



Turkey: Country Report – Version 1

The situation in Turkey

15 December 2016 (COI up to 7 October 2016)

Turkey Country Report

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Explanatory Note

This report presents country of origin information (COI) on Turkey up to 7th October 2016 on issues of relevance in refugee status determination for Turkish nationals, in particular since the failed *Coup d'état* and the introduction of the State of Emergency.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on **events** after January 2015, particularly those which occurred between 15th July 2016 to 7th October 2016 and all sources were accessed in October and November 2016. Limited COI which pre-dates the cut-off point for research has been included to provide historical context where necessary or to illustrate changes in the post-coup environment and the following sources have been included which post-date the cut-off point given their relevance to the issues addressed in this report:

- ❖ ACAPS, [Turkey](#), last updated 14 October 2016, *Overview: Key Priorities*
- ❖ Human Rights Watch, [Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter](#), 20 October 2016
- ❖ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016
- ❖ Human Rights Watch, [Turkey: Emergency Decrees Facilitate Torture](#), 25 October 2016
- ❖ The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016
- ❖ Daily Sabah, [Parliament's human rights committee head strongly criticizes HRW report on Turkey](#), 28 October 2016
- ❖ CIA, [Chiefs of State and Cabinet Members of Foreign Governments: Turkey](#), Last updated 8 November 2016
- ❖ European Commission, [COMMISSION STAFF WORKING DOCUMENT Turkey 2016 Report](#), 9 November 2016 [only in relation to pre-coup police structure]
- ❖ CIA, [The World Factbook: Turkey](#), last updated 21 November 2016

The following additional sources have been included, post cut-off point, that provide some insights into the provisions contained in the emergency decrees:

- ❖ Mondaq, [Turkey: State Of Emergency In Turkey: An Analysis Of Outcome For Contractual Relationships](#), 25 October 2016
- ❖ Daily Dot, [Turkey uses emergency decree to shut down internet on 11 Kurdish cities to 'prevent protests'](#), 27 October 2016
- ❖ The Constitutional Court of the Republic of Turkey, [PRESS RELEASE CONCERNING THE DECISIONS ON THE DECREE LAWS ISSUED UNDER THE STATE OF EMERGENCY](#), 4 November 2016
- ❖ Council of Europe, Venice Commission, [Turkey – State of emergency decrees - Visit of the delegation of the Venice Commission](#), 3-4 November 2016
- ❖ UN Human Rights Office of the High Commissioner, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey](#), 14-18 November 2016, 18 November 2016

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

Databases consulted:

[76 Crimes](#)
[Assessment Capacities Project \(ACAPS\)](#)
[Al Arabiya](#)
[Al Jazeera](#)
[Al Monitor – Turkey Pulse](#)
[Armed Conflict Location & Event Data Project \(ACLED\)](#)
[Amnesty International](#)
[Article 19](#)
[Association for the Prevention of Torture](#)
[Atlas of Torture](#)
[BBC News](#)
[Bianet](#)
[Brookings Institution](#)
[Carnegie Endowment for International Peace](#)
[CHR Michelsen Institute](#)
[Committee to Protect Journalists](#)
[Council of Europe](#)
[Death Penalty Worldwide \(Cornell Law School\)](#)
[Delegation of the European Union to Turkey](#)
[Deutsche Welle](#)
[Edge Media Network](#)
[Education International](#)
[Eldis](#)
[Equal Rights Trust](#)
[EurasiaNet](#)
[EuroMedRights](#)
[European Centre for Minority Issues](#)
[European Commission – European Neighbourhood Policy and Enlargement Negotiations \(Turkey\)](#)
[France 24](#)
[Forum 18](#)
[Fund for Peace – Fragile States Index 2016](#)
[Gay Star News](#)
[Global Gayz](#)
[Hands off Cain](#)
[Heidelberg Institute for International Conflict Research](#)
[Human Rights Association](#)
[Human Rights Foundation of Turkey](#)
[Human Rights Watch](#)
[Hurriyet Daily News](#)
[Institute for Economics & Peace – Global Peace Index 2016](#)
[Institute for War and Peace Reporting](#)
[Internal Displacement Monitoring Centre](#)
[International Bar Association](#)

[International Commission of Jurists](#)
[International Committee of the Red Cross \(ICRC\)](#)
[International Crisis Group](#)
[International Federation for Human Rights](#)
[International Institute for Strategic Studies](#)
[International Lesbian, Gay, Bisexual, Trans and Intersex Association \(ILGA\)](#)
[International Refugee Rights Initiative](#)
[International Rehabilitation Council for Torture Victims](#)
[Inter Press Service](#)
[IRIN news](#)
[Jamestown Foundation](#)
[KAOS GL](#)
[LegislationOnline](#)
[LGBTI News in Turkey](#)
[Medecins Sans Frontieres/Doctors Without Borders](#)
[Middle East Eye](#)
[Minority Rights Group International](#)
[Organization for Refuge, Asylum & Migration](#)
[Open Society Foundations](#)
[Osservatorio Balcani e Caucaso Transeuropa](#)
[Overseas Development Institute \(ODI\)](#)
[Oxfam](#)
[Penal Reform International](#)
[Physicians for Human Rights](#)
[PinkNews](#)
[Platform for Independent Journalism](#)
[Radio Free Europe/Radio Liberty](#)
[Reporters Without Borders](#)
[Reuters](#)
[Save the Children](#)
[The Association for Human Rights and Solidarity for the Oppressed](#)
[The Guardian](#)
[The Human Rights Institution of Turkey](#)
[UK Foreign and Commonwealth Office – 2015 Human Rights report](#)
[United Nations Children’s Fund \(UNICEF\)](#)
[United Nations Development Programme \(UNDP\)](#)
[United Nations High Commissioner for Refugees \(UNHCR\)](#)
[United Nations Human Settlements Programme \(UNHABITAT\)](#)
[United Nations News Centre](#)
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\)](#)
[United Nations Office on Drugs and Crime \(UNODC\)](#)
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)
[United Nations Population Fund \(UNPFPA\)](#)
[United Nations Special Rapporteur on trafficking in persons, especially in women and children](#)
[United Nations Women](#)
[United Nations World Food Programme \(WFP\)](#)
[United States Institute of Peace](#)
[United States Department of State](#)
[Uppsala Universitet – UCDP Conflict Encyclopedia](#)
[Walk Free Foundation > The 2016 Global Slavery Index](#)
[Washington Post](#)
[Women Under Siege Project](#)

[World Bank](#)

[World Health Organisation](#)

[World Organisation Against Torture](#)

[World Prison Brief](#)

List of Acronyms

AKP	Adalet ve Kalkınma Partisi [Justice and Development Party]
ATL	Anti-Terror Law
CHP	Cumhuriyet Halk Partisi [Republican People's Party]
CPT	(Council of Europe's) Committee for the Prevention of Torture
CSO	Civil Society Organisation
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FETO	Fethullahist terrorist organization [Note that in March 2016 the Gulen movement was declared a terrorist organisation by the Turkish government ¹ and has been referred to since then as the 'Fethullahist terrorist organization' (also known by the abbreviation FETO) ²]
HCJP	High Council of Judges and Prosecutors
HDP	Halkların Demokratik Partisi [Peoples' Democratic Party or Democratic Party of the Peoples]
HPG	Hêzên Parastina Gel [People's Defence Forces]
HRA	Human Rights Association
HRF(T)	Human Rights Foundation (of Turkey)
HSYK	High Council for Judges and Prosecutors
IHD	İnsan Hakları Derneği [Human Rights Association] (also HRA, see above)
KHK	Kanun Hükmünde Kararname [Decrees with Force of Law]
MIT	Millî İstihbarat Teşkilatı [National Intelligence Organization]
MP(s)	Member(s) of Parliament
NHRI	National Human Rights Institution
PKK	Partiya Karkerên Kurdistanê [Kurdistan Workers' Party]
TNP	Turkish National Police
TSK	Türk Silahlı Kuvvetleri [Turkish Armed Forces]

¹BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

² Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Background*, page 11

1. Main Developments since the attempted Coup d'état (July 2016)

a. Overview of major legislative and political developments:

i. Recent legislative developments incl. new amendments or decrees

1. State of Emergency

On 15th July 2016 as a result of an attempted coup, “208 people were killed and more than 1,400 injured across Istanbul and Ankara”³ when “over the course of a violent night, TV stations were raided by soldiers, explosions heard in Istanbul and Ankara, protesters shot at, the parliament and presidential buildings fired upon, a military helicopter shot down and the Turkish military chief taken hostage”.⁴

Deutsche Welle reported on 21st July 2016 that “Turkish lawmakers endorsed President Recep Tayyip Erdogan with sweeping new powers that allow him to expand a crackdown in the wake of [...] failed coup. The 550-member parliament (TBMM) approved Erdogan's request for a three-month state of emergency, with the majority of the chamber being occupied by members of his Justice and Development Party (AKP)”.⁵ The article further noted that “Under the Turkish Constitution, the emergency measures allow the government to suspend ‘the exercise of fundamental rights and freedoms,’ so long as it doesn't violate international law obligations. Lawmakers can sanction, under the terms of the constitution, a state of emergency for a period of up to six months. Kurtulmus [Deputy Prime Minister Numan Kurtulmus] added, however, it may only last up to 45 days”.⁶ Deputy Prime Minister Kurtulmus was quoted as further stating that “no steps would be taken to restrict basic rights and freedoms, adding that ‘the decision on the state of emergency is aimed at cleansing the state of the gang’ of conspirators, referring to the Turkish government's account of the failed coup, which it blames on supporters of US-based cleric Fethullah Gulen and his ‘Hizmet’ movement”.⁷

BBC News noted that “The emergency allows the president and cabinet effectively to rule by decree, bypassing parliament when drafting new laws and able to restrict or suspend rights and freedoms. There are fears that under the state of emergency - and in a country where judicial independence has plummeted - opponents are being rounded up with little chance to clear their name”.⁸

Human Rights Watch noted that “The state of emergency gives the cabinet, headed up by the president, the powers to impose rule by decrees which are published and rushed through parliament for approval the same day. This is the bluntest indication of how this form of governance dispenses with real parliamentary scrutiny. Any possibility of review by the Constitutional Court is curbed. This means that decisions by the executive are not subject to any meaningful checks. It also contravenes the principle of the separation of powers. Beyond that, there is plenty more scope for imposing curfews, banning demonstrations, confiscating newspapers, searching people, and extending police detention periods”.⁹

³ Amnesty International, [Turkey: Human rights in grave danger following coup attempt and subsequent crackdown](#), 18 July 2016

⁴ BBC, [Turkey's coup attempt: What you need to know](#), 17 July 2016

⁵ Deutsche Welle, [Turkey suspends European Convention on Human Rights](#), 21 July 2016

⁶ Deutsche Welle, [Turkey suspends European Convention on Human Rights](#), 21 July 2016

⁷ Deutsche Welle, [Turkey suspends European Convention on Human Rights](#), 21 July 2016

⁸ BBC News, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

⁹ Human Rights Watch, [Dispatches: Turkey's State of Emergency, New Governmental Powers Allow for Unchecked Executive Action](#), 22 July 2016

It was further reported that the Turkish authorities “formally announced that they would derogate from the protections of the European Convention on Human Rights (ECHR), without specifying which ones [...] and that they would derogate from 13 articles of the International Covenant on Civil and Political Rights (ICCPR) including those relating to humane treatment of detainees and the right to a remedy”.¹⁰

A UN Human Rights Office of the High Commissioner (UNOHCHR) article reported that “On 21 July 2016 the Turkish Government notified the UN Secretary-General of its invocation of article 4 of the ICCPR, and that the derogation involved obligations under Articles 2/3 [Discrimination & Remedy/Equality], 9 [Liberty & security], 10 [Liberty], 12 [Movement], 13 [Expulsion], 14 [Rule of law], 17 [Privacy], 19 [Expression], 21 [Peaceful Assembly], 22 [Association], 25 [Democracy], 26 [Equality before the law] and 27 [Minorities] of the ICCPR”.¹¹

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights observed that:

the series of emergency decrees adopted in Turkey since July created very far-reaching, almost unlimited discretionary powers for administrative authorities and the executive in many areas, by derogation from general principles of rule of law and human rights safeguards ordinarily applicable in a democratic society. The vast majority of the interferences with human rights guaranteed under the ECHR which occurred during this period were a direct consequence of the exercise of this discretionary power [...] The Commissioner must also stress that far-reaching, discretionary powers exercised by the administration always engender a certain degree of arbitrariness and erode the rule of law, yet protection of human rights is impossible without the rule of law.¹²

The Council of Europe Commissioner for Human Rights further noted “with regret the Turkish government’s intention to prolong the state of emergency for a further 90-day period, but hopes that this period can be curtailed” and recommended that “the Turkish authorities should immediately start repealing the emergency decrees, starting with the provisions which allow the highest degrees of arbitrariness in their application and stray the widest from ordinary guarantees”.¹³

On 3 October 2016 Radio Free Europe/Radio Liberty reported that the state of emergency was to be extended for another 90 days from 19 October 2016.¹⁴

2. Emergency decrees

a. Decree of 22 July 2016 (KHK 667)

This section should be read in conjunction with sections [1.a.ii.4. Civil service and government ministries](#), [1.a.ii.5. Educational institutions, including Universities](#), [1.a.ii.6. Hospitals/health care](#)

¹⁰Human Rights Watch, [A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, Summary, p. 1-2

¹¹UNOHCHR, [UN experts urge Turkey to adhere to its human rights obligations even in time of declared emergency](#), 19 August 2016

¹²Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, General approach of the state of emergency, paragraph 11, p. 3

¹³Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, General approach of the state of emergency, paragraph 12, p. 3

¹⁴Radio Free Europe/Radio Liberty, [Turkey Extends State Of Emergency By Three Months](#), 3 October 2016

structures, 4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état, 5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan since the attempted Coup d'état, and 6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état.

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 667 can be found [here](#).

Human Rights Watch noted that “The decree was published and became law – no. 667, published in the Official Gazette – on July 23 [2016]. It is the first such decree by the Council of Ministers headed by President Recep Tayyip Erdoğan under Turkey’s three-month state of emergency, which entered into force on July 21 [2016]”.¹⁵

The Turkish Human Rights Association [Insan Haklari Derneği – iHD], founded in 1986 by 98 human rights defenders, reported that the decree allowed the closure of several institutions [emphasis added]:

The Decree having force of Law **Article (2) Clause (1)** declares the closure of the private health institutions and establishments, private education institutions and establishments, private student dorms and guesthouses, foundations/associations and their commercial enterprises, foundation universities, syndicates, federations and confederations that are identified to be owned by, adhered or related to the Pro-Fettullah Terror Organization (FETO/PDY).

Article (2) Clause (2) of the same decree states that “institutions and establishments that are not mentioned in the annexed list, yet are identified to be owned by, adhered or related to the formations or groups or terror organizations determined to pose a threat to the national security; will be closed down by the minister’s approval upon the proposal of the commission to be formed within the related ministry”.¹⁶

The same source noted the following with regards to articles 3, 4, 5, 6, and 9 of the decree [emphasis added]:

The **Articles (3) and (4)** pave the way for the Supreme Court members, judges, prosecutors, local administration personnel, and the higher education staff to be dismissed from profession without conduct of fair investigation. Furthermore, the prohibition of the concerned persons from civil service is not limited to the period of emergence state and is a lifetime prohibition. As such, these articles suspend all the guarantees regulated in the specific laws, and the Constitution. [...]

The **Article (5)** of the Decree clearly violates the freedom of travel, by stating that the passports of those have been subjected to administrative acts, criminal investigation and prosecution will be canceled [sic].

The Decree **Article (6) Clause (1) Section (a)** extends the maximum duration of detention to 30 days, and thus, violates the principle of absolute prohibition of torture, ill-treatment, and degrading treatment, which is guaranteed by the Constitution Article (15) Clause (2), as well as the ECHR Article (15). It should be recalled that even under the absolute martial law, Article (15) of the related law limited the maximum duration of detention to 15 days; this could be protracted for another 15 days with a judge’s decision. The maximum duration of detention cannot be extended by a decree; as a martial law is not declared in Turkey; and the Article (26) of the State of Emergency Law concerning the detention periods was revoked on 1992. When the fact that maximum period of detention has

¹⁵ Human Rights Watch, [Turkey: Rights Protections Missing From Emergency Decree” Orders to Purge Civil Servants, Judges; Close Groups Down](#), 26 July 2016

¹⁶ Human Rights Association, [The Decree Devised within the Scope of the Emergency State Law and Ignoring Human Rights and Fundamental Principles of Rule Of Law Should Be Urgently Revoked!](#), 28 July 2016

been reduced on 1997, from 30 days to 10 days for the regions under the state of emergency, it would be more clear why the current situation is worrying. [...]

The Decree **Article (6)**, regulating several investigational procedures, limiting the access to an attorney at law, and mentioning a new enforcement regime; foresees the application of these regulations until the completion of the trial process concerning persons against whom legal actions are taken. This strongly suggests that the emergency state would extend behind the duration initially stated. From all aspects this situation is worrying, and implies the violation of the right to fair trial.

Like the provisory Article 15 of the Constitution of September 12; the **Article 9** of the concerned decree, brings a complete impunity by stating that no legal, administrative, fiscal and penal responsibility will arise related to the functions fulfilled by the persons taking decisions and implementing actions within the scope of this decree. This is in contradiction with the regulation stated in the ECHR Article (15) Clause (2), and Article (7). It should be underlined that despite the Article 9 of the Decree, the responsibility of those who play a role in the violation of human rights can by no means be ruled out.¹⁷

Human Rights Watch further summarised the main points of the first decree as follows [emphasis added]:

The decree identifies 35 private health clinics and hospitals; 1,043 private schools and student hostels; 1,229 foundations and associations; 15 private universities; and 19 trade unions, federations, and confederations for closure. The decree states they are closed on the grounds that they ‘belong to, are connected or are in communication with the Fethullah Terrorist Organization (FETÖ/Parallel State Structure), which has been identified as a threat to national security.’

As many as 60,000 civil servants – including judges, prosecutors, police, teachers, and bureaucrats – have already been suspended from their jobs, and this decree terminates their careers in public service without a disciplinary investigation.

The decree stipulates that the government can seize property owned by foundations, hospitals, and clinics. Even if institutions or groups are not named in the published lists, under article 2/3, they can still be closed down if they are ‘identified as being a threat to national security or are established as being members of terrorist organizations or linked to them or in contact with them.’ [...]

The decree increases the maximum period of police detention from four days for terrorism and organized crime to 30 days, which violates the European convention, not least as it increases the risk of torture and ill-treatment on top of the reports already documented by Amnesty International of abuses in detention since the failed coup [...]

The decree also stipulates that in cases relating to terrorism and organized crime, communications between a detainee in pretrial detention and their lawyer can be recorded, monitored, limited, or stopped at the request of a prosecutor if the authorities deem that there is a risk to security, or if such communications may be a means of passing on messages or instructions to ‘terrorist or other criminal organizations’ [...]

Another troubling provision says that ‘**individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial or criminal responsibility for those duties performed**’.¹⁸

Human Rights Watch also noted that following the decree, a court decision on 31 July 2016 froze the assets of the “3,048 judges and prosecutors under investigation”.¹⁹

With regards to the numbers of institutions closed and the names of such institutions, the Human Rights Foundation of Turkey reported in its ‘Daily Human Rights reports’ that:

¹⁷ Human Rights Association, [*The Decree Devised within the Scope of the Emergency State Law and Ignoring Human Rights and Fundamental Principles of Rule Of Law Should Be Urgently Revoked!*](#), 28 July 2016

¹⁸ Human Rights Watch, [*Turkey: Rights Protections Missing From Emergency Decree” Orders to Purge Civil Servants, Judges; Close Groups Down*](#), 26 July 2016

¹⁹ Human Rights Watch, [*Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup*](#), 5 August 2016

35 health care organisation, 934 schools, 109 dormitories, 104 foundations, 1125 associations, 15 universities, and 19 unions were closed and banned from activity.

The following universities were closed:

- 1- Altın Koza (İpek) Üniversitesi (Ankara)
- 2- Bursa Orhangazi Üniversitesi (Bursa)
- 3- Canik Başarı Üniversitesi (Samsun)
- 4- Selahattin Eyyubi Üniversitesi (Diyarbakır)
- 5- Fatih Üniversitesi (İstanbul)
- 6- Melikşah Üniversitesi (Kayseri)
- 7- Mevlana Üniversitesi (Konya)
- 8- Şifa Üniversitesi (İzmir)
- 9- Turgut Özal Üniversitesi (Ankara)
- 10- Zirve Üniversitesi (Gaziantep)
- 11- Kanuni Üniversitesi (Adana)
- 12- İzmir Üniversitesi (İzmir)
- 13- Murat Hüdavendigâr Üniversitesi (İstanbul)
- 14- Gediz Üniversitesi (İzmir)
- 15- Süleyman Şah Üniversitesi (İstanbul)

The closed unions are as follows: Unions under Cihan-Sen: Ufuk Büro, Akif Eğitim, Ufuk Sağlık, Ufuk Yerel, Ufuk Haber, Ufuk Kültür, Ufuk Bayındır, Ufuk Ulaştırma, Ufuk Tarım Orman ve Ufuk Enerji. Unions under the confederation Aksiyon İş: Pak Gıda İş, Pak Maden İş, Pak Finans İş, Pak Eğitim İş, Pak Toprak İş, Pak Metal İş, Pak Enerji İş, Pak Taşıma İş and Pak Deniz İş.²⁰

Human Rights Watch summarised the implications of this decree as follows:

The wording of the decree is vague and open-ended, permitting the firing of any public official conveniently alleged to be 'in contact' with members of 'terrorist organizations' but with no need for an investigation to offer any evidence in support of it, [...] The decree can be used to target any opponent – perceived or real – beyond those in the Gülen movement.

