

Turkey

Turkey has been experiencing a deepening human rights crisis over the past four years with a dramatic erosion of its rule of law and democracy framework. While the consolidation of President Recep Tayyip Erdoğan's unchecked power continued, local elections on March 31, 2019, saw his Justice and Development Party allied with the far right lose in major cities including Istanbul and Ankara, despite winning 51 percent of votes nationwide. Opposition candidate Ekrem İmamoğlu massively increased his narrow win in Istanbul in a June 23 rerun of the election controversially authorized by the Higher Election Board without legitimate grounds.

Executive control and political influence over the judiciary in Turkey has led to courts systematically accepting bogus indictments, detaining and convicting without compelling evidence of criminal activity individuals and groups the Erdoğan government regards as political opponents. Among these are journalists, opposition politicians, and activists and human rights defenders. The largest group was people alleged to have links with the movement run by US-based Sunni cleric Fethullah Gülen, whom the government accuses of masterminding the July 2016 coup attempt.

On October 9, after the US withdrawal of troops from the region, Turkey invaded territory in northeast Syria, assisted by Syrian non-state actors. Turkey cited its main aim as removing the Kurdish forces and administration that controlled the area on the grounds of their close link to the armed Kurdistan Workers' Party (PKK) with which Turkey had been engaged in a decades' long conflict (see Syria chapter).

After the State of Emergency

Restrictive powers and practices ending in July 2018 have set back Turkey's human rights record.

Terrorism charges continued to be widely misused in the third year after the coup attempt. As of July 2019, Ministry of Justice figures stated that 69,259 people were on trial and 155,560 people still under criminal investigation on terrorism charges in cases linked to the Gülen movement, which Turkey's government terms the Fethullahist Terrorist Organization (FETÖ) and deems a terrorist organization. Of those, 29,487 were held in prison either on remand or following conviction. An estimated 8,500 people—including elected politicians and journalists—are held in prison on remand or following conviction for alleged links with the outlawed Kurdistan Workers' Party (PKK/KCK) and many more on trial but at liberty, although official figures could not be obtained.

Severe restrictions on the right to assembly in Turkey have followed provincial governors being granted extra powers in July 2018 to restrict movement and assemblies in their provinces citing vague public order and security concerns. This has disproportionately affected demonstrations in or concerning the mainly Kurdish southeast and assemblies by lesbian, gay, bisexual or transgender (LGBT) groups throughout the country.

As of October 25, 2019, the commission, established in 2017 to review the mass dismissals of public officials under the state of emergency, had issued decisions in 92,000 cases (with 8,100 reinstated in their jobs or similar measures of redress) and with another 34,200 cases to review. Appeals proceed slowly through two Ankara administrative courts.

Trials continued of military personnel and others for involvement in the July 2016 coup attempt in which 250 people died. As of July, 3,611 defendants were convicted and 2,608 acquitted, according to Ministry of Justice figures. The Court of Cassation began to uphold verdicts in some cases and many appeals are pending.

The Erdoğan presidency's judicial reform amendment package adopted by parliament in October amended various laws, but was too generalized and vague to offer hopes of genuine measures to address the deep and pervasive deficiencies of Turkey's justice system.

Freedom of Expression, Association, and Assembly

An estimated 119 journalists and media workers at time of writing are in pretrial detention or serving sentences for offenses such as “spreading terrorist propaganda” and “membership of a terrorist organization.” Hundreds more are on trial though not in prison. Most media, including television, conforms to the Erdogan presidency’s political line.

Despite a top Court of Cassation ruling to quash the convictions of 13 journalists and executives from the daily *Cumhuriyet* newspaper, at their November retrial the Istanbul lower court defied the top court by once again convicting them of “aiding and abetting terrorist organizations.” The Istanbul court meted out the same prison sentences it gave at their first trial ranging from nearly four years to over eight years, but this time acquitted journalist Kadri Gürsel. All men are at liberty after spending prolonged periods in prison. They are appealing against the convictions.

After being convicted and sentenced to ten years and six months prison for “aiding and abetting a terrorist organization,” at his retrial in November the writer Ahmet Altan was first released from over three years of pretrial detention and then one week later rearrested after an Istanbul court reversed the decision. The entire process against Altan has been arbitrary and demonstrates heavy political interference by the executive.

Journalists working for Kurdish media in Turkey continue to be disproportionately targeted and there are severe restrictions on critical reporting from the southeast of the country. An August regulation binds regular internet broadcasting to Turkey’s official media regulation authority, the Radio and Television Supreme Board (RTÜK), and means that news broadcasts via YouTube, platforms such as Netflix, social media broadcasting via Periscope and other platforms, will all be subjected to the inspection and RTÜK sanctions such as suspension of content if deemed to violate Turkey’s laws. Internet broadcasters must obtain licenses to broadcast in Turkey even if operating from abroad and violation of laws may result in their suspension. Rights groups have concerns that the new regulation may result in further censorship of online news and other content.

Authorities continue to block websites and order the removal of online content while thousands of people in Turkey face criminal investigations, prosecutions, and convictions for their social media posts. There has been a dramatic rise in the number of prosecutions

and convictions on charges of “insulting the president” since Erdoğan’s first election as president in 2014. Wikipedia remains blocked in Turkey since April 2017.

In July, the Constitutional Court ruled that the rights of academics who signed a January 2016 petition had been violated. Cases opened against 822 academics had resulted in hundreds of convictions for “spreading terrorist propaganda” for criticizing the government’s military operations in the southeast and calling for a peace process. The Constitutional Court ruling has led to the acquittal of the academics.

