturk Turkdogan, President of the national branch of the Human Rights Association, Ms. Sevim Salihoglu and Ms. Derya Uysal, two IHD Executive Committee members, as well as Ms. Besra Varli, IHD member, were arrested as they were demonstrating in support of Ms. Nuriye Gülmen and Mr. Semih Özakça in front of the Human Rights Statute in Yüksel Avenue, Ankara, and placed in custody before being released on the same day^[3].

The Observatory strongly condemns this new wave of arbitrary arrests targeting human rights defenders, and in particular IHD members, in the exercise of their legitimate and peaceful human rights activities as well as the recurrent obstacles to freedoms of association and peaceful assembly in Turkey.

Accordingly, the Observatory calls upon the Turkish judicial authorities to immediately and unconditionally release Messrs. Ahmet Adigüzel, Hayrettin Pişkin, Mehmet Tuncel and Abuzer Yavas and to put an end to all forms of harassment against them, Ms. Nuray Çevirmen and Mr. Ali Dağdelen as well as against all IHD members.» Quelle: World Organisation Against Torture (OMCT), Turkey, Arbitrary arrest and judicial harassment of six members of IHD and ongoing detention of four of them, 1. Februar 2018:

[www.omct.org/human-rights-defenders/urgent-interventions/turkey/2018/02/d24704/.](http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2018/02/d24704/)

UK Home Office, 2019:

28. **Human Rights Association of Turkey**, 21 June 2019

We are the oldest human rights organisation in Turkey with the widest network. Created in 1986, we now have 28 branches and 5 representatives' offices. In representatives' offices we have only 3 authorised people in each office, whereas in each branch there are 14 executives, 7 of whom are full members and 7 are reserve members.

We currently have 7,945 members. Since our inception years it has been about 50,000.

The undemocratic process in Turkey is over 30 years, a lot of members of the Human Rights Association have had to leave and live in exile.

We are a member of FIDH (International Federation of Human Rights, which is an umbrella international organisation), as well as the Euro-Mediterranean Human Rights Network. Nationally, we are a part of the local Human Rights Joint Platform [IHOP] in Turkey; 6 national human rights organizations, including Amnesty International and Citizens' Assembly, are also members. So, we are a member of a lot of international and local organisations. **We publish reports every year on human rights violations in Turkey. People or relatives of people who think they have a violation of rights apply to the Association for help. We draft shadow reports for international organisations and human rights bodies, including the Council of Europe, UN human rights bodies, etc. İHD also produces thematic and annual reports regularly. And we disseminate the reports to press agencies, mass media, and relevant organisations. Depending on the topic of the reports, they are shared with the Ministry of Justice, the Ministry of Interior and related public institutions, including the parliament. We regularly exchange views with UN human rights bodies under the Human Rights Council (<https://www.ohchr.org/en/hrbodies/sp/pages/welcomepage.aspx>) and other EU organisations. We meet with them when they come to Turkey or when we go abroad. We get applications from people and we try to defend the rights of these people, and try to resolve the allegations. We also produce thematic reports, for example, on the recent allegations of torture in Halfeti in Şanlıurfa; we sent a delegation there and produced a report, which was sent to the prosecutor's office and it was published online on our English website (<https://ihd.org.tr/en/?p=2175>). The Halfeti torture allegations report by the Şanlıurfa Bar Association's Human Rights Centre has been drafted by attorneys who are also members of the Human Rights Association.**

We are fighting and struggling for perpetrators to be punished for their actions, campaigning to put an end to impunity, working with the anti-impunity network. We follow up on important trials in Turkish courts. To summarise, our mission is improving the human rights context in Turkey and raising awareness of human rights in Turkey.

We also train people; we have a human rights academy, where we train human rights activists and advocates. We have commissions on the various dimensions of human rights, and specific human rights, for example child rights, prison conditions, etc.

We have a commission on peace, which is in charge of the democratic resolution of the Kurdish question; we have a lot of commissions. Because there are 25 different thematic issues which we focus on, our activities are widespread. But you can consider us as one of the main actors of the human rights field in Turkey.

When it comes to our search for justice, following up on trials we of course work with lawyers. [...] a lot of our managerial staff are lawyers. We corroborate with the Human Rights Foundation of Turkey when allegations of torture occur; we founded that organisation

in 1990.» Quelle: UK Home Office, Report of a Home Office Fact-Finding Mission Turkey: Kurds, the HDP and the PKK; Conducted 17 June to 21 June 2019, 1. Oktober 2019, S. 98-99:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/850840/turkey-ffm-report-2019.pdf.

USDOS, 11. März 2020:

«Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

(...)

Freedom of Peaceful Assembly

(...)

Istanbul police continued to prevent the vigil of the Saturday Mothers from taking place on Istiklal Street, instead requiring the group to hold the weekly gathering on a nearby side street. Since the 1990s, the Saturday Mothers gathered to commemorate the disappearances of relatives following their detention by security forces in the 1980s and 1990s and to call for accountability. Interior Minister Suleyman Soylu previously accused the group of exploiting the concept of motherhood to mask support for terrorism (...).» USDOS – US Department of State: Country Report on Human Rights Practices 2019 - Turkey, 11. März 2020:

www.ecoi.net/en/document/2026346.html.

Die Schweizerische Flüchtlingshilfe SFH setzt sich dafür ein, dass die Schweiz das in der Genfer Flüchtlingskonvention festgehaltene Recht auf Schutz vor Verfolgung einhält. Die SFH ist der parteipolitisch und konfessionell unabhängige nationale Dachverband der Flüchtlingshilfe-Organisationen. Ihre Arbeit finanziert sie durch Mandate des Bundes sowie über freiwillige Unterstützungen durch Privatpersonen, Stiftungen, Kantone und Gemeinden.

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