Any judge or civil servant, including prosecutors, can also be removed from their jobs on the grounds of being deemed a threat to national security, with no possibility of challenging the decision, reinstatement, or future employment as public officials. In each case the measure to strip people of their position rests on an administrative decision without an investigation.²¹

Similarly, the Council of Europe Commissioner for Human Rights raised on 26 July 2016 the following concerns with regards to decree KHK/667:

[...] in the light of this case-law [[Aksoy v. Turkey](#), judgment of 18 December 1996] that the present Decree authorises detentions without access to a judge for up to thirty days. This period is exceptionally long and will apply not only to those suspected of involvement in the coup attempt, but all persons suspected for involvement in terrorist offences and organised crime, during the validity of the state of emergency.

At the same time, while acknowledging that procedural guarantees applicable to police custody have improved since the abovementioned judgment, I am also concerned about the practical application of this measure, noting in particular the findings of the European Committee for the Prevention of Torture in 2013 that suspects in Turkey may not in all cases have access to a lawyer immediately from the very outset of deprivation of liberty so as to prevent torture and ill-treatment. This is all the more worrying in the light of concerns regarding allegations of torture I expressed in my previous statement.

I consider that the aforementioned Decree contains several other aspects that raise very serious questions of compatibility with the ECHR and rule of law principles, even taking into account the derogation in place:

²⁰ Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

²¹ Human Rights Watch, [Turkey: Rights Protections Missing From Emergency Decree" Orders to Purge Civil Servants, Judges; Close Groups Down](#), 26 July 2016

- Restrictions to the right of access to a lawyer, including the confidentiality of the client-lawyer relationship for persons in detention, which could affect the very substance of the right to a fair trial, and restrictions to visitation rights (Article 6);
- The scope of the Decree, which concerns not only the coup attempt, but the fight against terrorism in general; both for physical and legal persons, punishments foreseen in the Decree apply not only in cases of membership or belonging to a terrorist organisation, but also for contacts with such an organisation (Articles 1, 2, 3 and 4);
- Simplified procedures to dismiss judges, including judges of the Constitutional Court and Supreme Courts, without any specified evidentiary requirements (Article 3);
- The immediate closure of 1 125 associations, 104 foundations, 19 trade unions, 15 universities, 934 private schools, and 35 private medical establishments. I note that it is not the activities of these bodies that are suspended or placed under trustee control: they are disbanded and their assets revert automatically to state authorities. The Decree further provides a simplified administrative procedure for the disbanding of further organisations (Article 2);
- A simplified administrative procedure to terminate the employment of any public employee (including workers), with no administrative appeal and no evidentiary requirements (Article 4);
- Automatic cancellation of passports of persons being investigated or prosecuted, without court order (Article 5);
- Cancellation of rental leases between public bodies and persons considered to be a member of or in contact with a terrorist organisation, a measure that is likely to affect not only the suspects but also their families (Article 8).

Another worrying feature of the Decree is that it foresees complete legal, administrative, criminal and financial impunity for administrative authorities acting within its framework (Article 9) and the fact that administrative courts will not have the power to stay the execution of any of these measures (Article 10), even if they consider that such measures are unlawful. These two provisions effectively remove the two main safeguards against the arbitrary application of the Decree. In my view, given the extremely broad and simplified procedures, arbitrariness is in all likelihood unavoidable and damages caused to any physical or legal person may therefore be irrevocable. Such urgency and derogation from ordinary guarantees of due process might be necessary for certain groups, for example for military personnel in the light of the shocking events of 15 July, but perhaps not for others.²²

The Council of Europe Commissioner for Human Rights raised his fear that “the combination of such a wide scope, extremely wide and indiscriminate administrative powers affecting core human rights, and the erosion of domestic judicial control may result in a situation where the very foundations of rule of law are put in jeopardy, and where the ECtHR [European Court of Human Rights] will have to face a huge number of new cases coming from Turkey. Violations of other core Council of Europe standards, and in particular of the European Social Charter, are also likely”.²³

The Turkish Human Rights Association stated on 28 July 2016 that the first decree of 23 July 2016 “is clearly incompatible with the Turkish Constitution Article (15) Clause (2); European Convention on Human Rights (ECHR) Article (15); and even with the articles of the Turkish Constitution concerning the decrees during emergency states” and further noted that the decree “comprised of clauses almost none of which can be linked to the subject and duration of the state of emergency declared. These clauses can not be explained on the basis of principle of proportionality”.²⁴

²² Council of Europe Commissioner for Human Rights, [Measures taken under the state of emergency in Turkey](#), 26 July 2016

²³ Council of Europe Commissioner for Human Rights, [Measures taken under the state of emergency in Turkey](#), 26 July 2016

²⁴ Human Rights Association, [The Decree Devised within the Scope of the Emergency State Law and Ignoring Human Rights and Fundamental Principles of Rule Of Law Should Be Urgently Revoked!](#), 28 July 2016

b. Decree of 25 July 2016 (KHK/668)

This section should be read in conjunction with sections [2.a. Access to justice](#), [3.a. Freedom of speech, expression and assembly](#), [3.h. Torture and other ill-treatment and abuse](#), and [6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état](#).

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 668 can be found [here](#).

With regards to the 2nd decree, Benjamin Ward, Human Rights Watch's Deputy Director of the Europe and Central Asia Division summarised the implications as follows:

A second decree on July 27 permits prosecutors to restrict a detainee's access to a lawyer for the first five days of police detention. Evidence is already emerging that military officials and others arrested in connection with the coup have been subject to torture or ill-treatment in custody.²⁵

The second decree also allowed for the closure of several media outlets, reported the Human Rights Foundation of Turkey in its 'Daily Human Rights reports':

45 papers, 16 TV stations, 15 journals and magazines, 3 news agencies, 23 radio stations, and 29 publishing companies were closed. The Minister Transportation was also authorised to close any media company having relation to an organisation or a group threatening national security.

Following papers were closed with the decree: Millet, Bugün, Meydan, Özgür Düşünce, Taraf, Yarına Bakış, Yeni Hayat, Zaman, Today's Zaman, Adana haber, Adana medya, Akdeniz Türk, Şuhut'un Sesi, Kurtuluş, Lider, İscehisar Durum, Türkeli, Antalya, Yerel Bakış, Nazar, Batman, Batman Postası, Batman Doğu, Bingöl Olay, İrade, İskenderun Olay, Ekonomi, Ege'de Son Söz, Demokrat Gebze, Kocaeli Manşet, Bizim Kocaeli, Haber Kütahya, Gediz, Zafer, Hisar, Turgutlu Havadis, Milas Feza, Türkiye'de Yeni Yıldız, Hakikat, Urfa Haber Ajansı, Ajan11, Yeni Emek, Banaz Postası, Merkür Haber.

Closed TV stations: Barış TV, Bugün TV, Can Erzincan TV, Dünya TV, Hira TV, Irmak TV, Kanal 124, Kanaltürk, Mc TV, Mehtap TV, Merkür TV, Samanyolu haber, Samanyolu TV, Srt Televizyonu, Tuna Shopping, Yumurcak TV.

Closed journals and magazines: Sızıntı, Nokta, Aksiyon, Akademik Araştırmalar Dergisi, Asya Pasifik, Bisiklet Çocuk, Diyalog Avrasya, Ekolife, Ekoloji, Fountain, Gonca, Gül Yapağı, Yağmur, Yeni Ümit, Zirve.

Closed news agencies: Cihan Haber Ajansı, Muhabir Haber Ajansı, Sem Haber Ajansı.

Closed radio stations: Aksaray Mavi Radyo, Aktüel Radyo, Berfin FM, Burç FM, Cihan Radyo, Dünya Radyo, Esra Radyo, Haber Radyo Ege, Herkül FM, Jest FM, Kanaltürk Radyo, Radyo 59, Radyo Aile Rehberi, Radyo Bamteli, Radyo Cihan, Radyo Fıkıh, Radyo Küre, Radyo Mehtap, Radyo Nur, Radyo Şimşek, Samanyolu Haber Radyosu, Umut FM, Yağmur FM.

Closed publishing companies: Altın Burç, Burak Basın Yayın, Define, Dolunay Eğitim, Giresun Basın Yayın, Gonca, Gülyurdu, GYV, Işık Akademi, Işık Özel Eğitim, Işık İklim Basım Yayın Pazarlama, Kaydırak, Kaynak, Kervan Basın, Kuşak, Muştı, Nil, Rehber, Sürat Basım Yayın Reklamcılık, Sütun, Şahdamar, Ufuk Basın Yayın Haber Ajans Pazarlama, Ufuk Yayınları, Waşanxaneya Nil, Yay Basın Dağıtım Paz. Reklamcılık, Yeni Akademi, Yitik Hazine, Zambak Basım Yayın Eğitim Turizm.²⁶

The same source further noted that the decree allowed "public servants who were recalled in connection with coup d'état attempt were revoked the right of returning to duty. Council of Ministers was authorised for new public servant appointments and the number of the new public servants to be appointed decided to be unlimited. The police was also authorised with the decrees

²⁵ Human Rights Watch, [The Government Response to Turkey's Coup Is an Affront to Democracy](#), 3 August 2016

²⁶ Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

to act without the decision of a public prosecutor or judge. The police was authorised to interrogate arrestees or convicts”.²⁷

The Turkish Minute reported on 23 September that the Turkish opposition party the Republican People’s Party (CHP), initiated a legal challenge to the Constitutional Court as to the validity of decree KHK/668.²⁸ However, on 12 October 2016 the Constitutional Court declined to review the constitutionality due to “lack of jurisdiction”.²⁹ According to the Council of Europe Commissioner for Human Rights, as of 7 October 2016, 20,000 new applications had been handed to the Constitutional Court since 15 July 2016 challenging the dismissal of civil servants without judicial remedy.³⁰

c. Decree of 31 July 2016 (KHK/669)

This section should be read in conjunction with sections [1.a.ii.5. Educational institutions, including Universities](#), [1.a.ii.6. Hospitals/health care structures](#), and [1.b.2. Armed forces/Military](#).

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 669 can be found [here](#).

The Turkish national news agency AA summarised the provisions under the third emergency decree as follows:

Turkey’s Official Gazette announced on Monday that under a statutory decree, seen as part of Turkey’s current three-month state of emergency, the prime minister, chief of General Staff, the deputy prime ministers, justice minister, foreign minister, interior minister, defense minister and force commanders would join to the Supreme Military Council (YAS).

Under the statutory decree, Turkey’s land, naval, and air forces are now under control of the Defense Ministry.

The move allows the president and the prime minister to receive information directly from the force commanders when it is necessary and to give them direct orders, which will be fulfilled immediately without approval from any authority.

Turkish Coast Guard and Gendarmerie General Command have been brought under the control of the Interior Ministry. A new university called the National Defense University will be established under the Defense Ministry.

The university will offer new institutions to train staff officers and give postgraduate education, including war academies and vocational schools that train non-commissioned officers.

The decree also assigns Ankara’s Gulhane Military Medical Academy and military hospitals across Turkey under the Health Ministry. Health service priorities will be given to the relatives of martyrs and veterans.

Turkey’s war academies, military high schools, and high schools that train non-commissioned officers have been closed.

Students who continue their studies in war schools, faculty and colleges will be registered to appropriate faculties and colleges.³¹

Hurriyet Daily News noted on 2 August 2016 that as part of this decree “GATA [Gülhane Military Hospital], military hospitals and TSK health service units were transferred to the Health Ministry”.³²

²⁷ Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

²⁸ Turkish Minute, [CHP takes gov’t decree No.668 to Constitutional Court for cancellation](#), 23 September 2016

²⁹ The Constitutional Court of the Republic of Turkey, [PRESS RELEASE CONCERNING THE DECISIONS ON THE DECREE LAWS ISSUED UNDER THE STATE OF EMERGENCY](#), 4 November 2016

³⁰ Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, Remedies, paragraph 43, p. 8

³¹ AA, [Turkey’s military restructured after failed coup bid](#), 1 August 2016

Al-Monitor reported on 3 August 2016 that “at least 4,000 students are expected to be affected by [this decree] to close all military high schools and military academies [...] The schools are being closed because the government believes that they have been infiltrated by the so-called Fethullah Gulen Terror Organization (FETO) and that about 95% of the student body identifies with FETO”.³³

d. Decrees of 17 August 2016 (KHK/670 and 671)

This section should be read in conjunction with sections [1.b.2.a. Treatment of armed forces/soldiers](#), [3.f. Prison conditions](#), and [6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état](#).

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 670 and 671 can be found [here](#).

Hurriyet Daily News reported that Turkey issued two decrees under emergency rule on 17 August 2016 “dismissing more than 2,000 police officers and hundreds of members of the military and the Information and Communication Technologies Authority (BTK) over last month’s attempted military coup”.³⁴ According to the same source the decrees also “included a decision to close the Telecommunications Directorate (TİB) and another decision under which the president will appoint the head of the armed forces”.³⁵

The same source in another article noted that “Turkey is set to release 38,000 prisoners as part of two new state of emergency decrees published in the Official Gazette on Aug. 17, in an apparent move to reduce its prison population to make space for thousands of people who have been arrested as part of a probe into the July 15 failed coup attempt”.³⁶ The same source further reported that “The decree foresees the release of inmates who have two years or less to serve on their prison terms and allows convicts who have served half of their prison term to become eligible for parole. Some prisoners are excluded from the measures: people convicted of murder, domestic violence, sexual abuse, terrorism and other crimes against the state. The measures will not apply to crimes committed after July 1 and will exclude any people later convicted of involvement in the failed takeover”.³⁷

According to the same article the decrees also “ordered the dismissal of 2,360 more police officers, 24 personnel from the Turkish Coast Guard Command, 112 personnel from the Turkish Armed Forces (TSK) and 196 staff at Turkey’s Information and Communication Technologies Authority (BTK). A total of 2,692 civil servants were also fired”.³⁸

The British Chamber of Commerce in Turkey (BCCT) provided the following summary in relation to decrees 670 and 671 and their implications for companies operating in Turkey: “Notable aspects include the Presidency of Telecommunication and Communication being closed down, measures introduced for assets transfers from closed institutions to government bodies, as well as the

³²Hurriyet Daily News, [Anti-Gülen operation spreads to Turkey’s largest military hospital](#), 2 August 2016

³³Al-Monitor, [Gülen movement’s youngest victims speak out in Turkey](#), 3 August 2016

³⁴Hurriyet Daily News, [Turkey dismisses more than 2,000 police officers over coup bid](#), 17 August 2016

³⁵Hurriyet Daily News, [Turkey dismisses more than 2,000 police officers over coup bid](#), 17 August 2016

³⁶Hurriyet Daily News, [Turkey is set to release up to 38,000 prisoners](#), 17 August 2016

³⁷Hurriyet Daily News, [Turkey is set to release up to 38,000 prisoners](#), 17 August 2016

³⁸Hurriyet Daily News, [Turkey is set to release up to 38,000 prisoners](#), 17 August 2016

suspension period being extended to 30 days for transactions suspected of being related to money laundering or terror financing”.³⁹

An article published by Mondaq commented on the following provisions with regards to Decree 670:

The Council of Ministers further issued the Decree Law on the measures taken under the State of Emergency no. 670 (Decree Law no. 670) on August 17, 2016, which provided relief to the uncertainty of the aftermath of those transfers. Indeed, Decree Law no. 670 stated that those who have a claim with respect to the obligations and liabilities shall apply to the relevant administration with the ledgers, registers and documents that substantiate the conviction within the sixty days' period starting from the date of entry of the Law. With respect to the closure procedures, which shall be carried out subsequent to the date of entry of the Law, the sixty days' period shall start running from the date of closure. Thus, the procedures and principles concerning the assets, receivables and debts of those institutions and organizations are established and receivables of the bona fide third persons from the transferred institutions and organizations have been reserved in order to prevent any victimization in the legal relations and protect the financial order.⁴⁰

With regards to Decree 671 a Daily Dot article reported that it “amends the Law of Digital Communications and authorizes Turkey’s government to take ‘any necessary measure’ on the grounds of ‘national security, public order, prevention of crime, protection of public health and public morals, or protection of the rights and freedoms.’ The same decree obliges any company that provides digital communications, including cable or cellular network providers, to enforce government’s orders within two hours”.⁴¹

With regards to Turkey shutting down its Telecommunication Authority, IP.TECH⁴² noted on Decree 671 that:

TIB (Telecommunication Authority), which was established in 2005 in order to perform a wide spectrum of duties from interception of communications to supervision of content published on the internet, is closed pursuant to Article 22 of the Decree No. 671 which was published in the Official Gazette today due to association with the terrorist organization called FETO. The Decree amended the Law No. 5651 (shortly Law on Content Published on Internet) and transferred all legal authority of TİB to BTK (Information Technologies Authority) as of August 17, 2016.⁴³

According to Yenisafak, Decree 671 also authorised the release of “convicts, imprisoned in closed, semi-open and open prisons”.⁴⁴

e. Decrees of 1 September 2016 (KHK/672, 673 and 674)

This section should be read in conjunction with sections [1.a.ii.1. Central Government](#), [1.a.ii.3. Legal and judicial institutions](#), [1.a.ii.4. Civil service and government ministries](#), [3.f. Prison conditions](#), [4.b. Business owners/company executives](#) and [6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état](#).

³⁹British Chamber of Commerce in Turkey (BCCT), [Implications for companies of legislative changes made during Turkey's state of emergency](#), 7 September 2016

⁴⁰Mondaq, [Turkey: State Of Emergency In Turkey: An Analysis Of Outcome For Contractual Relationships](#), 25 October 2016

⁴¹Daily Dot, [Turkey uses emergency decree to shut down internet on 11 Kurdish cities to 'prevent protests'](#), 27 October 2016

⁴²According to its 'About Us' webpage, IP.TECH states that it is a “boutique law firm focusing on Intellectual Property & Technology matters”. See IP.TECH, About Us, Undated [Last accessed: 1 December 2016]

⁴³IP.TECH, [Turkey Shuts Down Telecommunication Authority](#), 17 August 2016

⁴⁴Yenisafak, [Nearly 34,000 convicts released in Turkey under the decree-law](#), 2 September 2016

An English translation of the *Kanun Hukmunde Kararname* (KHK) [emergency decree adopted within the framework of the state of emergency], provided by the Turkish authorities, of No 672, No 673, and No 674 can be found [here](#).

Hurriyet Daily News reported that “Three new state of emergency decrees were published, paving way for the dismissals of more than 40,000 public employees, of whom more than half of were from the Education Ministry, over their suspected links to the Fetullahist Terrorist Organization (FETÖ)”.⁴⁵

In addition the same source noted that:

Another regulation involved in the decrees concerned the return of judges and prosecutors who had retired of their own will. The gazette said retired judges and prosecutors would be allowed to return to work if they applied to do so in the next two months.

A controversial issue regarding the appointment of trustees to municipalities was also passed amid the state of emergency decrees. Trustees will be appointed to municipalities if mayors, deputy mayors or members of the municipal council are suspended on terror charges, according to the decree.