An Istanbul court convicted the Istanbul chair of the Republican People’s Party (CHP), Canan Kaftancıoğlu, on charges including insulting the president, to a nine-year eight-month prison sentence for social media posts dating from 2012-17. The conviction was under appeal at time of writing but if upheld could result in her being barred from political activity and jailed. The case against Kaftancıoğlu is part of a pattern of harassment of opposition politicians.

Human Rights Defenders

The targeting of human rights defenders increased with the June opening of a trial against businessman and civic leader Osman Kavala. Kavala has been held in pretrial detention since November 2017. Along with 15 others engaged in peaceful activism and the arts, he is charged with organizing and financing the 2013 Gezi Park mass protests in Istanbul. Presenting no evidence of criminal activity, the indictment against the 16 also smears US-based philanthropist George Soros and states that he masterminded the Gezi protests. Rights defender Yiğit Aksakoğlu, detained since November 2018, was released at the June hearing. The trial was continuing at time of writing.

The trial of nine prominent rights defenders from Turkey and two foreign nationals continued. All were detained and charged in 2017 with terrorism offenses. Among them are Amnesty International Turkey honorary chair Taner Kılıç, who spent over a year in detention, and former director İdil Eser.

Prosecutions and convictions of lawyers, including some focused on human rights, stood out as exemplifying the abusive use of terrorism charges. In March an Istanbul court convicted Ankara lawyer Selcuk Kozağaçlı, chair of the shuttered Contemporary Lawyers

Association, on charges of membership of an armed organization to a prison sentence of over 11 years, along with 11 other lawyers. Their cases were under appeal at time of writing.

There has been no effective investigation to date into the fatal shooting on November 28, 2015 of human rights lawyer Tahir Elçi.

In April, an Ankara court lifted the Ankara governor's blanket ban in effect since November 2017 on public events by lesbian, gay, bisexual and transgender (LGBT) rights groups. However, bans on events in the city and in other cities around Turkey continue on a systematic basis demonstrating a repressive approach on LGBT rights. The Istanbul annual Pride march was banned for the fifth year, and other pride marches in cities such as Antalya and Izmir were also banned.

Police used teargas to disperse women's rights activists attending the Istanbul International Women's Day demonstration on March 8 to protest the endemic problem of violence against women in Turkey.

Torture and Ill-Treatment in Custody, Abductions

A rise in allegations of torture, ill-treatment and cruel and inhuman or degrading treatment in police custody and prison over the past four years has set back Turkey's earlier progress in this area. Those targeted include Kurds, leftists, and alleged followers of Fethullah Gülen. Prosecutors do not conduct meaningful investigations into such allegations and there is a pervasive culture of impunity for members of the security forces and public officials implicated.

The European Committee for the Prevention of Torture (CPT) has conducted two visits to detention places in Turkey since the coup attempt, one in May 2019, though the Turkish government has not given permission for reports from either visit to be published.

There were abductions of six men in February and one in August in circumstances that amount to possible enforced disappearances by state agents, with six surfacing in police custody months later and then remanded to pretrial detention but restricted from seeing lawyers sent by the families.

Turkish authorities continued to seek the extradition of alleged Gülen supporters, many of them teachers, from countries around the world. Countries that complied with Turkey's requests bypassed legal procedures and judicial review. Those illegally extradited in this way were detained and prosecuted on return to Turkey.

Kurdish Conflict and Crackdown on Opposition

Sporadic armed clashes between the military and the armed Kurdistan Workers' Party (PKK) in the southeast continued through 2019, mainly in rural areas. Once again Erdoğan's government has refused to draw a distinction between the PKK and the democratically elected Peoples' Democratic Party (HDP) which won 11.9 percent of the national vote in the most recent parliamentary elections.

In August, the Interior Ministry removed from office the HDP mayors of Diyarbakır, Van and Mardin greater municipalities, newly elected by the majority of votes in the March 31 local elections, accusing them of links with terrorism on the basis of ongoing criminal investigations and prosecutions. In place of the voters' chosen mayors, the Interior Ministry appointed provincial governors as "trustees" to run the municipalities and dissolved the local council, thus suspending local democracy in each city. In the following months, the removal of other elected HDP mayors in districts in the region continued with 24 removed at the time of writing and 14, including Diyarbakir Mayor Adnan Selçuk Mızraklı, jailed pending investigation and trial.

Cases against HDP politicians provide the starkest evidence that authorities bring criminal prosecution and use detention in bad faith and for political purposes. Turkey failed to comply with a 2018 ECtHR ruling ordering the release of former HDP co-chair Selahattin Demirtaş and appealed to the Court's Grand Chamber. Three days after the September Grand Chamber hearing, President Erdoğan stated that he would not let Demirtaş or his co-chair Figen Yüksekdağ out of prison. The ECtHR is expected to give its ruling in the first half of 2020.

Refugees and Migrants

Turkey hosts the world's largest number of refugees, around 3.7 million from Syria. Turkey also hosts asylum seekers from Afghanistan, Iraq and other countries. The Istanbul governor announced in July that Syrians and others not registered in Istanbul would be transferred to other provinces. The Turkish authorities unlawfully deported some Syrians from Istanbul and other provinces to Syria, including after coercing some of them through violence, verbal threats and the threat of indefinite detention into signing voluntary return forms. The border with Syria remains closed to new asylum seekers. President Erdoğan has repeatedly stated that Syrians in Turkey should be resettled in a safe zone in northeast Syria.

Key International Actors

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

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

The ECtHR ruled in April that former member of the constitutional court Alpaslan Altan had been wrongfully deprived of his liberty because there was a lack of reasonable suspicion to justify his initial arrest after the July 2016 coup attempt. In a September decision relevant to many prisoners held far from their families, the European Court found that transfer to distant prisons constituted a violation of the right to respect for private and family life.