The names to be appointed will be determined by the interior minister if the suspension affects a metropolitan municipality and will be determined by the governor in other municipalities.⁴⁶

Human Rights Watch reported on the following changes brought along by decree KHK/673:

the government dissolved all the current prison monitoring boards whose members are appointed by justice commissions operating in provincial courthouses. The decree instructs that the boards be reestablished from scratch. These prison monitoring boards have to date not been an effective instrument for examining prison conditions: they lack independence; the appointment of their members is not a transparent process; and they have no public reporting function. Nonetheless, the dissolution of the boards in the present circumstances sends a message that the government is seeking to prevent the monitoring of places of detention rather than to promote it in the face of serious allegations of abuse. It is also noteworthy that the decree announcing the dissolution of the prison oversight boards coincided with an ad hoc visit to Turkey of the Council of Europe’s Committee for the Prevention of Torture from August 30 to September 6.⁴⁷

An article published by Mondaq found the following in relation to Decree 674:

Indeed, the Decree Law on the measures taken under the State of Emergency no. 674 (Decree Law no. 674) on September 1, 2016, stipulates that the authorities of trustees who were appointed to the companies on the grounds of their membership, coherence or relation to terrorist organizations will be transferred to the Saving Deposits Insurance Fund (TMSF or "Fund" which is an independent administrative authority and assigned to financially fight terrorist organizations and provide uniformity in the acts of trustees) by a judge or court, and the task of trustees will end in accordance with the Code of Criminal Procedure Law No. 5271. Based on the Decree Law no. 674, the authorities of trustees were transferred to the TMSF and thus the trustees will be in charge until transfer transactions are finalized.⁴⁸

⁴⁵Hurriyet Daily News, [Thousands of public employees sacked with latest decree in Turkey](#), 2 September 2016

⁴⁶Hurriyet Daily News, [Thousands of public employees sacked with latest decree in Turkey](#), 2 September 2016

⁴⁷Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *No monitoring of places of detention* p. 25

⁴⁸Mondaq, [Turkey: State Of Emergency In Turkey: An Analysis Of Outcome For Contractual Relationships](#), 25 October 2016

f. Additional decrees passed

Hurriyet Daily News reported on 23 September 2016 that “Police chiefs from 40 Turkish provinces, along with a number of bureau chiefs, are to be suspended from their duties as part of a forthcoming decree law, expected to be launched with President Recep Tayyip Erdoğan’s arrival in Turkey, aiming to clear Gülen-linked police chiefs from public posts, according to information obtained from sources”.⁴⁹

The authors of this report acknowledge that additional emergency decrees have been passed since the cut-off period of research for this report. It is envisaged that the upcoming report expected in December 2016 following the visit of the delegation of the Venice Commission of the Council of Europe will contain further information on these.⁵⁰

g. Observations on the decrees by the Council of Europe Commissioner for Human Rights

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights provided the following observations with regards to the decrees issued in the aftermath of the attempted coup:

The Commissioner observes that, although the emergency decrees have affected almost all sectors of public life, from the public to the private sector, the measures they foresee and the criteria and procedural framework they set out for their application are remarkably uniform:

- The measures concerned include mainly suspensions or dismissals from service for public employees and members of the judiciary, and complete dissolution and irrevocable seizure of assets for non-governmental or other private legal entities.
- In terms of scope, they apply to anyone “assessed to be” a member of or belonging to a terrorist organisation, but also for acting in union (“iltisak”) or contacts (“irtibat”) with such an organisation. The criteria for assessing membership or contacts, or the degree beyond which such membership or contacts justify the application of the measures, have not yet been specified, either in the decrees or otherwise.
- Where they do not outright provide lists of persons and legal entities being subjected to the measures, the decrees provide for simplified administrative procedures for the application of sanctions. These waive the ordinary administrative safeguards and involve decisions by restricted administrative commissions in each institution on the basis of which the relevant Minister takes a final decision.
- Similarly, the High Council of Judges and Prosecutors (HSYK), the High Courts and the Constitutional Court are empowered to dismiss judges and prosecutors on the basis of an “assessment” (rather than a reasoned judgment) of their membership or contacts, without having to observe any of the constitutional or legislative safeguards designed to protect the members of the judiciary.
- The decrees do not specify any evidentiary criteria or requirements on which these “assessments” must be based, thereby allowing for an extremely wide margin of appreciation to the executive and administration. Neither do they require the measures with respect to each natural or legal person to be reasoned or individualised.
- Full legal, administrative, criminal and financial immunity is afforded to administrative authorities acting within the framework of the decree.
- Administrative courts are prevented from issuing stays of execution regarding these measures.

The Commissioner was informed that in the practical application of these measures, the persons in question were not provided with evidence against them and were unable to defend themselves in an

⁴⁹Hurriyet Daily News, [Police chiefs of 40 provinces to be suspended with new decree law: Sources](#), 23 September 2016

⁵⁰See Council of Europe, Venice Commission, [Turkey – State of emergency decrees - Visit of the delegation of the Venice Commission](#), 3-4 November 2016

adversarial manner in many cases. Many had also not been aware of any investigation against them until their dismissal was notified to them by the administration or published in a decree. It has been reported that the operation of the administrative commissions has also been very opaque, and the Commissioner received allegations that certain decisions were based on simple hearsay or a global impression about the person, based for example, on their social environment [...]

In the opinion of the Commissioner, the application of such sweeping discretionary powers cannot be justified in the same way concerning the various groups they affect, as the rights protected under the ECHR and other international standards vary greatly from one sector to another.⁵¹

With regards to the issuance of further decrees the Council of Europe Commissioner for Human Rights noted his concerns as follows:

the Commissioner finds it very problematic that the Turkish government already introduced amendments to many laws through emergency decrees, thus entirely bypassing ordinary legislative procedure. These include such crucial laws as the Anti-Terrorism Law, Code of Criminal Procedure or the Provincial Administration Law which are likely to have a direct impact on the protection of human rights in Turkey, an impact which would carry on after the lifting of the state of emergency. In the Commissioner's opinion, it would be appropriate to repeal these amendments at the end of the state of emergency and re-submit them, if necessary, to the Parliament for enactment, after a proper parliamentary procedure. In this connection, the Commissioner highly appreciates the assurances given by the Minister of Justice that any permanent amendment would be first discussed and enacted by the Parliament.⁵²

ii. Recent political developments in particular regarding changes affecting government structures:

1. Central Government

Pre-coup situation

The Council of Europe's Group of States against Corruption (GRECO) evaluation report on Turkey published in March 2016 provides a useful overview of Turkey's parliamentary system:

- ❖ Council of Europe, Group of States against Corruption (GRECO), [*FOURTH EVALUATION ROUND. Corruption prevention in respect of members of parliament, judges and prosecutors*](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016

Turkey's first direct presidential election was won by Recep Tayyip Erdogan, Turkey's then prime minister, on 10 August 2014.⁵³ He managed to secure 51.79 percent of the votes.⁵⁴ According to Al Jazeera, "The presidency in Turkey has relatively more powers compared to similar parliamentary governments. The office has the power to promulgate laws or return them to the parliament for reconsideration, to call public referendums, to call new parliamentary elections, to appoint the prime minister, ministers and key bureaucrats".⁵⁵

⁵¹Council of Europe Commissioner for Human Rights, [*Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey*](#), 7 October 2016, *General considerations about administrative measures*, paragraphs 23, 24 and 26, p. 5

⁵²Council of Europe Commissioner for Human Rights, [*Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey*](#), 7 October 2016, *Other considerations*, paragraph 46, p. 9

⁵³Al Jazeera, [*Erdogan wins Turkey's presidential election*](#), 11 August 2014

⁵⁴OSCE/ODIHR, [*Republic of Turkey, Presidential Election 10 August 2014, OSCE/ODIHR Limited Election Observation Mission, Final Report*](#), 18 November 2014, *Annex I: Final election results*, p. 26

⁵⁵Al Jazeera, [*Erdogan wins Turkey's presidential election*](#), 11 August 2014

Post-coup situation

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights raised the following concern with regards to amendments to the Municipality Law introduced in the aftermath of the attempted coup:

The Commissioner has concerns about the fact that one of the emergency decrees introduced amendments to the Municipality Law, allowing the Turkish government to replace mayors or deputy mayors who have been dismissed or arrested for membership or aiding and abetting of a terrorist organisation, rather than allowing municipal councils to replace them or renewing the local elections at the earliest opportunity. This poses fundamental problems vis-à-vis principles of local democracy and is likely to create resentment in the local populations concerned, as it can be perceived as a collective sanction.⁵⁶

Further information on changes to the Municipality Law can be found above in section [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#).

2. Political parties

Pre-coup situation

The Council of Europe's Group of States against Corruption (GRECO) evaluation report on Turkey, published in March 2016, provided the following overview on Turkey's parliamentary system:

The Republic of Turkey is a parliamentary democracy with a written Constitution. The Grand National Assembly of Turkey (GNAT), Parliament, is a unicameral body given the legislative prerogatives by the Turkish Constitution. It is composed of 550 deputies. The members of parliament- deputies - are directly elected by popular vote every four years by equal suffrage and secret ballot (Constitution, Articles 75 and 77). Seats are allocated to political parties based on the principle of the d'Hondt system.⁵⁷

Turkey held two parliamentary elections in 2015, one in June, which proved inconclusive, and one in November 2015.⁵⁸

In June 2015 the "AKP of president Recep Tayyip Erdoğan failed to win an outright majority for the first time since taking power in 2002. And coalition talks with opposition parties didn't work out" reported The Guardian at the end of October 2015.⁵⁹

The second parliamentary election took place on 1 November 2015 for which 16 parties and 21 independent candidates registered.⁶⁰ The OSCE/ODIHR Election Observation report noted that the

⁵⁶ Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, Other considerations, paragraph 45, p. 9

⁵⁷ Council of Europe, Group of States against Corruption (GRECO), [FOURTH EVALUATION ROUND, Corruption prevention in respect of members of parliament, judges and prosecutors](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016, III. CORRUPTION PREVENTION IN RESPECT OF MEMBERS OF PARLIAMENT, Overview of the parliamentary system, paragraph 17, p. 9

⁵⁸ The Guardian, [Turkey election 2015: a guide to the parties, polls and electoral system](#), 28 October 2015

⁵⁹ The Guardian, [Turkey election 2015: a guide to the parties, polls and electoral system](#), 28 October 2015

⁶⁰ OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, I. Executive Summary, p. 1

Supreme Board of Elections (SBE) announced the final results on 12 November 2015, which were contested by the People’s Democratic Party (HDP), claiming that the “electoral process was not free and fair”.⁶¹ According to the same source, the SBE “rejected all but two appeals”.⁶² The ruling AKP took 49.50 percent of the votes, followed by the CHP [Cumhuriyet Halk Partisi – Republican People’s Party] with 25.32 percent.⁶³ The division of seats are as follows:

- Justice and Development Party (AKP): 317/550
- Republican People’s Party (CHP): 133/550
- People’s Democratic Party (HDP): 59/550
- Nationalist Movement Party (MHP): 40/550
- Independent candidate: 1/550.⁶⁴

Post-coup situation

Amongst the sources consulted within the time frame for this research, no specific information was found on proposed changes to the structure and set up of political parties following the attempted coup. However, information included in section [5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan since the attempted Coup d’état](#) highlight the pre- and post-coup situation for perceived and real opponents of the current government, and in section [7.a.ii Exclusion from the public sphere](#) specifically highlight the situation for Kurdish politicians.

3. Legal and judicial institutions

This section should be read in conjunction with section [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#).

For information on how the institutions operate in practice, see section [2. Rule of law / Administration of Justice](#)

Pre-coup situation

The Council of Europe’s Group of States against Corruption (GRECO) evaluation report on Turkey, published in March 2016, provided the following overview on Turkey’s judicial system:

The judicial system in Turkey is regulated in the Constitution (Part 3, Chapter 3) and several laws (in particular, the Law on Judges and Prosecutors (LJP), the Law on the High Council of Judges and Prosecutors (LHCJP) and the Law on Establishment, Duties and Capacities of the First Instance Courts, Regional Courts of Appeal in Civil Jurisdiction).

The judiciary consists of professional career judges and prosecutors. Judges and prosecutors belong to a single professional corpus, governed by the High Council for Judges and Prosecutors (HCJP) and are,

⁶¹ OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, I. Executive Summary, p. 1

⁶² OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, I. Executive Summary, p. 1

⁶³ OSCE/ODIHR, [Republic of Turkey, Early Parliamentary Elections, 1 November 2015, OSCE/ODIHR Limited Election Observation Mission Final Report](#), 28 January 2016, Annex I: Final election results, p. 24

⁶⁴ The Grand National Assembly of Turkey, [Allocation of seats according to political parties](#), Undated [Last accessed: 23 November 2016]

to a large extent, governed by the same rules, including those relating to recruitment, career, integrity and disciplinary accountability.⁶⁵

More detailed background information can be found in the remainder of the report, including a useful diagram on page 26:

- ❖ Council of Europe, Group of States against Corruption (GRECO), [*FOURTH EVALUATION ROUND, Corruption prevention in respect of members of parliament, judges and prosecutors*](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016

The U.S. Department of State reported in its annual report covering 2015 that “the Supreme Board of Judges and Prosecutors (HSYK) [...] selects judges and prosecutors and is responsible for court oversight”.⁶⁶ The same source further noted in relation to so-called ‘penal judges of peace’ courts that “While ‘specially authorized courts’ were abolished in 2014, the government subsequently created new ‘penal judges of peace’ courts with the authority to decide on issuance of arrest and search warrants, seizure of property, and detentions during the investigative phase of a single case; appeal from peace court rulings is limited to other judges within the peace courts. Critics charged the new system grants extraordinary powers to judges, that many of the appointed judges were progovernment, and that the new courts simply replaced the abolished special courts”.⁶⁷ Amnesty International in its annual report covering 2015 found that “Criminal Courts of Peace – with jurisdiction over the conduct of criminal investigations, such as pre-charge detention and pre-trial detention decisions, seizure of property and appeals against these decisions – came under increasing government control”.⁶⁸

The Council of Europe issued a report in June 2016 on the ‘functioning of democratic institutions in Turkey’ and found “worrying developments with respect to the rule of law and the independence of the judiciary”, bolstering the perception that “the justice system is State controlled, as shown by the adoption of amendments to the Turkish Criminal Code and Code of Criminal Procedure and, in particular, the restructuring of the Supreme Council of Judges and Prosecutors”.⁶⁹

The International Commission of Jurists reported in June 2016 that “Since 2014, there have been a series of alarming developments affecting the institutions of the Turkish judicial system, including retrogressive amendments to the legislative framework, increased executive control in practice of the governing institutions of the judiciary and prosecution service; the arrest, dismissal and arbitrary transfer of judges and prosecutors; and recurring instances of violence and threats against lawyers. There are strong indications that, taken together, these measures may amount to a concerted attack on the independence of the judiciary, prosecution and legal profession, whose integrity and effectiveness is essential to the operation of the Turkish justice system and to the maintenance of the rule of law”.⁷⁰

⁶⁵ Council of Europe, Group of States against Corruption (GRECO), [*FOURTH EVALUATION ROUND, Corruption prevention in respect of members of parliament, judges and prosecutors*](#), Adopted by GRECO at its 69th Plenary Meeting (Strasbourg, 12-16 October 2015), 17 March 2016, IV. CORRUPTION PREVENTION IN RESPECT OF JUDGES Overview of the judicial system, paragraphs 95 and 96, p. 25

⁶⁶ U.S. Department of State, [*Country Reports on Human Rights Practices for 2015: Turkey*](#), 13 April 2016 (last updated: 14 June 2016), Section 1. e. Denial of Fair Public Trial

⁶⁷ U.S. Department of State, [*Country Reports on Human Rights Practices for 2015: Turkey*](#), 13 April 2016 (last updated: 14 June 2016), Section 1. e. Denial of Fair Public Trial

⁶⁸ Amnesty International, [*Annual Report 2015/2016*](#), 23 February 2016, Turkey, Background, p. 369

⁶⁹ The Council of Europe, [*The functioning of democratic institutions in Turkey*](#), 6 June 2016, 5. Functioning of the judiciary, paragraph 60, p. 22

⁷⁰ International Commission of Jurists (ICJ), [*Turkey: the Judicial System in Peril*](#), 2 June 2016, Introduction p.3

Post-coup situation

Following the attempted coup, the International Bar Association reported on 27 July 2016 in relation to the then proposed X decree that it “understands that under a new law, there will be fewer judges, and that new appointments will be carried out by the High Council of Judges and Prosecutors, which operates under the mandate of the Justice Ministry. Also, the new law provides that 25 per cent of members of the Council of State – Turkey’s highest administrative court – are to be presidential appointments and that all existing members of the Supreme Court and Council of State are to be dismissed and new ones appointed in pursuance with the new legislative framework”.⁷¹

Human Rights Watch reported that “In a September 1 decree [KHK 672, 673 and 674] the government dissolved all the current prison monitoring boards whose members are appointed by justice commissions operating in provincial courthouses. The decree instructs that the boards be reestablished from scratch”.⁷²

4. Civil service and government ministries

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#) and [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#).

Pre-coup situation

In its April 2016 National Integrity Assessment on Turkey, Transparency International Turkey explained with regards to the structure and organisation of the public sector that:

The Law No. 657 on Civil Servants regulates the service, appointment, and promotion requirements of civil servants, in addition to their rights and responsibilities. Simultaneously, there are specific laws and regulations concerning finance, audit, ethics, asset declarations, access to information, and public procurement issues in the public sector.

The Parliamentary Commission for Petitions, Parliamentary Commission for Human Rights, Board of Review of Access to Information, Turkish Grand National Assembly (TBMM), Prime Ministry Communication Center, the Council of Ethics for Public Service, and Ombudsman are the basic institutions to lodge complaints and access to information on the public sector. In addition, several public institutions have their own complaint or information request mechanisms on their website.

The Public Procurement Authority is in charge of policy-making, supervision, providing training and operational support to contracting authorities, publishing tender notices and informing the economic operators.⁷³

The same source further considered that:

Turkey’s public sector has adequate resources to carry out its duties effectively. However, laws do not cover all aspects of the independence of civil servants, resulting in widespread external interference and favoritism (i.e. clientelism, nepotism).

The establishment of the Prime Minister’s Office’s Communication Center (BİMER) in 2006, the Council of Ethics for Public Service in 2004, and the Ombudsman in 2012 have contributed to

⁷¹International Bar Association, [IBA calls for end to dismantling of judiciary, and reinstatement of judges in Turkey](#), 27 July 2016

⁷²Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstall Safeguards to Curb Abuse by Police](#), 24 October 2016, *No monitoring of places of detention*, p. 25

⁷³Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 5. *Public Sector, Structure and organisation*, p.102

the progress in transparency and accountability. The enactment of related legal provisions has reinforced this progress to a certain extent with stricter controls.

Nevertheless, in practice, institutional deficiencies are still significant. Despite a comprehensive legal framework ensuring the integrity of public sector employees, bribery and receiving gifts are still matters of concern. Furthermore, the public sector's efforts in raising awareness and cooperation with civil society and business on anti-corruption activities are almost non-existent. Due to numerous amendments to the Public Procurement Law, procurement processes are also highly vulnerable to corruption.

Many legal provisions, Law No. 4483 on the Prosecution of Civil Servants in particular, are obstacles to the accountability of civil servants. Requirements of approval and decision processes on the prosecution of public officials is a source of concern; in the case of human rights violations, in practice, the regulations grant the public official immunity from investigation.⁷⁴

Post-coup situation

The following list of government ministers was provided by the CIA's 'Chiefs of State and Cabinet Members of Foreign Governments' list, (last updated on 8 November 2016):

Pres.	Recep Tayyip ERDOGAN
Prime Min.	Binali YILDIRIM
Dep. Prime Min.	Nurettin CANIKLI
Dep. Prime Min.	Veysi KAYNAK
Dep. Prime Min.	Numan KURTULMUS
Dep. Prime Min.	Mehmet SIMSEK
Dep. Prime Min.	Yildirim Tugrul TURKES
Min. of Culture & Tourism	Nabi AVCI
Min. of Customs & Trade	Bulent TUFENKCI
Min. of Development	Lutfi ELVAN
Min. of Economy	Nihat ZEYBEKCI
Min. of Energy & Natural Resources	Berat ALBAYRAK
Min. of Environment & Urbanization	Mehmet OZHASEKI
Min. of EU Affairs	Omer CELIK
Min. of Family & Social Policies	Fatma Betul SAYAN KAYA
Min. of Finance	Naci AGBAL
Min. of Food, Agriculture, & Livestock	Faruk CELIK
Min. of Foreign Affairs	Mevlut CAVUSOGLU
Min. of Forestry & Water Affairs	Veysel EROGLU
Min. of Health	Recep AKDAG
Min. of Interior	Suleyman SOYLU
Min. of Justice	Bekir BOZDAG
Min. of Labor & Social Security	Mehmet MUEZZINOGLU
Min. of National Defense	Fikri ISIK
Min. of National Education	Ismet YILMAZ
Min. of Science, Industry, & Technology	Faruk OZLU
Min. of Transport, Maritime Affairs, & Communications	Ahmet ARSLAN
Min. of Youth & Sports	Akif Cagatay KILIC
Governor, Central Bank	Murat CETINKAYA
Ambassador to the US	Serdar KILIC
Permanent Representative to the UN, New York	Feridun Hadi SINIRLIOGLU ⁷⁵

⁷⁴Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 5. Public Sector, Overview, p.100

⁷⁵CIA, [Chiefs of State and Cabinet Members of Foreign Governments: Turkey](#), Last updated 8 November 2016

Information included in section [6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état](#) describes the purge of civil servants that has taken place following the attempted coup.

5. Educational institutions, including Universities

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#), [3.c. Access to education](#), [6.c. Teachers, education ministry officials, university deans](#), and [7.a.iii. Purging of civil servants](#).

Pre-coup situation

Human Rights Watch noted in a November 2015 report that “Turkey has established a right to education in its own law. Article 42 of the Constitution of the Turkish Republic states that ‘[n]o one shall be deprived of the right of learning and education,’ and ‘Primary education is compulsory for all citizens of both sexes and is free of charge in state schools.’ In 2012, Turkey’s Grand National Assembly passed an education reform bill that extended the length of compulsory education from 8 years to 12 years”.⁷⁶

A June 2016 report by the International Federation for Human Rights provided an overview on the legal framework pertaining to the right to education:

Although “primary education” was initially defined as 5 years of elementary school, in 1997, Law n°4306 on the modifications of the National Education Principle Law n°1739 changed it to include elementary as well as middle school, thereby extending the span of compulsory “primary education” to 8 uninterrupted years. In 2012, Law N°6287 extended compulsory education to 12 years under the “4+4+4” scheme.⁷⁷

The US Department of State annual report on human rights in 2015 covers the legal and de facto situation regarding access to education:

The system, generally referred to as “4+4+4,” divides education into three four-year periods. After the first four years of mandatory elementary education, students can choose to attend general middle school or religious-vocational middle schools, called Imam Hatip schools. The law also allows parents to homeschool their children starting in the fifth grade.

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally used in their daily lives, on the condition that the schools are subject to the provisions in the Private Educational Institutions Act and inspected by the Ministry of National Education. Although Kurdish is officially allowed in private education and in public discourse, the government did not extend permission for Kurdish-language instruction to public education.⁷⁸

In an October 2015 report, Minority Rights stated with regards to the legal framework pertaining to education that:

⁷⁶ Human Rights Watch (HRW), [‘When I Picture My Future, I See Nothing’: Barriers to Education for Syrian Refugee Children in Turkey](#), November 2015, pp. 54-56

⁷⁷ International Federation for Human Rights (FIDH), [Submission To The Committee On The Elimination Of Discrimination Against Women, 64th Session – 4/22 July 2016, by the Human Rights Association \(IHD\) And FIDH](#), June 2016, p. 5

⁷⁸ US Department of State (USDOS), [Country Report on Human Rights Practices 2015 - Turkey](#), 13 April 2016, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The Basic Law of National Education refers to the education system as 'Turkish national education', thus excluding people in the country who hold to identities other than 'Turkish'. The aim of the 'Turkish national education system' is described in article 2 of the law as follows:

'The general goals of Turkish National Education are: (Amended: 16/6/1983 - 2842/Art. 1) To raise all individuals as citizens who are committed to the principles and reforms of Atatürk and to the nationalism of Atatürk as expressed in the Constitution, who adopt, protect and promote the national, moral, human, spiritual and cultural values of the Turkish Nation, who love and always seek to exalt their family, country and nation, who know their duties and responsibilities towards the Republic of Turkey which is a democratic, secular and social state governed by the rule of law, founded on human rights and on the tenets laid down in the preamble to the Constitution, and who have internalized these in their behaviours.⁷⁹

The US Department of State International Religious Freedom annual report covering 2015 noted that "The law requires 12 years of compulsory education, including elementary, intermediate, and secondary school. Religion classes are compulsory, with two hours per week for students in grades four through eight and one hour per week for students in grades nine through 12. Students who are part of a recognized religious minority may apply for an exemption. Members of recognized non-Muslim religious groups are legally allowed an exemption from religious instruction. No exemptions are allowed for atheists, agnostics, Alevi or non-Sunni Muslims, Bahais, or Yezidis. Islamic religious courses may also be taken as electives for two hours per week in middle school during regular school hours".⁸⁰

Post-coup situation

In an article dating 26 July 2016, Human Rights Watch reported that "The July 23, 2016 decree orders the closure of thousands of private educational institutions, hospitals, and clinics, and associations allegedly linked to a movement inspired by Fethullah Gülen, a cleric the government blames for a violent coup attempt on July 15-16. [...] The decree identifies 35 private health clinics and hospitals; 1,043 private schools and student hostels; 1,229 foundations and associations; 15 private universities; and 19 trade unions, federations, and confederations for closure".⁸¹

Amnesty International reported in a 29 July 2016 article that following the failed coup attempt "Over 1,000 private schools and educational institutions have been closed and 138,000 school children will have to be transferred to state schools".⁸²

Bianet reported on 3 August 2016 that "There are 109 public, 76 foundation, and eight foundation vocational school making 193 universities in total. The YÖK [Council for Higher Education] has closed 15 universities" at which 64,533 out of 6,689,185 students studied.⁸³

On 5 October 2016 Hurriyet Daily News reported that "Turkish President Recep Tayyip Erdoğan has appointed a history professor, Erhan Afyoncu, as the rector of the National Defense University, a newly founded institution gathering together former military academies which were closed with a decree law".⁸⁴ The source further noted that

⁷⁹ Minority Rights, [Discrimination based on Colour, Ethnic Origin, Language, Religion and Belief in Turkey's Education System](#), 27 October 2015, p. 20

⁸⁰ US Department of State (USDOS), [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, Section II. Status of Government Respect for Religious Freedom

⁸¹ Human Rights Watch, [Turkey: Rights Protections Missing From Emergency Decree](#), 26 July 2016

⁸² Amnesty International, [Turkey: Intensified crackdown on media increases atmosphere of fear](#), 29 July 2016

⁸³ Bianet, [Closed Universities in Numbers](#), 3 August 2016

⁸⁴ Hurriyet Daily News, [President Erdoğan appoints rector to newly-founded National Defense University](#), 5 October 2016

The university will be tied to a rector and will feature institutions that will educate staff officers and provide graduate-level education, operate Land Force, Navy Force and Air Force schools, non-commissioned officer colleges and non-commissioned officer vocational schools for higher education. The Defense Ministry will be tasked with executing all administrative aspects of the institutions as it will appoint heads for the institutes, hire the necessary academic personnel and regulate admission conditions.

Erdoğan also announced a decision to close down current military schools, including military high schools, so that all students from various high schools are able to enter military education institutions under the roof of the National Defense University.⁸⁵

6. Hospitals / health care structures

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#), [3.d. Access to health](#), and [6.g.iii. Health workers](#).

Pre-coup situation

A 2015 report from the World Health Organisation provides an overview of Turkey's progress in healthcare stating that "The health system was in poor shape when the new Minister of Health, Professor Recep Akdağ, took office on 18 November 2002. Health indicators, such as life expectancy and infant mortality, were among the lowest in the WHO European Region and out-of-pocket expenditure was high. Not surprisingly, the population rated their satisfaction with the health system very low. Ten years later, the health system had been transformed and all aspects of health system performance had improved sharply from health indicators to financial protection to population satisfaction".⁸⁶

The same report further notes that:

Life expectancy at birth had increased from 72.5 (in 2002) to 76.8 years (in 2012), an increase of 5.9%; maternal mortality had dropped from 64.0 to 15.4 per 100 000 live births between 2002 and 2012, a decline of more than 75%. Infant and under 5 mortality rates had also fallen sharply, allowing Turkey to meet the Millennium Development Goal to reduce child mortality before the 2015 target date. Domestic measles and malaria had been virtually eliminated, and the incidence of tuberculosis had been reduced from 27.3 to 18.7 per 100 000 population. Smoking rates (daily smokers) had also declined by more than 25%. Equally impressive is the tremendous increase in general satisfaction with health services, which may be a reflection of the increased health care utilization during this period. Total per capita visits to a physician (at all levels of care and across all sectors) rose by 164.5%. This increase in utilization was enabled in part by a major investment made in human resources, which rose by an estimated 84.5%.⁸⁷

A World Bank report dating May 2016 stated that "Universal health insurance (UHI) is compulsory in Turkey; everyone has to be insured either as an insurance holder or a dependent. Benefits include medical as well as dental treatments, including preventive health care, emergency care, inpatient and outpatient consultations and treatment, laboratory work, rehabilitation, and other services".⁸⁸

A September 2016 US Social Security Administration report documented the facilities provided under the healthcare system in Turkey stating that:

⁸⁵ Hurriyet Daily News, [President Erdoğan appoints rector to newly-founded National Defense University](#), 5 October 2016

⁸⁶ World Health Organisation (WHO), [Strategic planning for health: a case study from Turkey](#), 2015, p. 2

⁸⁷ World Health Organisation (WHO), [Strategic planning for health: a case study from Turkey](#), 2015, p. 2

⁸⁸ World Bank, [Assessing benefit portability for international migrant workers: a review of the Germany-Turkey bilateral social security agreement](#), 01 May 2016, p. 21

Health care facilities provide medical services to patients under an agreement with the Social Security Institution. Benefits include medical treatment, including preventive care; maternity care, laboratory service, surgery, and hospitalization; vision, hearing, and dental care; assisted reproductive services; transplants; medicine; transportation; and a daily allowance and expenses for a companion when seeking care abroad. Cost sharing: No copayment for general care or hospitalization. The insured pays 5 liras for outpatient specialist care in public hospitals; 12 liras in private hospitals. Certain prescription drugs are fully reimbursed for certified chronic conditions and emergency room visits. The insured pays 20% (10% if a pensioner) of the cost of all other prescription drugs. The reimbursement payment for prescription drugs is usually based on the least expensive available brand, but the insured may opt to pay the difference for a more expensive brand.⁸⁹

Post-coup situation

Hurriyet Daily News reported that as part of the third emergency decree's provision "GATA [Gülhane Military Hospital], military hospitals and TSK [Turkish Armed Forces] health service units" have been transferred to the "health Ministry".⁹⁰

Hurriyet Daily News further reported on 28 August 2016 that "A total of 32 military hospitals and one rehabilitation and care center directorate in 26 provinces across Turkey were officially brought under the control of the Health Ministry on Aug. 26, as a part of the restructuring process within the military following the failed coup attempt of July 15, state-run Anadolu Agency has reported".⁹¹

Hurriyet Daily News reported on 2 October 2016 that "Military doctors will receive education at civilian medical schools as part of new regulations introduced after the July 15 failed coup attempt", which means that "200 to 250 military soldiers and nurses will receive education in civilian medical faculties as military students. Military doctors and nurses will still be assigned to fronts, ships and army bases".⁹²

On 5 October 2016 Al-Monitor reported on changes made by the government to the military medical system after the attempted coup

The Turkish government is following through on its radical decision to totally dismantle the military medical network of about 900 doctors and more than 4,000 military nurses and paramedical personnel. Under the state-of-emergency decree issued July 31, two weeks after an attempted coup, the 125-year-old Gulhane Military Medical Academy (GATA) in Ankara and 33 other military hospitals in different parts of Turkey were transferred to the jurisdiction of the civilian Ministry of Health. The medical needs of the Turkish Armed Forces (TSK) will be handled by the civilian medical system. [...]

According to Minister of Health Recep Akdag, such reports are malicious fabrications. The military medical system was abolished, he said, for three reasons. First was the necessity of cleansing the system of Gulenists, whom Ankara blames for the attempted coup. Second is an unproductive system, and third is low occupancy rates in military hospitals despite enormous investments made in them.⁹³

b. Overview of changes to the security forces:

i. General information on the reported changes affecting the:

⁸⁹ US Social Security Administration, [Social Security Programs Throughout the World: Europe](#), 2016, September 2016, p. 4

⁹⁰ Hurriyet Daily News, [Anti-Gülen operation spreads to Turkey's largest military hospital](#), 2 August 2016

⁹¹ Hurriyet Daily News, [32 military hospitals officially brought under control of Health Ministry](#), 28 August 2016

⁹² Hurriyet Daily News, [Military doctors to get education at civilian medical schools in Turkey](#), 2 October 2016

⁹³ Al-Monitor, [Turkish military faces new front as Health Ministry usurps medical system](#), 5 October 2016

1. Police

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#) and [6.a. Police officers and intelligence officials](#).

Pre-coup situation

The U.S. Department of State reported in its annual report covering 2015 that “The TNP [Turkish National Police], under the control of the Ministry of Interior, was responsible for security in large urban areas”.⁹⁴

Interpol provided the following general information on the structure of the Turkish National Police:

Turkey’s Ministry of Interior, responsible for ensuring law and order throughout the Turkish territory, accomplishes its mission through four main law enforcement bodies:

Directorate General of Turkish National Police, responsible for the urban areas, airports, and traffic safety. The Turkish Police also plays a big part in intelligence and counter-terrorist operations; General Gendarmerie Command, responsible for security in rural areas; Coast Guard Command, which supervises Turkey’s 8,333 km coastline; Undersecretariat of Customs, responsible for customs regulations.

The Directorate General of the Turkish National Police (Emniyet Genel Müdürlüğü) is made up of two bodies: the Central and the Local Directorates.⁹⁵

In its ‘National Integrity System Assessment Turkey Report’, published in April 2016, by Transparency International Turkey, the following structural information was provided: “The TNP [Turkish National Police] operates under the Ministry of Internal Affairs in the form of the General Directorate of Security. The general responsibilities of the TNP are defined in two separate laws; Law No. 3201 on the TNP and Law No. 2559 on the Duties and Powers of the Police. The TNP is composed of three pillars: the central organization (headquarters), the provincial police departments and district directorates, and lastly the organization abroad. There are five deputy general directors attached to the General Directorate and 35 departments working under Deputy General Directorates. Departments’ duties vary based on their specialization in different fields. There are also offices directly attached to the General Directorate such as the Intelligence Department, Police Academy and the Inspection Board. Structural changes in the TNP can only be made by permission of the Minister of Internal Affairs”.⁹⁶

According to U.S. Library of Congress website on Turkey, “In March 2015, Turkey’s Parliament passed two major “package” laws, many of whose provisions tighten government control over national and public security in the country by amending a number of relevant laws. In particular, Law No. 6638 enhances police powers to conduct searches, use weapons, wiretap, detain individuals without a warrant, and remove demonstrators from scenes of protest. The Law also increases penalties for certain actions taken by demonstrators, provides for closer monitoring of car rental information by car rental companies, imposes more severe punishments for drug-related crimes, and authorizes governors to assume some of the same powers as prosecutors. In addition, Law No. 6638 provides for significant reform of Turkey’s gendarmerie, including the notable step of transferring its control from the Turkish Armed Forces to the Ministry of the Interior”.⁹⁷

⁹⁴U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 1. D., Role of the Police and Security Apparatus*

⁹⁵Interpol, Turkey, Undated [Last accessed: 2 December 2016]

⁹⁶ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 6 *Law Enforcement Agency: Turkish National Police, Structure and Organization*, p. 120

⁹⁷U.S. Library of Congress, [Turkey: Recent Developments in National and Public Security Law](#), last updated 30 November 2015, *Summary*

The latest report on Turkey by the European Commission, published 9 November 2016, reported that

Prior to the July attempted coup Turkey had 271 564 police and 166 002 gendarmerie officers(including conscripts). In the aftermath of the attempted coup, more than 18 000 police and gendarmerie officers have been suspended and more than 11 500 have been dismissed, while over 9 000 remain detained. Initial and in-service training is provided by the police academy.

However, the academy's capacity to provide specialised training is limited.

There is a move towards further specialisation in law enforcement agencies. For example, new departments for the fight against drugs, migrant smuggling and human trafficking have been setup. Specialisation and effectiveness need to be further developed through training and staff retention in the relevant units. In terms of equipment, law enforcement bodies generally have appropriate modern vehicles, radio communication systems, software, hardware, and premises.

Most databases are in place, though they are not always interconnected.

Cooperation on the ground between law enforcement bodies needs to be built up further, in particular between the police and the gendarmerie.⁹⁸

Post-coup situation

On 9 September 2016 Reuters reported that "Turkey will recruit 20,000 new police officers in the coming period and will deploy half of them to special forces units" in a bid to "strengthen the police force" following the attempted coup.⁹⁹

2. Armed forces/Military

This section should be read in conjunction with sections [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#) and [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#).

Pre-coup situation

Freedom House noted in its annual report covering 2015 that "The military has historically been a dominant force in politics. Under the AKP, however, various reforms, and especially a series of deeply flawed, politically motivated prosecutions, have increased civilian control over the military. Hundreds of military officers were convicted in 2012 and 2013 for alleged involvement in coup plots. Over 200 were acquitted in March 2015 after a retrial in which the court ruled that some evidence against them had been falsified".¹⁰⁰

The CIA World Factbook provided the following general information on the Turkish military, last updated 21 November 2016:

[...] the ruling Justice and Development Party (AKP) has actively pursued the goal of asserting civilian control over the military since first taking power in 2002; the Turkish Armed Forces (TSK) role in internal security has been significantly reduced; the TSK leadership continues to be an influential institution within Turkey, but plays a much smaller role in politics; the Turkish military remains focused on the threats emanating from the Syrian civil war, Russia's actions in Ukraine, and the PKK insurgency; primary domestic threats are listed as fundamentalism (with the definition in some dispute with the civilian government), separatism (Kurdish discontent), and the extreme left wing; [...]

⁹⁸European Commission, [COMMISSION STAFF WORKING DOCUMENT Turkey 2016 Report](#), 9 November 2016

⁹⁹Reuters, [Turkey to recruit 20,000 new police in the coming period: minister](#), 9 September 2016

¹⁰⁰Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *B. Political Pluralism and Participation: 9 / 16 (-1)*

an overhaul of the Turkish Land Forces Command (TLFC) taking place under the "Force 2014" program is to produce 20-30% smaller, more highly trained forces characterized by greater mobility and firepower and capable of joint and combined operations; the TLFC has taken on increasing international peacekeeping responsibilities including in Afghanistan; the Turkish Navy is a regional naval power that wants to develop the capability to project power beyond Turkey's coastal waters; the Navy is heavily involved in NATO, multinational, and UN operations; its roles include control of territorial waters and security for sea lines of communications; the Turkish Air Force adopted an "Aerospace and Missile Defense Concept" in 2002 and has initiated project work on an integrated missile defense system; Air Force priorities include attaining a modern deployable, survivable, and sustainable force structure, and establishing a sustainable command and control system; Turkey is a NATO ally and hosts NATO's Land Forces Command in Izmir, as well as the AN/TPY-2 radar as part of NATO Missile Defense (2014).¹⁰¹

The same source noted the following branches of the military: "Turkish Armed Forces (TSK), Turkish Land Forces (Turk Kara Kuvvetleri), Turkish Naval Forces (Turk Deniz Kuvvetleri; includes naval air and naval infantry), Turkish Air Forces (Turk Hava Kuvvetleri) (2013)".¹⁰²

Post-coup situation

Following the attempted coup, Turkish President Recep Tayyip Erdogan told Reuters on 22 July 2016 that "there were significant intelligence failures ahead of last week's attempted military coup and that the armed forces would quickly be restructured and have 'fresh blood'".¹⁰³

The German Federal Office for Migration and Refugees reported that "On 30 July 2016 President Erdogan announced a reform of the Turkish armed forces. More soldiers were dismissed, based on an emergency decree about 1,400 were given dishonourable discharges. The decree also ordered the closure of many military academies and secondary schools".¹⁰⁴ Reporting further on the decree, Radio Free Europe/Radio Liberty noted that "Turkish President Recep Tayyip Erdogan proposed to bring the General Staff of the military and Turkey's spy agency under the authority of his office. The constitutional changes, which seek to bring the military under government control, would have to be approved by a two-thirds majority and therefore Erdogan would need the support of opposition parties. Erdogan also said that military schools will be shut down and a national defense university will be established".¹⁰⁵

Reporting on the proposed changes to the military, The Guardian reported on 31 July 2016 that "Turkey will shut its military academies and put the armed forces under the command of the defence minister, Fikri Işık" and that President Erdogan reportedly stated that "Military schools will be shut down ... We will establish a national defence university'. He also said he wanted the national intelligence agency and the chief of general staff, the most senior military officer, to report directly to the presidency, moves that would require a constitutional change and therefore the backing of opposition parties. Both the general staff and the intelligence agency now report to the prime minister's office. Putting them under the president's overall direction is in line with Erdoğan's push for a new constitution centred on a strong executive presidency".¹⁰⁶

The Turkish national news agency AA noted on 1 August 2016 that the "Akinci Air Base in Ankara and military bases in Ankara and Istanbul" will be closed.¹⁰⁷

¹⁰¹ CIA, [The World Factbook: Turkey](#), last updated 21 November 2016

¹⁰² CIA, [The World Factbook: Turkey](#), last updated 21 November 2016

¹⁰³ Reuters, [Erdogan says Turkey's military to be restructured after abortive coup](#), 22 July 2016

¹⁰⁴ BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 1.08.2016](#), 1 August 2016

¹⁰⁵ Radio Free Europe/Radio Liberty, [Turkey Dismisses Almost 1,400 Personnel From Armed Forces](#), 31 July 2016

¹⁰⁶ The Guardian, [Turkey to shut military academies as it targets armed forces for 'cleansing'](#), 31 July 2016

¹⁰⁷ AA, [Turkey's military restructured after failed coup bid](#), 1 August 2016

Also reporting on 1 August 2016 Reuters noted that Turkey had “stacked the top military council with government ministers [...] moves designed by President Tayyip Erdogan to put him in full control of the military after a failed coup” and to overhaul the Supreme Military Council (YAS).¹⁰⁸ The same source further stated that “The government also said its deputy prime ministers and ministers of justice, the interior and foreign affairs would be appointed to YAS. The prime minister and defence minister were previously the only government representatives on the council. They will replace a number of military commanders who have not been reappointed to the YAS, including the heads of the First, Second, and Third Armies, the Aegean Army and the head of the Gendarmerie security forces, which frequently battle Kurdish militants in the southeast. The changes appear to have given the government commanding control of the council”.¹⁰⁹

Reuters also noted that “about 40 percent of Turkey's generals and admirals have been dismissed since the coup”.¹¹⁰

On 15 August 2016 Radio Free Europe/Radio Liberty reported that “Using the extraordinary power of the president during the state of emergency, all commanders of the land, air, and naval forces will report directly to their respective ministers in the civil government and no longer to the chief of the general staff, as was previously the case. The chief of the general staff will now directly report to Erdogan himself”.¹¹¹

Similarly, the US Congressional Research Service summarised at the end of August 2016 on the following changes affecting the military:

In late July [2016], Turkey's Supreme Military Council (Turkish acronym YAS) decided that the country's top military commanders, who maintained their loyalty to the government and were taken hostage during the failed coup, would retain their positions. Shortly thereafter, the government announced a dramatic restructuring of Turkey's chain of command, giving the civil government decisive control over the YAS. Erdogan also placed the military more firmly under the civil government's control and revealed plans to place Turkey's national intelligence agency under his direct control, as well as to reorganize institutions involved with military training and education. With nearly half of the generals and admirals who were serving on July 15 now detained and/or dismissed from service, there are doubts in some quarters about the efficacy of the Turkish military in combating the numerous threats to Turkish security, including those from the Islamic State and the Kurdistan Workers' Party (PKK). Beyond the personnel and institutional challenges, many observers assert that the internal divisions revealed by the coup attempt will be detrimental to both cohesion and morale.¹¹²

Hurriyet Daily News reported on the 5 October 2016 on the following two planned restructuring plans: “On July 27, the Interior Ministry took full control over the gendarmerie and the Coast Guard as part of the precautions against a further coup attempt. The gendarmerie will now operate with the military in cases of emergency” and “The total projected term in service of officers was also decreased from 31 to 28 years in a move to gradually reduce the number of high-ranking officers”.¹¹³

3. Intelligence services

¹⁰⁸ Reuters, [Turkey culls nearly 1,400 from army, overhauls top military council](#), 1 August 2016

¹⁰⁹ Reuters, [Turkey culls nearly 1,400 from army, overhauls top military council](#), 1 August 2016

¹¹⁰ Reuters, [Turkey culls nearly 1,400 from army, overhauls top military council](#), 1 August 2016

¹¹¹ Radio Free Europe/Radio Liberty, [Beheading The Eagle: Is This The End Of The Turkish Army As We Know It?](#), 15 August 2016

¹¹² Congressional Research Service, [Turkey: Background and U.S. Relations In Brief](#), 26 August 2016, Turkey After the July 2016 Failed Coup, Coup Attempt and Aftermath, p. 5

¹¹³ Hurriyet Daily News, [Turkish military personnel number shrinks after structural change](#), 5 October 2016

This section should be read in conjunction with sections [1.a.i.2.c. Decree of 31 July 2016 \[KHK/669\]](#), [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#), and [6.a. Police officers and intelligence officials](#).

Pre-coup situation

According to U.S. Library of Congress website on Turkey, “In April 2014, the Grand National Assembly adopted the Law Amending the Law on State Intelligence Services and the National Intelligence Organization. The amending Law greatly expanded the powers of the National Intelligence Agency (Milli İstihbarat Teşkilatı, MİT) by allowing MIT to access personal data without a court order and by granting MIT agents immunity from prosecution for violations of law they might commit in the course of their work. The Law also made it a crime to report on or acquire information about MIT and provided for a prison term of up to nine years for media workers convicted of publishing information leaked from intelligence sources. Although the opposition Republican People’s Party indicated it would petition the Constitutional Court to seek the annulment of Law No. 6532, thus far it seems no such case has come before the Court”.¹¹⁴

In its ‘National Integrity System Assessment Turkey Report’, published in April 2016, by Transparency International Turkey, the following information was provided with regards to the 2014 amendments: “As recently as 2014, the government announced a law amendment that stated that members of the Turkish National Intelligence Organization (MIT) had been granted ‘immunity from prosecution’ and that they could only be prosecuted without the authority of the institution itself. The amendment is in direct conflict with Turkey’s international commitments and creates an environment where intelligence services can work with impunity, opening up the risk of torture and other ill treatment, in violation of individual rights. This risk is further compounded by ‘the 20-year statute of limitations’ for the prosecution of unlawful killings by public officials’”.¹¹⁵

Al-Monitor reported on 1 February 2016 that “Turkey is transforming its National Intelligence Agency (MIT), expanding not only its headquarters, but its operations and reach. The MIT traditionally has been seen as a domestically oriented, meek secret service, mainly spying on its own citizens. Now, however, it is engaged in border security and surveillance, coordinating paramilitary troops abroad and developing its own internal structure to include foreign and domestic intelligence operations. For example, new laws allow the MIT to monitor the activities of the financial crimes investigation board”.¹¹⁶

The same source further noted that “Al-Monitor has reported in detail the agency's restructuring under Hakan Fidan, who took command in 2010. Foreign intelligence and espionage operations targeting Turkey have grown substantially in recent years with Turkey's increasing role in Syria and the changing nature of the Kurdish conflict in the region. In 2011, the MIT established its own academy, another sign that it aims to curtail its dependence on other ministries and agencies in Turkey and increase its cooperation with foreign intelligence services. What we are observing here is a national intelligence agency that has become a prominent player in the decision-making process for Turkish politics. Open-source reports show that Fidan acts as a shadow foreign minister. He is present in almost all high-level meetings with the president and prime minister. It is an open secret that both the president and the prime minister trust Fidan more than any other bureaucrat. Fidan's omnipresence has generated stiff competition among Ankara's other bureaucratic agencies. Social

¹¹⁴ U.S. Library of Congress, [Turkey: Recent Developments in National and Public Security Law](#), last updated 30 November 2015, II. Background: Some Previous Measures Tightening Public and National Security

¹¹⁵ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, III Foundations of the National Integrity System, Political-institutional foundations, p. 20

¹¹⁶ Al-Monitor, [Turkey plans shiny new HQ for shadowy intelligence operations](#), 1 February 2016

media postings and print media comments express serious concerns that Turkey is becoming a police state”.¹¹⁷

Post-coup situation

Following the attempted coup, Hurriyet Daily News reported on 24 July 2016 that “Turkey’s National Intelligence Agency (MIT) chief Hakan Fidan, who has faced criticism before and after the failed military coup attempt of July 15, and Chief of General Staff Hulusi Akar will both remain in their positions during an upcoming ‘transition process’, President Recep Tayyip Erdoğan has said”.¹¹⁸

Reuters reported on 3 August 2016 that “Turkey will soon complete an overhaul of its intelligence agency and make new appointments to its gendarmerie as it tries to rid its security apparatus of the followers of a U.S.-based cleric blamed for an attempted coup”.¹¹⁹

Similarly, Al Jazeera provided the subsequent information following President Recep Tayyip Erdoğan’s interview with private ‘A haber’ television: “Erdoğan said he also wanted to put the country’s MIT intelligence agency and the chief of general staff’s headquarters under the presidency”.¹²⁰ However, the source noted that “the package would need to be brought to parliament for a vote”.¹²¹

On 20 August 2016 Hurriyet Daily News reported that “Turkish Prime Minister Binali Yıldırım has said that the National Intelligence Agency (MIT) will be structured in a way that is able to wiretap and monitor the ones who wiretap”.¹²²

The US Congressional Research Service reported at the end of August 2016 that Turkish President Recep Tayyip Erdoğan “revealed plans to place Turkey’s national intelligence agency under his direct control”.¹²³

4. Border guards/forces (incl. Gendarmerie)

Pre-coup situation

The U.S. Department of State reported in its annual report covering 2015 that “The Jandarma, under the joint control of the Ministry of Interior and the military, was responsible for rural areas and specific border sectors where smuggling was common, although the military has overall responsibility for border control and overall external security. Village guards, a civilian militia that reported to the Jandarma (and historically was responsible for widespread human rights abuses), provided additional local security in the Southeast, largely in response to the terrorist threat from the PKK”.¹²⁴

Post-coup situation

¹¹⁷ Al-Monitor, [Turkey plans shiny new HQ for shadowy intelligence operations](#), 1 February 2016

¹¹⁸ Hurriyet Daily News, [No change in top army, intel seats after failed coup attempt: Erdoğan](#), 24 July 2016

¹¹⁹ Reuters, [Turkey sees swift overhaul of intelligence agency, gendarmerie after coup](#), 3 August 2016

¹²⁰ Al Jazeera, [More government ministers to head Turkey’s military](#), 1 August 2016

¹²¹ Al Jazeera, [More government ministers to head Turkey’s military](#), 1 August 2016

¹²² Hurriyet Daily News, [Turkey restructures intelligence after coup attempt](#), 20 August 2016

¹²³ Congressional Research Service, [Turkey: Background and U.S. Relations In Brief](#), 26 August 2016, *Turkey After the July 2016 Failed Coup, Coup Attempt and Aftermath*, p. 5

¹²⁴ U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 1. D., Role of the Police and Security Apparatus*

On 20 July 2016 the Hurriyet Daily News reported that the new acting commander Lt. Gen. İbrahim Yaşar took over from Gendarmerie Forces Commander Gen. Galip Mendi, who was held hostage during the attempted coup and required long-term hospitalisation upon his rescue due to an ongoing heart disease.¹²⁵

Reporting on the proposed changes to the military following the attempted coup, The Guardian reported on 31 July 2016 that “Erdoğan said he planned to thin the numbers of the gendarmerie security forces widely used in the fight against Kurdish militants in the south-east, although he said they would become more effective with better weaponry and he promised to continue the fight against insurgents”.¹²⁶

Similarly, Reuters reported on 3 August 2016 that “President Tayyip Erdogan said new appointments in the gendarmerie, responsible for security in rural areas and key in the fight against Kurdish militants, would come within 48 hours”.¹²⁷

Reuters reported on 2 September 2016 that out of the 8,000 security personnel suspended “323 were members of the gendarmerie”.¹²⁸

ii. Corruption within the security forces

See also [2.b. Corruption in the judicial system](#).

Pre-coup situation

The 2015 Corruption Index published by Transparency International reported that Turkey’s performance has declined in 2015 compared to 2012.¹²⁹ The same source stated further that it was ‘worried’ in the “marked deterioration in countries like” Turkey, “where there was once hope for positive change. Now we’re seeing corruption grow, while civil society space and democracy shrinks [...] politicians and their cronies are increasingly hijacking state institutions to shore up power”.¹³⁰

Freedom House noted in its annual report covering 2015 that

Corruption remains a major problem. In 2015, Turkey was still dealing with the effects of a 2013–14 scandal in which leaked audiotapes pointed to possible corruption among senior politicians, including Erdoğan and his family. The government largely denied the charges and blamed the affair on a “parallel state” of rogue officials linked to the exiled Islamic preacher Fethullah Gülen. Investigations to substantiate the corruption allegations have been extremely limited. In January 2015, the parliament voted against opening a trial for four former ministers. Meanwhile, throughout 2015, the government continued its campaign to ferret out elements of the “parallel state,” investigating individuals and businesses accused of affiliation with Gülen, who has been branded a terrorist by the state.

In November 2015, Transparency International issued a report that was critical of Turkey, citing its failure to strengthen safeguards against money laundering, bribery, and collusion in the allocation of government contracts.¹³¹

¹²⁵Hurriyet Daily News, [New acting commander appointed to gendarmerie](#), 20 July 2016

¹²⁶The Guardian, [Turkey to shut military academies as it targets armed forces for ‘cleansing’](#), 31 July 2016

¹²⁷Reuters, [Turkey sees swift overhaul of intelligence agency, gendarmerie after coup](#), 3 August 2016

¹²⁸Reuters, [Turkey removes more than 10,000 security personnel, academics in purge](#), 2 September 2016

¹²⁹Transparency International, [Corruption Index 2015](#), 27 January 2016, p. 5

¹³⁰Transparency International, [Corruption Index 2015](#), 27 January 2016, p. 13

¹³¹Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, C. *Functioning of Government*: 6 / 12

The U.S. Department of State reported in its annual report covering 2015 that:

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. The EU progress report noted the country had not made progress in limiting the immunity of members of parliament and senior public officials in corruption-related cases or in establishing objective criteria for lifting their immunity.

There was no established pattern or mechanism for investigating, indicting, and convicting individuals accused of corruption, and there were concerns about the impartiality of the judiciary in the handling of anticorruption cases.

A major corruption scandal allegedly involving then prime minister Erdogan, his children, and close political advisors and business associates wound down in 2014 after the prosecution decided against pursuing cases against government officials. The scandal originally broke in 2013 and was fueled by the leak of dozens of alleged wiretap recordings in February and March 2014. By the end of 2014, most cases opened against government officials accused of corrupt dealings had been closed. During the year prosecutors instead indicted four prosecutors and one judge who had conducted the initial investigation.¹³²

In December 2015 the GAN Corruption Report on Turkey noted that “Corruption is widespread in Turkey's public and private sectors. Politics, public procurement and construction projects are particularly prone to corruption, and bribes are often demanded. Corruption allegations against the government caused mass protests in 2013; the government responded with a crackdown on police officers and judges who were voicing such accusations. Turkey's Criminal Code criminalises various forms of corrupt activity, including active and passive bribery, attempted corruption, extortion, bribing a foreign official, money laundering and abuse of office. Anti-corruption laws are poorly enforced, and anti-corruption authorities are ineffective. Punishment can include imprisonment of up to 12 years”.¹³³

Specifically with regards to the police, the GAN report highlighted that “Corruption in the Turkish police is a moderate risk. Police impunity is a problem due to inadequate mechanisms to investigate and punish alleged corruption (HRR 2014). Following the anti-corruption investigations into the government, the government reorganized the police force, reassigned thousands of police officers involved, and accused many of a conspiracy to overthrow the government (HRR 2014). Turkey performs moderately in relation to the reliability of police services to protect businesses from crime (GCR 2015-2016). One in three citizens perceive the police as corrupt (GCB 2013)”.¹³⁴

In its ‘National Integrity System Assessment Turkey Report’, published in April 2016, by Transparency International Turkey, it was found that “the independence and integrity of the TNP [Turkish National Police] is seriously compromised by nepotism and partisanship. Moreover, the legal framework regulating the activities of the TNP is insufficient in providing necessary measures of transparency, and specific integrity and accountability regulation mechanisms for the TNP are not in place. Although the police still have significant authority in investigating corruption, there are serious questions regarding external interference. Recent cases of numerous dismissals and reassignments following corruption investigations are concrete examples of this problem”.¹³⁵

Post-coup situation

¹³² U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), Section 4. *Corruption and Lack of Transparency in Government*

¹³³ GAN, [Turkey Corruption Report](#), December 2015, Snapshot

¹³⁴ GAN, [Turkey Corruption Report](#), December 2015, Police

¹³⁵ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 6 *Law Enforcement Agency: Turkish National Police, Overview*, p. 118

No specific information in relation to corruption amongst the security forces was found in the sources consulted within the set time-frame.

c. Impacts of the attempted Coup d'état on the socio-economic situation

On 18 July 2016 Business Insider UK reported that “The failed military coup aimed at ousting Turkey's President Recep Tayyip Erdogan will significantly impact the country's economy”.¹³⁶ The same source further placed the following predictions in relation to economic growth, income, equities and currency:

Economic growth — Analysts warn that previously predicted 2.9% growth for the economy could be hit because uncertainty surrounding the political climate — even though the coup failed — could really hurt confidence and public spending. If public spending wanes, economic growth is impacted as less money from people's wallets are feeding back into the economy. ‘We also believe that if there is a sustained increase in Turkey's political risk premium, the country's large external financing requirement could once again become an area of concern.’

Fixed income and equities — Stocks are bound to suffer because, as HSBC points out, ‘previous periods of political stress in Turkey saw sharp losses in the near term, and strong recoveries in the medium term.’ Meanwhile, curves will flatten because markets have to price in the prediction that there will be monetary easing and potential actions taken by credit agencies.

The currency — The Turkish Lira is going to be weaker in the short term and HSBC says there are ‘4 channels of vulnerability that could impact the currency’ to focus on. These are: ‘a) portfolio outflows, b) the private sector experiencing difficulty rolling over hard currency debt, c) FX buying by households, and d) a widening in the current account shortfall.’

The Lira currently recovering from the steep losses it suffered in the wake of the coup. The US dollar is currently 2.8% lower against the Lira [...]

HSBC says ‘we maintain our current year-end forecast of 3.00 for USD-TRY while we wait to get a further sense of how political developments are impacting the macro environment’.¹³⁷

The Financial Times reported on 1 August 2016 that “Turkey's stocks, bonds and currency have rallied to two-week highs today, recouping more than half of the losses sustained following an attempted putsch last month”.¹³⁸ According to Berenberg economist Wolf-Fabian Hungerland “The Erdoğan paradox holds [...] President Erdoğan is the country's most important anchor of stability, but also one of its biggest sources of political risk [...] In the short term, it looks like his purge has worked and the country has stabilised. Domestic politics and policymaking are now even more under his personal control, which explains why he described the coup attempt as ‘god's gift’. Post-purge Turkish politics are much more clearly sorted than before the attempted coup”.¹³⁹ However, the source also noted that “S&P [Standard & Poor's], which downgraded Turkey's foreign currency debt even deeper into junk territory following the attempted coup, today raised its risk assessment for the country to a ‘high risk’ five from a ‘moderately high risk’ four”.¹⁴⁰

On 20 August 2016 Al Arabiya reported that “The ratings agency Fitch cut its outlook for Turkey's sovereign debt rating to ‘negative’, saying last month's coup attempt underscored risks to political stability in the country. The agency affirmed the country's rating at BBB-, a notch above junk

¹³⁶Business Insider UK, [The failed coup may smash Turkey's economy but here's why there won't be emerging market contagion](#), 18 July 2016

¹³⁷Business Insider UK, [The failed coup may smash Turkey's economy but here's why there won't be emerging market contagion](#), 18 July 2016

¹³⁸Financial Times, [Turkish markets recover half of post-coup losses](#), 1 August 2016

¹³⁹Financial Times, [Turkish markets recover half of post-coup losses](#), 1 August 2016

¹⁴⁰Financial Times, [Turkish markets recover half of post-coup losses](#), 1 August 2016

grade”.¹⁴¹ The same source further noted that “Fitch said political uncertainty follow the failed coup will impact economic performance and could hurt economic policy”.¹⁴²

On 19 September 2016 the Turkish Minute reported that the unemployment rate “rose to 10.2 percent in June [2016], a return to double digits with an increase of 0.8 percent compared to May [2016], the Turkish Statistics Institute (TurkStat) has announced. The unemployment rate was recorded at 9.6 percent in June of last year [2015]. The rate of unemployment in the non-agricultural sector has risen to 12.2 percent with an increase of 0.5 percent, while the unemployment rate among youths has reached 19.4 percent, jumping by 1.7 percent. The number of unemployed in Turkey has now exceeded 3.1 million”.¹⁴³

Middle East Eye reported on 21 September 2016 that:

The fact that markets did not go into meltdown and the currency did not nosedive after a coup attempt and subsequent crackdown has widely been hailed as a testament to the solidity of the country's economic foundations.

But recent moves by the government, making it easier for households to purchase on credit - including the option of grocery shopping in instalments - and making conditions for personal credit loans easier, have raised concerns about the direction of the country's economic growth.

Figures showing unemployment entering double digits at 10.2 percent also raised questions about the health of the economy. According to economist Mustafa Sonmez, unemployment in urban areas is as high as 13 percent and youth unemployment stands at 20.5 percent. [...]

However, they [Economist] also warned that continuing the policies could pose longer-term risks to the strong economic foundations that exist, particularly in the financial and banking sectors.¹⁴⁴

Erhan Aslanoglu, a professor of economics at Istanbul's Piri Reis University, told Middle East Eye that “it would be natural for the coup attempt to impact domestic consumer confidence and economic growth [in light of the purge], but thus far there has been no visible drop in consumer confidence”.¹⁴⁵

2. Rule of law / Administration of Justice

a. Access to justice

This section should be read in conjunction with sections [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#) and [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#).

i. Legal representation

Pre-coup situation

The U.S. Department of State report covering 2015 noted that “Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities. Human rights organizations reported that official human rights mechanisms did not

¹⁴¹Al Arabiya, [Fitch cuts Turkey debt outlook after coup attempt](#), 20 August 2016

¹⁴²Al Arabiya, [Fitch cuts Turkey debt outlook after coup attempt](#), 20 August 2016

¹⁴³Turkish Minute, [Unemployment rate rises to 10.2 percent in Turkey](#), 19 September 2016

¹⁴⁴Middle East Eye, [Turkey takes 'risky' steps to keep economy on track](#), 22 September 2016

¹⁴⁵Middle East Eye, [Turkey takes 'risky' steps to keep economy on track](#), 22 September 2016

function consistently and failed to address grave violations. At times lawyers were detained when they attempted to intervene on behalf of protesters”.¹⁴⁶

The London Legal Group explained in its March 2016 submission to the UN Committee Against Torture with regards to suspects’ access to legal representation that “Whenever a suspect is arrested, the Turkish Criminal Procedure Code requires that they are informed of their right to choose a defence attorney, and that statements taken in the absence of a lawyer cannot be used in court, unless they are confirmed before a judge. Moreover, the Criminal Procedure Code includes provisions stating that the suspect or the accused has the right to consult with his or her lawyer, and that such right shall not be prevented or restricted: the latter provision constitutes a guarantee that interviews between suspects and lawyers remain private and confidential, which should represent a fundamental safeguard in cases in which suspects report torture allegation”.¹⁴⁷ The same source further reported that:

While the above provision seems to provide an effective framework to protect a suspect’s right to have access to a lawyer, in practice State authorities are under the obligation to respect such right only in cases of persons accused of offences that require a punishment of minimum 5 years of imprisonment. Therefore, for people accused of less serious crimes, their access to a lawyer merely depends on their own request: as individuals might not be aware of the existence of such rights, in this case where a suspect is accused of a crime punishable with less than 5 years of imprisonment, there are not sufficient procedural safeguards to ensure that he/she exercises his/her right to have access to a lawyer. Lack of protection and procedural safeguards increases the risk to be subject to torture and ill-treatment.

Moreover, even when suspects exercise their right to have access to a lawyer, the latter can be often hindered, as shown by a 2014 case which involved a lawyer being charged with perjury for having tried to take photographic evidence of the physical abuse his client had suffered while in police custody.

Turkish domestic provisions do not offer enough safeguards in relation to the right of detainees to have access to a lawyer.¹⁴⁸

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey noted that “In accordance with the Law no. 6352 article 10 of ATL [Anti-Terror Law] was abrogated and a new provision was introduced. The regulation that the detainee’s right to access a lawyer can be restricted for 24 hours by the demand of prosecutor and the decision of judge in ‘terror crimes and crimes committed with the purpose of terror’ and ‘crimes with the purpose of generating monetary profit within the scope of criminal enterprise activities’ remained”.¹⁴⁹ Moreover, the 2015 U.S Department of State report explained that “The Internal Security Package also provides judges with the right to limit a lawyer’s access to the investigation file, should the judge decide the case is confidential. [...] Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. The HRA [Human Rights Association] reported that suspects in sensitive cases continued to have restricted access to a lawyer in the first 24 hours of detention. In terrorism-related cases, authorities frequently denied access to an attorney until after security forces had interrogated the suspect”.¹⁵⁰

¹⁴⁶ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

¹⁴⁷ London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.21

¹⁴⁸ London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.21

¹⁴⁹ Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 31

¹⁵⁰ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.d. *Arbitrary Arrest or Detention*

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States noted in June 2016 that “The Assembly remains concerned about the extensive interpretation of the Anti-Terror Law, which contradicts Council of Europe standards and leads to the criminalisation and prosecution of human rights defenders and lawyers”.¹⁵¹

Physicians for Human Rights published a report in August 2016 on the situation in South East Turkey following their May 2016 fact-finding mission which noted that “Documentation and reporting of human rights violations have been made even more challenging for civil society organizations, lawyers, and international observers by the lack of access to places where violations have been committed, and by the legal persecution of health professionals who document killings. The result has been severely compromised justice processes. [...] Lawyers and families in other cases also described the refusal of local prosecutors to open investigations into allegations of civilian deaths”.¹⁵²

For more information on the treatment of civil society and human rights defenders see section [5.b. Treatment of civil society, human rights and political activists](#).

Post-coup situation

Human Rights Watch explained that “According to emergency decree 668 the public prosecutor can deny a detainee the right to see a lawyer for up to five days. The European Court of Human Rights has repeatedly held that denial of access to a lawyer during interrogation is incompatible with the right to a fair trial as well as affirming that access to a lawyer in detention is a safeguard against ill-treatment”.¹⁵³ For further information, see [1.a.2.b. Decree of 25 July 2016 \[KHK/668\]](#).

Following the coup attempt, Amnesty International reported in July 2016 that it had “interviewed more than 10 lawyers in both Ankara and Istanbul who gave information about the conditions of their clients’ confinement. The lawyers represented up to 18 detainees each. [...] Only one of the detainees represented by lawyers who spoke to Amnesty International was able to choose her own lawyer. According to the other interviewees, private lawyers were not allowed to represent detainees, who were all assigned bar association legal aid lawyers. The detainees’ access to their lawyers was also limited. Lawyers told Amnesty International that after the hearings they were not allowed to speak to their clients who were remanded in pre-trial detention”.¹⁵⁴

The Business Insider reported in August 2016 that “Suspects are having trouble finding adequate counsel because expert lawyers are either afraid to be associated with the coup or are personally repulsed by the putsch, said Turkdogan of Turkey’s Human Rights Association. In some cases, legal aid is provided, but those lawyers are often inexperienced and intimidated by the authorities, he said”.¹⁵⁵ Human Rights Watch similarly reported in August 2016 that “Some lawyers have been

¹⁵¹ Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 19

¹⁵² Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, Executive Lack of Investigations into Denial of Care and Other Violations, p 23-24

¹⁵³ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, II. Suspension of Safeguards Against Torture and Ill-treatment, p.17

¹⁵⁴ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

¹⁵⁵ Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

reluctant to represent the judges for fear that they would be tainted by association”.¹⁵⁶ Furthermore, the same source noted that:

Some lawyers asked to represent judges and prosecutors accused of links to the coup or Gülen movement said they felt pressure not to represent those clients or feared being associated with Gülenists if they did. Given that dozens of lawyers have been detained for alleged association with the Gülen movement in Istanbul, Konya, Izmir, and other cities, concerns about the risk of being associated with the movement are understandable. The Adana Bar Association on July 26 made a public statement referring to the “fear” and “concern” about possible reprisals felt by lawyers in Adana, the decision by some not to provide legal aid to people detained in relation to the failed coup attempt, and the negative treatment they faced from the police and prosecutors if they did represent the detainees. [...]

Beyond the issue of pressure on lawyers, in practice there have been restrictions on the right of lawyers to meet with people in police custody and pretrial detention.¹⁵⁷

Reporting with regards to the impact of emergency decree 668,a September 2016 Reporters Sans Frontières report noted that “many journalists have been denied access to a lawyer during their first few days in police custody. [...] Under the 22 July decree, visits to journalists in Silivri prison are limited to an hour a week and are monitored by surveillance cameras and two guards. ‘Conversation is mostly limited to chitchat rather than effective lawyer-client discussion,’ [lawyer] Veysel Ok told RSF. ‘You cannot exchange notes or documents, which are subject to prior inspection by prison officials’”.¹⁵⁸ Furthermore, “The crackdown since the coup attempt has also targeted many judges, prosecutors and even lawyers. Lawyers have been arrested or placed under investigation or their offices have been raided. This climate of intimidation discourages both pro-Gülen movement lawyers and human rights lawyers from defending journalists who have been taken into custody”.¹⁵⁹

Human Rights Watch explained in an October 2016 report with regards to the emergency decrees passed under the state of emergency that “The decrees deny detainees access to a lawyer for up to five days, leaving detainees in de facto incommunicado detention since family members were not granted access either. Once the law enforcement agencies allowed a detainee to see a lawyer, they often only allowed legal aid lawyers, whom former detainees and lawyers said were more susceptible to pressure and manipulation because they are often young and inexperienced. The decrees also restrict detainees’ right to conduct confidential conversations with their lawyers. Lawyers told Human Rights Watch that police officers were often present during their conversations with clients, or they sometimes even recorded the conversations or looked at their notes”.¹⁶⁰

Furthermore the same source noted that, “Some lawyers said that some detainees had not seen a lawyer even after five days. [...] Several lawyers in Ankara, including some who helped coordinate the provision of legal aid, also said that during the first days after the coup attempt the police refused to allow some lawyers to represent clients under any circumstances. Lawyers who had previously worked on cases related to the Gülen movement, the group accused of being behind the coup attempt, were not allowed to act for clients even if appointed by bar associations as legal aid lawyers. This list seems to have eventually disappeared, the lawyers said”.¹⁶¹

¹⁵⁶ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

¹⁵⁷ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

¹⁵⁸ Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

¹⁵⁹ Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6

¹⁶⁰ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, Summary, p.2

¹⁶¹ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, II. Suspension of Safeguards Against Torture and Ill-treatment, p.19

ii. Criminal justice system and access to fair trial

This section should be read against [2. c. Corruption in the judicial system](#).

Pre-coup situation

The current Hands off Cain country profile on Turkey explains that the Turkish judicial system comprises the “Constitutional Court; High Court of Appeals (Yargitay); Council of State (Danistay); Court of Accounts (Sayistay); Military High Court of Appeals; Military High Administrative Court” and that the legal system “refers to various European systems”.¹⁶² The U.S. Department of State explains that “The country has an inquisitorial criminal justice system”.¹⁶³ For further information on the structure of the judicial system, see:

- ❖ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, 3. Judiciary, Structure and Organisation p.70

See also the Pre-coup situation section of [1.a.ii.3. Legal and judicial institutions](#).

The Inter Press Service reported in December 2015 “As a direct result of mass protests in the summer of 2013, the Turkish government tightened its control over media and the internet even further. Followed by corruption allegations in December the same year, the government intensified its control over the criminal justice system and reassigned judges, prosecutors, and police in order to exercise a greater control over the country’s already politicized freedom of the press”.¹⁶⁴ Human Rights Watch’s annual report covering 2015 similarly noted that “Long-standing defects in Turkey’s justice system include threats to judicial independence, a pattern of ineffective investigation into abuses by security forces and other state actors, excessively long proceedings, and politically motivated prosecutions. The AKP government in 2015 continued efforts to purge the police and judiciary of alleged supporters of the Gülen movement. During 2015, prosecutors, judges, and police officers with perceived links to the Gülen movement were jailed and charged with plotting against the government and membership of a terrorist organization. The main evidence being cited against judges and prosecutors at time of writing was decisions taken in the course of their professional duties rather than any evidence of criminal activity”.¹⁶⁵

The 2015 U.S. Department of State report noted that “Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. The HRA [Human Rights Association] reported that suspects in sensitive cases continued to have restricted access to a lawyer in the first 24 hours of detention. In terrorism-related cases, authorities frequently denied access to an attorney until after security forces had interrogated the suspect. [...] The trial system does not provide for access to a speedy trial, and hearings in a case may be months apart”.¹⁶⁶ With further regards to denial of a fair public trial the same source noted that:

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

¹⁶² Hands off Cain, [Turkey country profile](#), undated but last updated 16 July 2016 [accessed 11 November 2016]

¹⁶³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.e Denial of Fair Public Trial

¹⁶⁴ Inter Press Service, [Human Rights in Turkey: Is Turkish Press Freedom in Danger?](#) 18 December 2015

¹⁶⁵ Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

¹⁶⁶ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.e. Denial of Fair Public Trial

Under the law defendants enjoy a presumption of innocence and have the right to prompt and detailed information about the charges against them. There were multiple, confirmed reports that the government did not observe this law. [...]

Court files, which contain the indictment, case summaries, judgments, and other court pleadings, are closed to everyone other than the parties to a case, thus making it difficult to obtain information on the progress or results of court cases. The Internal Security Package enacted in April overturned a provision in the 2014 Fifth Judicial Package that prevented judges from restricting lawyers' access to the files during the prosecution phase. [...]

Defendants have the right to be present at trial and to consult with an attorney in a timely manner. [...] Defendants have the right not to testify or confess guilt and the right to appeal, although appeals generally took several years to conclude. Defendants sometimes waited several years for their trials to begin. The failure of officials to submit statements promptly or attend trials, especially in cases against security officials, resulted in delayed proceedings.¹⁶⁷

In its annual report covering 2015 Amnesty International reported that "Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy".¹⁶⁸

The November 2015 European Commission Turkey progress report on EU membership found with regards to the efficiency of the judiciary that:

No action has been taken to introduce a reliable registration system or draw up indicators to measure the justice system's efficiency. Lengthy trials, especially those lasting more than five years, often result in the suspects being released without conviction, even in serious crimes cases. Systemic solutions are needed to address trials' excessive length. Decisions on detention or continued detention frequently lacked proper reasoning based on specific facts, evidence and grounds to justify the deprivation of liberty, as required by law. The court experts system should be revised. Excessive recourse to court experts by judges, low quality of expert reports and low fees remain as problems. A draft law to overcome the issues is yet to be adopted. Court experts should be subject to cross-examination in practice.¹⁶⁹

In April 2016 the Daily Sabah reported that "The Justice Ministry is working on a package of regulations and amendments to the Penal Code to relieve the burden of courts, and authorities examined U.S. and European Union model judicial systems. The reforms, which will be included in a set of bills to be brought to Parliament for ratification, aim to foster a quicker judicial process, as in other countries, for the Turkish legal system. Reforms will also contribute to decreasing the high prison population by calling for sentence reductions for defendants that make plea deals with prosecutors".¹⁷⁰ The same source noted that "No recent figures are available, but figures from last year show the judiciary had a heavy workload that totaled 1.4 million cases in 2013 plus more than 500,000 unresolved cases from the previous year, according to statistics released by the Presidency of the Supreme Court of Appeals".¹⁷¹

The International Commission of Jurists reported in June 2016 that "Since 2014, there have been a series of alarming developments affecting the institutions of the Turkish judicial system, including retrogressive amendments to the legislative framework, increased executive control in practice of the governing institutions of the judiciary and prosecution service; the arrest, dismissal and arbitrary

¹⁶⁷ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.e. *Denial of Fair Public Trial*

¹⁶⁸ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

¹⁶⁹ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, 4.23. Chapter 23: *Judiciary and fundamental rights*, p.58

¹⁷⁰ Daily Sabah, [Plea bargain in the works to speed up Turkey's judicial system](#), 3 April 2016

¹⁷¹ Daily Sabah, [Plea bargain in the works to speed up Turkey's judicial system](#), 3 April 2016

transfer of judges and prosecutors; and recurring instances of violence and threats against lawyers. There are strong indications that, taken together, these measures may amount to a concerted attack on the independence of the judiciary, prosecution and legal profession, whose integrity and effectiveness is essential to the operation of the Turkish justice system and to the maintenance of the rule of law”.¹⁷²

In June 2016 Radio Free Europe/Radio Liberty reported that “Turkish police have detained 28 people over allegations of funding the movement of U.S.-based Muslim cleric Fethullah Gulen, a foe of President Recep Tayyip Erdogan. [...] Thousands of police officers, prosecutors, and judges were dismissed or reassigned for alleged links to the cleric”.¹⁷³

Also in June 2016 International PEN, the International Press Institute and Reporters Sans Frontiers submitted to the UN Human Rights Council that “Across the country the authorities are increasingly intolerant of political opposition, public protest, and critical media, while government interference has undermined judicial independence and the rule of law. [...] The recent sentencing of Can Dündar and Erdem Gül, editor and Ankara bureau chief respectively of the Turkish daily newspaper Cumhuriyet, to prison on 6 May 2016 on charges of obtaining and revealing state secrets is just one of the latest examples of the government’s attempts to punish and suppress legitimate criticism and prevent the exposure of its abuses and corruption. The trial, in which President Erdoğan and Turkey’s National Intelligence Agency (MIT) were complainants, was conducted in a closed court indicating the increasingly compromised independence of the justice system”.¹⁷⁴

Post-coup situation

This section should be read against section [6.b. Members of the judiciary](#).

According to the International Commission of Jurists “Within hours of the failed coup attempt in July, the Government initiated a purge of the judiciary on an unprecedented scale”.¹⁷⁵ Human Rights Watch explained in August 2016 that “On July 16, the day after the attempted coup, the Higher Council of Judges and Prosecutors issued a list of 2,745 judges and prosecutors who were to be suspended on the grounds that they were suspected of being ‘members of the Fethullah Gülen Terrorist Group/Parallel state structure (FETÖ/PYD).’ The council is charged with administering the justice system, including the appointments, assignments, and oversight of judges and prosecutors. Versions of these lists were published in the media that day, and police began to arrest those named. In addition to the 2,745 judges and prosecutors from lower courts, the investigation includes 48 members of the Council of State, Turkey’s highest administrative court, two members of the Constitutional Court, 140 members of the Court of Cassation, and four members of the Higher Council of Judges and Prosecutors”.¹⁷⁶

On 18 July 2016 the International Commission of Jurists reported that “Purging the judiciary now endangers the deepest foundations of the separation of powers and the rule of law. An independent judiciary will be critical to ensure a functioning administration of justice for all people in Turkey as the country emerges from the crisis. [...] This weekend’s mass suspensions and arrests of judges represent a dramatic escalation of an attack on judicial independence that was already

¹⁷²International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Introduction*, p.3

¹⁷³Radio Free Europe/Radio Liberty, [Turkey detains 28 over alleged links to Erdogan foe](#), 25 June 2016

¹⁷⁴International PEN, the International Press Institute and Reporters Sans Frontiers, [Joint written statement* submitted by International PEN, the International Press Institute, Reporters Sans Frontiers, nongovernmental organizations in special consultative status Turkey: Major deterioration of the human rights situation in the country](#), 8 June 2016

¹⁷⁵International Commission of Jurists, [Rule of law crisis in Turkey: UN Statement](#), 19 September 2016

¹⁷⁶Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

underway”.¹⁷⁷ On 19 July 2016 a group of United Nations experts issued a statement noting that they were “particularly alarmed at the sheer number of judges and prosecutors who have reportedly been suspended and arrested [...] According to international law, judges can be suspended or removed only on serious grounds of misconduct or incompetence after fair proceedings”.¹⁷⁸ Human Rights Watch reported that “Jailing judges without even the pretence of due process will cause profound damage to Turkey’s justice system for years to come, said Emma Sinclair-Webb, Turkey director at Human Rights Watch. ‘Bypassing the rule of law is no way to protect it’.”¹⁷⁹

Human Rights Watch explained “With a decision effective from August 2, Turkey also derogated from the International Covenant on Civil and Political Rights (ICCPR). [...] In its notice of derogation Turkey listed 13 articles of the ICCPR from which it was derogating including the rights to liberty and security, fair trial and privacy”.¹⁸⁰ Following the coup attempt, Amnesty International reported in July 2016 that “Detainees are being arbitrarily held, including in informal places of detention. They have been denied access to lawyers and family members and have not been properly informed of the charges against them, undermining their right to a fair trial”.¹⁸¹ It further reported that judges and prosecutors held in pre-trial detention “were detained on suspicion that they are members of a terrorist organization or were involved in the coup attempt. Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association”.¹⁸²

The Business Insider reported in August 2016 that “There are now so many alleged putschists that the government says it doesn’t have a courthouse big enough to try them all and will need to build new ones. Some 3,000 prosecutors and judges are among those who have been detained, making it even more difficult to find members of the judiciary to handle trials”.¹⁸³ In an August 2016 article Amnesty International reported that “Having so many people suddenly dismissed has had significant consequence for the functioning of the state. One fifth of the judiciary has been suspended, fired, or detained”.¹⁸⁴ Radio Free Europe/Radio Liberty reported in September 2016 that “70,000 people have been investigated in the post-coup crackdown and 32,000 of them have been officially remanded into custody by Turkish courts” and according to Turkey’s justice minister Bekir Bozdag, the prospect of trying more than 30,000 people would “test the Turkish legal system”.¹⁸⁵ A September 2016 Reporters Sans Frontières noted that “the government has issued decrees that undermine the foundations of the rule of law, opening the way to arbitrary conduct by officials and police and strengthening the powers of a judicial system that is now more politicized than ever”.¹⁸⁶

The International Commission of Jurists reported as of 19 September 2016 “At least 3,300 judges and prosecutors have been dismissed or suspended, and hundreds have been arrested, including members of the High Council for Judges and Prosecutors. [...] These actions have done severe damage to the already fragile independence of the judiciary in Turkey, and threaten the right to a

¹⁷⁷ International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016

¹⁷⁸ UN Office of the High Commissioner for Human Rights, [UN experts urge Turkey to respect the independence of the judiciary and uphold the rule of law](#), 19 July 2016

¹⁷⁹ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

¹⁸⁰ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Legal Framework*, p.13

¹⁸¹ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

¹⁸² Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

¹⁸³ Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

¹⁸⁴ Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

¹⁸⁵ Radio Free Europe/Radio Liberty, [Turkey says more than 32,000 to be tried over coup](#), 28 September 2016,

¹⁸⁶ Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

fair trial”.¹⁸⁷ In September 2016 President Recep Tayyip Erdogan was quoted as stating that the purge of Turkey’s judiciary would “enhance” the judiciary’s independence.¹⁸⁸ The BBC reported in early October 2016 that “There are fears that under the state of emergency - and in a country where judicial independence has plummeted - opponents are being rounded up with little chance to clear their name”.¹⁸⁹

In October 2016 the Council of Europe issued a ‘Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey’ which noted that “The Commissioner observes that the series of emergency decrees adopted in Turkey since July created very far-reaching, almost unlimited discretionary powers for administrative authorities and the executive in many areas, by derogation from general principles of rule of law and human rights safeguards ordinarily applicable in a democratic society”.¹⁹⁰ The same source further considered that:

As regards on-going criminal proceedings, among the most immediate human rights concerns are consistent reports of allegations of torture and ill-treatment. The Commissioner does not automatically give credence to such allegations, but observes that the extension of the custody period to 30 days, practical changes to procedures for obtaining medical reports, and drastic restrictions to access to lawyers, as well as limitations on the confidentiality of the client-lawyer relationship, contributed to the persistence of such allegations. The fact that there is currently no functioning National Preventive Mechanism in Turkey and that the existing prison monitoring boards have been disbanded and reappointed during such a crucial period only exacerbated the risks inherent in this situation.¹⁹¹

Also see section [3. h. Torture and other ill-treatment and abuse](#), situation post attempted coup.

iii. Due process and procedural guarantees (incl. arrest and detention procedures)

For information on arbitrary arrest in practice, see section [3 e. Arbitrary arrest and detention](#).

Pre-coup situation

Amnesty International explains that “Arbitrary detention is prohibited under international law. The right not to be arbitrarily detained has been codified in Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Turkey has ratified. The notion of “arbitrariness” includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality. Furthermore, the right to challenge the lawfulness of detention (habeas corpus), as set out for instance in ICCPR Art 9(4), entitles anyone who is deprived of liberty to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful”.¹⁹²

In its annual report covering 2015 Amnesty International reported that “The practice of arbitrary detentions at assemblies was given legal basis by legislative amendments in March in the Domestic

¹⁸⁷ International Commission of Jurists, [Rule of law crisis in Turkey: UN Statement](#), 19 September 2016

¹⁸⁸ BBC, [Turkey coup attempt: 543 more court officials sacked](#), 1 September 2016

¹⁸⁹ BBC, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

¹⁹⁰ Council of Europe, [Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, CommDH(2016)35, paragraph 11

¹⁹¹ Council of Europe, [Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, CommDH(2016)35, paragraph 15

¹⁹² Amnesty International, [Turkey: Further information: Refugee transferred from airport, still at risk: Fadi Mansour](#), 21 March 2016

Security Package, providing police with powers to detain without judicial supervision”.¹⁹³ The Law Library of Congress reported with regards to ‘Detention Without a Warrant’ in the March 2015 Package Laws that:

The Turkish Criminal Procedure Code generally prescribes that a prosecutor’s permission is necessary in order to take a person caught in the act of committing a crime into custody for twenty-four hours. Law No. 6638 amends the Code to give the police the authority to detain persons caught in the act of committing a crime for twenty-four hours, without a warrant, for crimes involving force and violence committed during public events (toplumsal olaylar)—that is, for some ten types of offenses listed in the Criminal Code, crimes listed in the Anti-Terrorism Law, and certain offenses listed in the Meetings and Demonstration Act, among others. If the crime is “collective”—for example, involving mass demonstrations—police officers may hold persons in custody for up to forty-eight hours without a prosecutor’s permission.¹⁹⁴

The 2015 U.S. Department of State report noted with regards to the Internal Security Package that it “provides a liberalized arrest procedure timeline for a catalogue of crimes (including participation in illegal demonstrations, sexual assault, smuggling, theft, drug use, and murder). Those suspected of committing these crimes may be detained for up to 48 hours before being arraigned before a judge. Prosecutors may authorize an extension of pre-arraignment detention for up to four days in certain situations. Human rights organizations, opposition political parties, and others sharply criticized the changes made to arrest and detention laws by the Internal Security Package”.¹⁹⁵ For example Amnesty International reported that “the bill facilitates the already widespread practice of arbitrary detentions during protests and paves the way for further human rights violations including politically motivated criminal investigations and violations of the right to life”.¹⁹⁶

In its annual report covering 2015, the U.S. Department of State noted with regards to ‘Arrest Procedures and Treatment of Detainees’ that:

Authorities must notify suspects of the charges against them within 24 hours, although human rights activists claimed they did not always tell suspects which specific statement or action was the basis of a given charge. For crimes that carry sentences of fewer than three years in prison, a judge may release the accused after his arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge decides either to release the defendant on his or her own recognizance or, if there are specific facts indicating that the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims, the judge may hold the defendant in custody (arrest) prior to trial. Judges, however, often kept suspects in detention without articulating a justification for doing so. [...]

The 2014 Fifth Judicial Package reduced from 10 years to five the maximum time that a detainee could be held pending conviction, including for organized crime and terrorism-related offenses. For other major criminal offenses tried by high criminal courts, the maximum detention period is two years plus three one-year extensions, for a total of five years.¹⁹⁷

In its April 2016 submission to the UN Committee Against Torture, Human Rights Watch reported that “Alongside weak mechanisms for accountability for wrong-doing by state officials and members of the security forces, Turkey has in recent years introduced problematic laws giving the police

¹⁹³ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

¹⁹⁴ Law Library of Congress, [Turkey: Recent Developments in National and Public Security Law](#), November 2015

¹⁹⁵ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.d. *Arbitrary Arrest or Detention*

¹⁹⁶ Amnesty International, [TURKEY: DRACONIAN REFORMS GIVE POLICE WIDE-RANGING POWERS TO REPRESS DISSENT](#), 27 March 2015

¹⁹⁷ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.d. *Arbitrary Arrest or Detention*

greater powers to detain individuals without judicial oversight and thereby increasing the risk of ill-treatment and arbitrary detention”.¹⁹⁸ In June 2016 the Committee Against Torture concluded that “While taking note of the legal safeguards enshrined in Turkish legislation, the Committee is concerned at recent amendments to the Code of Criminal Procedure, which give the police greater powers to detain individuals without judicial oversight during police custody. Placing suspects under constant video surveillance in their cells is another matter of concern (art. 2)”.¹⁹⁹

Post-coup situation

In July 2016 the World Organisation Against Torture reported that “The state of emergency, declared for three months, allows the president and the Council of Minister to rule by decree, bypassing in this way the parliament when drafting new laws and concentrating into the hands of a few people the power to restrict or suspend rights and freedoms”.²⁰⁰

Human Rights Watch, along with a number of NGOs signed a joint letter in October 2016 that explained “Numerous provisions in Turkey’s emergency decrees have suspended key safeguards that protect detainees from torture and other ill-treatment in ways that violate Turkey’s international obligations and place detainees at risk. They include:

1. Prolonged police detention for terrorism-related offences and organised crime without legal review – extended from four days to 30 days;
2. Denial of a detainee’s right to see a lawyer for up to five days and severe restrictions on the right to choose lawyer during police detention;
3. Interference with confidential access to a counsel, including monitoring and recording of communications at the request of a prosecutor.”²⁰¹

For further information, see [1.a.i.2. Emergency decrees](#).

iv. Legal remedies

Pre-coup situation

In its annual report covering 2015, the U.S. Department of State considered that “There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. Individuals are able to apply directly to the High Court of Appeals (Yargitay) for redress. The law allows individuals to appeal their cases directly to the Constitutional Court, allowing for faster and logistically easier high review of contested court decisions. The right of citizens to apply directly to the Constitutional Court for redress of human rights issues led to a decrease in the number of applications made to the European Court of Human Rights against the country”.²⁰² It further noted that “Government mechanisms to investigate and punish alleged abuse and corruption by state officials remained inadequate, and impunity remained a problem. [...] The

¹⁹⁸ Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

¹⁹⁹ Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey*](#), 2 June 2016, paragraph 19

²⁰⁰ World Organisation Against Torture, [Turkey: No opening of floodgates for torture and arbitrary detention!](#), 21 July 2016

²⁰¹ Human Rights Watch, [Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter](#), 20 October 2016

²⁰² U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.e Civil Judicial Procedures and Remedies

Ombudsman Institution, the NHRI [National Human Rights Institution], and parliament's Human Rights Commission are authorized to investigate reports of security force killings, torture or mistreatment, excessive use of force, or other abuses, but military and civil courts remained the main recourse to prevent impunity".²⁰³

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, found that "Problems with accountability in Turkey are sometimes exacerbated by the inappropriate exercise of prosecutorial and judicial discretion. [...] The Special Rapporteur was also informed that accountability for violations to the right to life is further hindered by the workload and backlog of cases in the judicial system, which creates additional barriers to accessing remedies for violations".²⁰⁴

The November 2015 European Commission Turkey progress report on EU membership found with regards to securing justice for abuses that:

Significant obstacles remain to securing justice for victims of serious human rights abuses by law enforcement officials. The legislation on compensation for damages or loss of life caused by public authorities also needs to be revised. When launching proceedings for ill-treatment by law enforcement bodies, protestors continue to face counter-claims, which receive priority from the judiciary. The internal security package of March 2015 granted broad discretionary powers to the law enforcement agencies without adequate judicial or independent parliamentary oversight. An independent civilian law enforcement complaints procedure needs to be established to investigate allegations of human rights violations effectively, recommend disciplinary sanctions and refer cases for criminal prosecution. This would also help to address the issue of the impunity of law enforcement officials.²⁰⁵

In its annual report covering 2015 Amnesty International reported that "Impunity persisted for human rights abuses committed by public officials. Investigations were hampered by police withholding crucial evidence, such as lists of officers on duty and CCTV footage, and the passivity of prosecutors faced with this obstructiveness. Without a long-promised Independent Police Complaints Commission, there was little prospect of improvement. Where they took place, prosecutions were often flawed".²⁰⁶

The Human Rights Association submitted to the UN Committee Against Torture in March 2016 that "There is no independent oversight mechanism for the law enforcement in Turkey. The draft law on the establishment of a law enforcement oversight mechanism submitted to the Grand National Assembly of Turkey (GNAT) during the previous parliamentary term has not been adopted".²⁰⁷ Furthermore, the same source noted that "The ECtHR [European Court of Human Rights] judgements are not implemented. The ineffectiveness of the domestic remedies was demonstrated

²⁰³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.d *Role of the Police and Security Apparatus*

²⁰⁴ UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, paragraphs 68 and 71

²⁰⁵ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.62

²⁰⁶ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

²⁰⁷ Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 25

with the decision of the Constitutional Court of Turkey on not taking an interim measure for the curfews. For this reason, many individuals made applications to the ECtHR”.²⁰⁸

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey reported with regards to redress for torture that “Domestic law does not provide for restitution, rehabilitation, satisfaction and guarantees of non-repetition. Furthermore, there are no specific provisions for compensation for torture and ill-treatment resulting in the courts generally failing to award compensation to torture survivors”.²⁰⁹ It also found that “The State is failing to implement decisions including remedies and compensations awards from the European Court of Human Rights”.²¹⁰ Christian Solidarity Worldwide (CSW) reported in April 2016 that “Before bringing a case to the ECtHR it is necessary to exhaust all local remedies; in Turkey this means going through the Ombudsman Institution. CSW found that rather than improving access to justice for minorities and others who seek redress from state departments, the existence of the office has theoretically prolonged their path to justice, in cases where Turkish authorities do not comply with international standards”.²¹¹

The Immigration and Refugee Board of Canada noted that “Sources report that on 20 May 2016, the Turkish parliament voted to strip its members of parliamentary immunity from prosecution, which could lead to the prosecution of HDP [People's Democratic Party] members of parliament (Reuters 20 May 2016; Chair 20 May 2016; EurActiv 20 May 2016), and others who oppose Erdogan (ibid.). According to the Chair, 53 of 59 HDP members of parliament have legal cases against them and the revoking of parliamentary immunity means that they can now be subject to arrest and detention (Chair 20 May 2016)”.²¹²

In June 2016 the Committee Against Torture concluded that it was “seriously concerned about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of detainees while responding to perceived and alleged security threats in the south-eastern part of the country [...]. The Committee is further concerned at the reported impunity enjoyed by the perpetrators of such acts (arts. 2, 4, 12, 13 and 16)”.²¹³

Amnesty International reported at the end of June 2016 that “Security operations in south-east Turkey in recent months are being carried out beyond the reach and protections of the law, as indicated by growing evidence of severe human rights violations, including torture and impunity for human rights abuses. [...] Measures passed by Turkey’s Parliament on 23 June reduce judicial oversight of security operations and erect barriers to the effective investigation of military officials,

²⁰⁸ Human Rights Association (HRA), [*Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*](#), 28 March 2016, paragraph 47

²⁰⁹ Human Rights Foundation of Turkey, [*Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey*](#), March 2016, paragraph 107

²¹⁰ Human Rights Foundation of Turkey, [*Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey*](#), March 2016, paragraph 16

²¹¹ Christian Solidarity Worldwide, [*Freedom of religion or belief and freedom of expression*](#), April 2016

²¹² Canada: Immigration and Refugee Board of Canada, [*Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples' Democratic Party \(Halklarin Demokratik Partisi, HDP\); whether HADEP and other older acronyms are still in use \(2011-2016\)*](#), 14 June 2016

²¹³ Committee against Torture, [*Concluding observations on the fourth periodic reports of Turkey**](#), 2 June 2016, paragraphs 11, 15

who are already protected by an overwhelming culture of impunity for human rights abuses”.²¹⁴ The same source further explained that:

The legislative amendments will require the permission of the Prime Minister for criminal investigations into the Chief of Staff and senior commanders while the investigation of lower ranking officers’ will be subject to the permission of the Interior or Defence Ministers. Any criminal prosecution of military officials for criminal conduct during security operations will be pursued in military courts. The amendments also grant powers to military commanders to issue search warrants without prior judicial authorization. Public officials accused of human rights abuses should be tried in civilian courts without any requirement for permission from the government. Military courts in Turkey have been ineffective in prosecuting human rights abuses and that the amendments send a deeply troubling message to the public officials engaged in security operations that abuses will be tolerated.²¹⁵

The International Commission of Jurists (ICJ) reported in June 2016 that “Although it cannot assess the current level of involuntary and punitive transfers [of judges and prosecutors], the ICJ considers that the lack of due process and effective remedy, in particular amid the competing political influences in the judiciary, leads to the abuse of the system for purposes of political and governmental influence”.²¹⁶ Furthermore, “The lack of appeal from the decisions of the criminal judges of peace calls into question the effectiveness of the remedies available within the national system for violations of human rights in the investigative process and puts in doubt the capacity of the legal system to provide the guarantees required by many of these rights, including the rights to liberty and to respect for the home and privacy”.²¹⁷

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that:

During the visit, the Working Group heard a number of times about the passivity of the investigating and prosecuting authorities. [...]

Indeed, the Working Group has perceived a palpable lack of interest in seriously investigating, prosecuting and adjudicating these cases, as if going forward with them would harm the interests of the State which should be instead preserved. [...]

Another challenge to achieving accountability is that a number of cases relating to enforced disappearances have been transferred, allegedly for security reasons, to courts that are geographically distant from locations where enforced disappearances have occurred and where the relatives of disappeared persons live. [...]

The combination of all these factors makes convictions for acts of enforced disappearance virtually impossible and results in de facto immunity from criminal responsibility for perpetrators of crimes of enforced disappearance. The recent acquittals in a number of emblematic cases exemplify this pattern of impunity. [...]

Unfortunately, the Working Group has been informed that in some cases, investigations, following decisions by the European Court of Human Rights, have not been relaunched. [...]

The Working Group received little information on reparation programmes for relatives of the disappeared, most likely because such programmes do not seem to exist.²¹⁸

²¹⁴ Amnesty International, [*Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s*](#), 30 June 2016

²¹⁵ Human Rights Foundation of Turkey, [*Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey*](#), March 2016, paragraph 107

²¹⁶ International Commission of Jurists (ICJ), [*Turkey: the Judicial System in Peril*](#), 2 June 2016, *Transfers of judges and prosecutors* p.18

²¹⁷ International Commission of Jurists (ICJ), [*Turkey: the Judicial System in Peril*](#), 2 June 2016, *The establishment of criminal judgeships of the peace* p.19

²¹⁸ UN Human Rights Council, [*Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey*](#), 27 July 2016, paragraphs 33-38 and 47

Physicians for Human Rights (PHR) published a report in August 2016 on the situation in South East Turkey following their May 2016 fact-finding mission which noted that “Documentation and reporting of human rights violations have been made even more challenging for civil society organizations, lawyers, and international observers by the lack of access to places where violations have been committed, and by the legal persecution of health professionals who document killings. The result has been severely compromised justice processes. [...] Lawyers and families in other cases also described the refusal of local prosecutors to open investigations into allegations of civilian deaths”.²¹⁹ It further noted that:

PHR interviewed lawyers with the HRA [Human Rights Association] representing approximately 300 other such cases. These included claims for compensation as well as allegations of human rights violations, including torture and extrajudicial killings by Turkish security forces. The lawyers told PHR that, as a result of prosecutors refusing to open investigations, there was very little information on record to support the cases – typically only an autopsy report. There were no attempts to conduct further investigations. Prosecutors pointed to the curfews as a main obstacle for conducting investigations, saying that crime scenes were inaccessible. The HRA lawyers said prosecutors were reluctant to investigate allegations accusing Turkish security forces of human rights violations.²²⁰

Post-coup situation

The August 2016 Physicians for Human Rights report considered that in the weeks immediately following the attempted coup “Rule of law has disintegrated in Turkey, and the authorities – led by President Erdoğan – have flouted human rights norms with impunity. In addition to wide-ranging restrictions on freedom of expression, the potentially arbitrary arrests of nearly 10,000 people and reports of ill-treatment in detention raise serious concerns”.²²¹

Amnesty International reported in August 2016 that the emergency decrees passed have “given state officials immunity from prosecution for carrying out duties under the decrees”.²²²

Furthermore, as Al Monitor explained with regards to the emergency decrees, “The legislative decrees stipulate that the dismissed have no legal recourse to appeal. Many legal experts, however, disagree. Some even say the legislative decrees are unconstitutional and thus ‘null and void’, and call on the dismissed to petition administrative courts and then, if necessary, the Constitutional Court, as the normal procedure requires. Altıparmak [an Ankara University scholar specializing in human rights] believes that no domestic recourse is possible because the emergency rule law exempts legislative decrees from the scope of constitutional objections, and thus the dismissed could go directly to the ECHR”.²²³

In September 2016 Hurriyet Daily News reported that “The CHP [Republican People’s Party] established a commission to collect the complaints of individuals who have either been suspended from civil service or whose relatives have been detained on alleged links with the Fethullahist Terror Organization (FETÖ) in the aftermath of July 15. It said around 37,000 complaints have been registered so far and passed to the relevant offices of the government”.²²⁴

²¹⁹ Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Lack of Investigations into Denial of Care and Other Violations*, p 24

²²⁰ Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Lack of Investigations into Denial of Care and Other Violations*, p 25

²²¹ Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Summary*, p 4

²²² Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

²²³ Al-Monitor, [Turkey could find itself facing hefty legal bill for mass purges](#), 19 September 2016

²²⁴ Hurriyet Daily News, [CHP urges fair trial, cites 1 million sufferers in post-coup process](#), 20 September 2016

An October 2016 Human Rights Watch report stated that “Responding to allegations of torture and ill-treatment after the coup attempt Turkish government officials, including President Erdoğan, has said that Turkey has zero tolerance for torture. However, officials have also often dismissed allegations of torture and ill-treatment as lies and propaganda, failing to adequately respond to the allegations”.²²⁵ Moreover, “The Turkish government’s decision to postpone a visit to the country by the United Nations Special Rapporteur on Torture further calls into question the government’s commitment to prevent torture and ensure accountability for abuse”.²²⁶ It also noted that as well as passing two emergency decrees that removed crucial safeguards that can protect detainees from ill-treatment and torture, “The authorities formally announced that they would derogate from the protections of the European Convention on Human Rights (ECHR), without specifying which ones, and later, that they would derogate from 13 articles of the International Covenant on Civil and Political Rights (ICCPR) including those relating to humane treatment of detainees and then right to a remedy”.²²⁷ For further information, see [1.a.i.2. Emergency decrees](#).

b. Corruption in the judicial system

Also see [2.a. ii. Criminal justice system and access to fair trial](#).

Pre-coup situation

Article 138 of the Constitution guarantees the independence of the judiciary:

Judges shall be independent in the discharge of their duties; they shall give judgment in accordance with the Constitution, laws, and their personal conviction conforming with the law.

No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power, send them circulars, or make recommendations or suggestions.

No questions shall be asked, debates held, or statements made in the Legislative Assembly relating to the exercise of judicial power concerning a case under trial.

Legislative and executive organs and the administration shall comply with court decisions; these organs and the administration shall neither alter them in any respect, nor delay their execution.²²⁸

Freedom House’s 2016 Freedom in the World report covering events in 2015 considered that “The constitution provides for an independent judiciary, but the government has been able influence judges in the past through appointments, promotions, and financing. In the wake of corruption allegations against the government, thousands of police officers, judges, and prosecutors were reassigned during 2014, and the government passed laws to gain more control over the courts as well as the Higher Council of Judges and Prosecutors, the body responsible for judicial appointments”.²²⁹ Human Rights Watch similarly explained that “Following corruption allegations implicating government ministers and Erdoğan’s own family in December 2013, the government in 2014 embarked on dramatic moves to demote and discharge the alleged followers of the Gülen movement in the judiciary, police, and bureaucracy”.²³⁰

²²⁵ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, V. *A Climate of Impunity for Torture and Ill-treatment* p.44

²²⁶ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, V. *A Climate of Impunity for Torture and Ill-treatment* p.45

²²⁷ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Summary* p.2

²²⁸ [Constitution of the Republic of Turkey](#), 1982, Article 138

²²⁹ Freedom House, [Freedom in the World 2016 - Turkey](#), 7 March 2016,

²³⁰ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

In its annual report covering 2015 Amnesty International reported that “Politically motivated appointments and transfers of judges and prosecutors continued throughout the year, wreaking havoc on a judiciary already lacking independence and impartiality. Criminal Courts of Peace – with jurisdiction over the conduct of criminal investigations, such as pre-charge detention and pre-trial detention decisions, seizure of property and appeals against these decisions – came under increasing government control”.²³¹

Human Rights Watch’s annual report covering 2015 similarly noted that “Long-standing defects in Turkey’s justice system include threats to judicial independence, a pattern of ineffective investigation into abuses by security forces and other state actors, excessively long proceedings, and politically motivated prosecutions. The AKP government in 2015 continued efforts to purge the police and judiciary of alleged supporters of the Gülen movement”.²³²

The 2015 U.S. Department of State report considered with regards to the independence of the judiciary that:

The law provides for an independent judiciary, but the judiciary remained subject to government influence, particularly from the executive branch. Judges who ruled against prosecuting high-level members of the ruling Justice and Development Party (AKP) on corruption charges in 2014 were subsequently promoted to more senior positions, while prosecutors and one judge who had conducted the initial investigation into allegations of corruption were indicted during the year.

Critics asserted the government used its influence in 2014 to ensure the election of its handpicked candidates to the Supreme Board of Judges and Prosecutors (HSYK), which selects judges and prosecutors and is responsible for court oversight. Although the constitution provides tenure for judges, the HSYK controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges, as well as their inclination to protect the state over individual and alleged partiality, contributed to inconsistent application of criminal laws.

While “specially authorized courts” were abolished in 2014, the government subsequently created new “penal judges of peace” courts with the authority to decide on issuance of arrest and search warrants, seizure of property, and detentions during the investigative phase of a single case; appeal from peace court rulings is limited to other judges within the peace courts. Critics charged the new system grants extraordinary powers to judges, that many of the appointed judges were progovernment, and that the new courts simply replaced the abolished special courts. Two appeals were filed with the Constitutional Court seeking abolishment of the system. In January the court ruled that peace courts are legal. [...]

The country’s system for educating and assigning judges and prosecutors created close connections between them; observers (including the European Commission) claimed this led, at least, to the appearance of impropriety and unfairness in criminal cases.²³³

The November 2015 European Commission Turkey progress report on EU membership found with regards to the judiciary and fundamental rights that:

Turkey reached some level of preparation to implement the *acquis* and the European standards in this area. However, there has been no progress in the past year. The Turkish judicial system, which had significantly improved between 2007 and 2013 in terms of independence, efficiency, and the protection of human rights and fundamental freedoms, has seen respect for the principle of separation of powers seriously undermined. Judges and prosecutors have been under strong political pressure. In the fight against corruption, the number of investigations, prosecutions and convictions

²³¹ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

²³² Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

²³³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, *Section 1.d. Arbitrary Arrest or Detention*

declined. In particular, investigation and prosecution of high-level corruption cases remained limited. Prevention measures need to be improved. Corruption remains prevalent in many areas and continues to be a serious cause of concern.²³⁴

According to a March 2016 Council of Europe Group of States Against Corruption report, “the judiciary in Turkey is not perceived to be sufficiently independent from the executive powers of the country, despite constitutional guarantees to that end. The need to strengthen its independence has been one of the main targets of judicial reform in Turkey for many years. [...] public criticism in Turkey as well as by international organisations in 2014/2015 in respect of the use of disciplinary proceedings, including the dismissal of a number of members of the judiciary, has further triggered the debate concerning the role and the independence of the HCJP [High Council of Judges and Prosecutors]”.²³⁵

In April 2016 Transparency International Turkey issued its National Integrity System Assessment on Turkey. Amongst the key findings of the report, it found:

The overarching systematic challenge for Turkey’s national integrity system is the failure to adequately separate powers and keep the executive in check. [...]

The influence of the executive over other institutions, such as the legislature, judiciary, ombudsman, and media, demonstrates a considerable undermining of the rule of law and the functioning of democratic processes. [...]

The judiciary is neither a deterrent to corruption nor effective in investigating allegations of corruption in full transparency, and is in fact itself perceived as one of the most corrupt institutions in the country.²³⁶

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported in June 2016 that:

The purge to clear the State institutions of alleged Gülenist followers raises question in respect of procedural guarantees. This move particularly affected the judicial system, where the large number of transfers, arrests and detentions of judges and prosecutors could have a deterrent effect on the members of the judiciary.²³⁷

The International Commission of Jurists (ICJ) reported in June 2016 that:

Both the institutional independence of the judiciary and the personal independence of individual judges are significantly compromised in Turkey by the politicization of the judiciary and its institutions. [...]

It is also a matter of concern for judicial independence in Turkey that representatives of the executive have publicly refused to accept or implement certain decisions of the courts and have strongly criticized the judiciary and judicial decisions as politically biased against the Government. Such actions undermine the judiciary’s credibility, in a manner that risks representing the independent exercise of judicial power as political conspiracy against the Government. [...]

In Turkey, changes to the structure, procedures and personnel of the HSYK have significantly undermined the institutional independence of the judiciary from the executive, reversing the gains

²³⁴ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, 4.23. Chapter 23: *Judiciary and fundamental rights* p.55

²³⁵ Council of Europe - Group of States Against Corruption, [Fourth Evaluation Round; Corruption prevention in respect of members of parliament, judges and prosecutors; Evaluation Report Turkey](#), 17 March 2016, paragraph 3

²³⁶ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, Key Findings p.12-14

²³⁷ Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 31

from the constitutional reforms enacted in 2010. [...] In summary, the Ministry of Justice now holds significant and improper power within the HSYK. [...]

The ICJ heard widespread allegations—from different quarters including the Ministry of Justice and associations of judges—that the recruitment process for judges has been manipulated by various interests, through cheating in or corrupt marking of the examinations. [...]

The ICJ remains concerned that transfers are being applied as a hidden form of disciplinary sanction and as a means to marginalize judges and prosecutors seen as unsupportive of government interests or objectives.²³⁸

Post-coup situation

Human Rights Watch considered in an August 2016 report that “The arrest of thousands of judges and prosecutors as well as police officers since July 15 intensifies the government’s efforts to purge those it suspects of connections with the movement that it labels as a terrorist organization”.²³⁹

For further information on how the purge of judges affects access to justice, see [2.a. ii. Criminal justice system and access to fair trial](#), *Post coup situation* and [6.b. Members of the judiciary](#).

3. Human Rights issues

a. Freedom of speech, expression and assembly

This section should be read in conjunction with section [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#).

i. Domestic legal framework (constitution and legislation)

Pre-coup situation

The Constitution of Turkey provides for freedom of speech, expression and assembly as follows:

C. Freedom of communication

ARTICLE 22- (As amended on October 3, 2001; Act No. 4709) Everyone has the freedom of communication. Privacy of communication is fundamental [...].

VII. Freedom of thought and opinion

ARTICLE 25- Everyone has the freedom of thought and opinion.

No one shall be compelled to reveal his/her thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused because of his/her thoughts and opinions. [...]

VIII. Freedom of expression and dissemination of thought

ARTICLE 26- Everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively. This freedom includes the liberty of receiving or imparting information or ideas without interference by official authorities. This provision shall not preclude subjecting transmission by radio, television, cinema, or similar means to a system of licensing.[...]

XI. Rights and freedoms of assembly

A. Freedom of association

ARTICLE 33- (As amended on October 3, 2001; Act No. 4709)

Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission. [...]

B. Right to hold meetings and demonstration marches ARTICLE 34- (As amended on October 3, 2001; Act No. 4709)

²³⁸ International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, 3. *ISSUES OF CONCERN, Independence and politicization of the judiciary* p. 11-14, 18

²³⁹ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.²⁴⁰

According to the International Center for Not-for-Profit Law “In addition to the 1982 Turkish Constitution, the primary legislation that regulates the freedom of assembly is Law No. 2911 Law on Meetings and Demonstrations, which was adopted on October 6, 1983. Secondary legislation that regulates the implementation of Law No. 2911 includes The Regulation on the Implementation of Law on Meetings and Demonstrations, which was adopted on August, 8, 1985; Law No. 2559 on the Duties and Discretion of the Police; Law No. 3713 on The Prevention of Terrorism Acts; and Law No. 5326 on Misdemeanors”.²⁴¹ It further noted, “There are also concerns about the new security bill, which Turkey’s Parliament passed in December 2014. The bill increases penalties for people involved in protests. [...] In addition, the Law Amending the Law on Powers and Duties of the Police, Other Laws and Decrees”, which was passed in Parliament in March 2015 and is widely referred to as the “Internal Security Reform Package, strengthened the powers of the police during demonstrations by extending the police’s authority to detain anyone without consulting the prosecutor’s office. In addition, protestors who cover their faces fully or partially during demonstrations can face a five-year prison sentence”.²⁴²

In its annual report covering 2015, the U.S. Department of State noted that:

While the constitution and improvements made by the Fourth and Fifth Judicial Packages provide for protection of free speech, the penal code and antiterror law still contain multiple articles that restrict freedom of speech and press. The penal code contains multiple articles that directly restrict press freedom and free speech, for example, through inclusion of provisions on praising a crime or criminals, inciting the population to enmity or hatred and denigration, and protecting public order. The law provides for punishment of up to three years in prison for “hate speech” or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups criticized the law for not including protections based on gender identity and noted that the law was sometimes used more to restrict freedom of speech than to protect minorities.²⁴³

The 2016 Freedom House ‘Freedom of the Press’ report covering events in 2015 similarly considered that “Constitutional guarantees of press freedom and freedom of expression are only partially upheld in practice. They are undermined by provisions in the penal code, the criminal procedure code, and the harsh, broadly worded antiterrorism law that essentially leave punishment of normal journalistic activity to the discretion of prosecutors and judges. Constitutional protections are also subverted by hostile public rhetoric against critical journalists and outlets from Erdoğan and other government officials, which is often echoed in the progovernment press”.²⁴⁴

The Inter Press Service reported in December 2015 that “The present government has enacted laws expanding the state’s capacity to control independent media. The government has now an increased authority to block websites and the surveillance capacity of the National Intelligence Organization (MIT) has been strengthened. Journalists are currently facing unprecedented legal obstacles, while courts’ capacity to persecute corruption is circumscribed by references to ‘national security’. To

²⁴⁰ [Constitution of the Republic of Turkey](#), 1982, Article

²⁴¹ The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016

²⁴² The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016

²⁴³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, 2.a. Freedom of Speech and Press

²⁴⁴ Freedom House, [Freedom of the Press 2016 – Turkey](#), 27 April 2016

regulate various media outlets, authorities are making use of the Penal Code, criminal defamation laws and an antiterrorism law”.²⁴⁵

In June 2016 International PEN, the International Press Institute and Reporters Sans Frontiers submitted to the UN Human Rights Council that “In the last two years, half of all freedom of expression related cases brought before the European Court of Human Rights concern Turkey. These cases stem from major legislative restrictions on freedom of expression and widespread misuse of laws to target journalists and block legitimate channels of expression. Despite some positive revisions in recent years, the Anti-Terror Law (TMK) and organised crime provisions within the Penal Code have been widely misused to punish journalists and critics of the government. Recent legislative changes have further restricted free speech including amendments to the Internal Security Law giving police powers to conduct surveillance without a warrant, and the wide use of the Internet Law (Law 5651) to block websites in the country including the repeated blocking of Twitter, Facebook and YouTube, and the shutting down of left-wing and Kurdish websites”.²⁴⁶

Post-coup situation

Following his visit to Turkey from 14 – 18 November 2016, the UN Special Rapporteur on the right to freedom of opinion and expression provided the following summary with regards to the issued emergency decrees since the imposition of the state of emergency in July 2016:

Since the imposition of the state of emergency in July, the Council of Ministers has issued ten decrees with the force of law granting the Turkish authorities wide-ranging powers. According to the State of Emergency Law adopted in the early 1980s, the scope of such decrees should be limited to the emergency situation, but the decrees have increasingly broadened to terrorism beyond FETÖ, the Gülenist organization deemed terrorist under the law.

Article 2(4) of Decree 668, issued on 25 July 2016, provides for the closing of numerous TV and radio stations, newspapers, periodicals and distribution companies under the accusation that they belong to, are connected to or are in contact with terrorist organizations posing a threat to national security. These decrees - that is decree no. 667 of 22 July 2016, decree no. 668 of 27 July 2016, decree no. 669 of 31 July 2016, decree no. 670 and no. 671 of 17 August 2016, decree no. 672, no. 673, and no. 674 of 1 September 2016, and decree no. 675 and no. 676 of 29 October 2016 - have also facilitated a number of restrictions to the right to freedom of media and expression, particularly the use of Decree 672 to crack down on the expression of those deemed terrorists, and the use of decree no. 676 to suspend 370 associations on 11 November 2016. They have also reduced or eliminated altogether the ability to challenge detentions, enjoy the right of access to counsel, and travel abroad (by virtue of passport confiscations).

The state of emergency decree nos. 667 and 668 established impunity for those responsible for removals of employees, among other things, preventing accountability for abuses. [...]

Following decisions by the Constitutional Court and the European Court of Human Rights, holding that the government could not block access or shut down a network without a court order, Turkey amended its law accordingly. Many access denials are based on Law 5651 noted above. Decree 671 (17 August 2016) expands the ability of the Government to shut down networks or take down content.²⁴⁷

²⁴⁵Inter Press Service, [Human Rights in Turkey: Is Turkish Press Freedom in Danger?](#) 18 December 2015

²⁴⁶International PEN, the International Press Institute and Reporters Sans Frontiers, [Joint written statement* submitted by International PEN, the International Press Institute, Reporters Sans Frontiers, nongovernmental organizations in special consultative status Turkey: Major deterioration of the human rights situation in the country](#), 8 June 2016

²⁴⁷UN Human Rights Office of the High Commissioner, [Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey](#), 14-18 November 2016, 18 November 2016

b. Freedom of religion

Pre-coup situation

Article 24 of the Constitution of the Republic of Turkey provides the following in relation to freedom of religion, belief and conscience:

Everyone has the freedom of conscience, religious belief and conviction. Acts of worship, religious rites and ceremonies shall be conducted freely, as long as they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his [or her] religious beliefs and convictions.

Religious and moral education and instruction shall be conducted under State supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political interest or influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.²⁴⁸

The Norwegian Helsinki Committee noted in a monitoring report on Turkey, published in November 2015, that "There is no law in Turkey, which specifically regulates freedom of religion or belief. A variety of other laws and regulations contain provisions, which affect freedom of religion or belief. These include: the Turkish Civil Code, the Law on Associations, the Law on Foundations, the Law on Assembly and Demonstrations, the Law on Zoning and Construction, the Turkish Criminal Code, the Basic Law on National Education, the Law on Private Educational Institutions, the Law on the Closure of Dervish Convents and Tombs, the Abolition of the Office of Keeper of Tombs and the Abolition and Prohibition of Certain Titles, and the Law on the Prohibition of Certain Forms of Attire".²⁴⁹

The US Department of State International Religious Freedom annual report covering 2015 noted that "The constitution defines the country as a secular state and provides for freedom of conscience, religious belief, conviction, expression, and worship. The constitution prohibits discrimination on religious grounds and prohibits exploitation or abuse of 'religion or religious feelings, or things held sacred by religion'. The Turkish state coordinates and governs religious matters through the Diyanet. The Diyanet's mandate is to promote the belief, practices, and moral principles of Sunni Islam, educate the public about religious issues, and administer places of worship".²⁵⁰

The same report further noted that "Although registration with the government is not mandatory for religious groups, unregistered religious groups cannot request legal recognition for places of worship. Holding religious services at a location not recognized as a place of worship is illegal and may be punished with fines or closure of the venue. A religious group may register as an association or foundation provided it is associated with a charitable or cultural cause. Religious community foundations are the only religious groups permitted to own real estate".²⁵¹

²⁴⁸ [Constitution of the Republic of Turkey](#), 1982, Article 24

²⁴⁹ Norwegian Helsinki Committee, [İnanç Özgürlüğü Girişimi: The Right to Freedom of Belief in Turkey: Monitoring report July 2014 – June 2015](#), November 2015, pp. 9-10

²⁵⁰ US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, Section II. Status of Government Respect for Religious Freedom

²⁵¹ US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, Section II. Status of Government Respect for Religious Freedom

Freedom House reported in its latest 'Freedom in the World' report covering 2015 that "The constitution protects freedom of religion, and religious expression has become more prominent in the public sphere under the AKP [Justice and Development Party]. Critics charge that the AKP has a religious agenda favoring Sunni Muslims, evidenced by the expansion of the Directorate of Religious Affairs and the alleged use of this institution for political patronage and to deliver government-friendly sermons in mosques".²⁵²

The United States Commission on International Religious Freedom noted in its annual report covering 2015 that "Turkey's constitution is based on the French model of *laïcité*, strict secularism, which requires the absence of religion in public life and in government. No religious community, including the Sunni Muslim majority, has full legal status and all are subject to state controls that limit their rights to own and maintain places of worship, train clergy, and offer religious education".²⁵³

The same report further noted that "Concerns relate to the compulsory religious education classes in public primary and secondary schools, the listing of religious affiliation on national identity cards, anti-Semitism, threats against Turkey's small Protestant community, and denials of access to religious sites in the Turkish-occupied northern part of Cyprus. There were, however, several positive developments during the reporting period, relating to minority property returns and public minority religious celebrations".²⁵⁴

Christian Solidarity Worldwide noted in an April 2016 report that "Despite having comprehensive legislation on freedom of religion or belief, Turkey fails to consistently implement these laws to enable religious minorities to exercise and enjoy their rights. Instead of maintaining and implementing Turkey's secular constitution, President Erdoğan and his Justice and Development Party (Adalet ve Kalkınma Partisi, AKP) have publicly endorsed a move towards a Sunni Muslim identity for Turkey. As one commentator stated, 'Freedom of religion or belief is for those who agree with AKP values'".²⁵⁵

Freedom House reported in its latest 'Freedom in the World' report covering 2015 with regards to the implementation of the right to freedom of religion that:

The Alevi minority, a non-Sunni Muslim group, has historically faced violence and discrimination. The AKP's promises of an "Alevi opening" to address these problems have led to disappointment among Alevis, though the new government formed after the November 2015 elections pledged to renew the effort, including by authorizing the state to cover the costs of Alevi houses of worship and religious leaders, as it does with Sunni institutions. In August, the Supreme Court of Appeals had confirmed a ruling by the European Court of Human Rights that the state must pay such expenses for Alevis. In December, the government announced plans to grant full legal status to Alevi houses of worship. Three non-Muslim religious groups—Jews, Orthodox Christians, and Armenian Christians—are officially recognized. However, disputes over property and prohibitions on training of clergy remain concerns for these communities.²⁵⁶

The United States Congressional Research Service noted in a report, published August 2016, that "Despite a decision by Turkey's top appeals court in August 2015 that the state financially support *cemevis* (Alevi houses of worship), the government still does not do so, and continues to 'consider

²⁵² Freedom House, [Freedom in the World 2016 - Turkey](#), 27 January 2016

²⁵³ US Commission on International Religious Freedom, [United States Commission on International Religious Freedom 2016 Annual Report; 2016 Country Reports: Tier 2; Turkey](#), April 2016, p. 1

²⁵⁴ US Commission on International Religious Freedom, [United States Commission on International Religious Freedom 2016 Annual Report; 2016 Country Reports: Tier 2; Turkey](#), April 2016, p. 1

²⁵⁵ Christian Solidarity Worldwide, [Freedom of religion or belief and freedom of expression](#), April 2016, p. 1

²⁵⁶ Freedom House, [Freedom in the World 2016 - Turkey](#), 27 January 2016

Alevism a heterodox Muslim sect'. Alevis have long been among the strongest supporters of Turkey's secular state, which they reportedly perceive as their protector from the Sunni majority. Recent developments appear to have heightened Sunni Alevitensions, including those pertaining to the Syrian conflict".²⁵⁷

The US Department of State International Religious Freedom annual report covering 2015 similarly noted with regards to the situation of the Alevi community that "The government continued to refuse to recognize the places of worship of Alevi Muslims, despite a ruling by the High Court of Appeals, and refused to exempt Alevi children from compulsory Sunni Islamic instruction".²⁵⁸ Hurriyet Daily News reported in an article, dating January 2016 that "Granting a legal status to Alevi worship houses, known as cemevis, is a 'red line' for Turkey's Religious Affairs Directorate (Diyanet), its head Mehmet Görmez has said, stating that 'cemevis cannot be considered an alternative to mosques'. 'We cannot give a religious status to cemevis,' Görmez said, in an apparent step back for Ankara after the ruling Justice and Development Party's (AKP) recent pledge to uphold the rights of Turkey's Alevi citizens, thought to make up around 15 percent of the population. [...] Many Alevi citizens have long pressed the government to acknowledge cemevis as official houses of worship. However, the AKP's new plan only underlines that a 'legal status' will be granted to cemevis, so the government can help cover their logistical needs".²⁵⁹

The 2015 US Department of State International Religious Freedom report further noted with regards to the respect of religious freedom that "The government continued to prosecute individuals for 'openly disrespecting' Islamic beliefs, although convictions in such cases resulted in suspended sentences and one conviction was overturned. The government continued to limit the rights of non-Muslim minorities, especially those it did not recognize as being covered by the 1923 Lausanne Treaty. There was no progress regarding the reopening of Halki Seminary. The government continued to train Sunni Muslim clerics, while restricting other religious groups from training clerics inside the country. It continued to fund the construction of Sunni mosques while restricting land use of other religious groups, although it did compensate an Armenian Church foundation for a portion of a cemetery seized in 1971".²⁶⁰

Christian Solidarity Worldwide stated in an April 2016 report that "Turkish religious minorities are increasingly vulnerable to restrictive government legislation and growing social hostilities. The Turkish state has used a variety of means to propagate the view among wider society that to be Turkish is to be Sunni Muslim, conflating the two identities. The implicit suggestion is that religious minorities, or the non-religious, are not truly Turkish. Given the strength of Turkish nationalism, this has contributed to rising levels of hate speech that incite structural and physical violence towards those who are not Sunni Muslim. Such structural violence is visible in a variety of sectors ranging from education, the workplace, the media and religious practice, to day-to-day administrative procedures".²⁶¹

The US Department of State International Religious Freedom annual report covering 2015 stated that "Non-Sunni Muslims faced physical violence and threats. In two separate incidents, unknown gunmen fired at three Alevi leaders. Greek Orthodox, Jewish, and Armenian Apostolic places of

²⁵⁷ United States Congressional Research Service, [Turkey: Background and U.S. Relations](#), 26 August 2016, p. 45

²⁵⁸ US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Executive Summary*

²⁵⁹ Hurriyet Daily News, [Legal status to Alevi worship houses a 'red line,' says Turkey's religious body head](#), 03 January 2016

²⁶⁰ US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Executive Summary*

²⁶¹ Christian Solidarity Worldwide, [Freedom of religion or belief and freedom of expression](#), April 2016, p. 1

worship were vandalized. Over twenty houses owned by Alevi Muslims were vandalized. An openly anti-Semitic “documentary” was televised and posted online by pro-government outlets”.²⁶²

The same report further noted that “Christians and non-Sunni Muslims faced threats of violence and vandalism of property. Anti-Semitic propaganda continued to target the Jewish community. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity”.²⁶³

A May 2016 report from Germany’s Federal Office for Migration and Asylum provided information on a European Court of Human Rights ruling against Turkey for violating freedom of religion:

In its judgment of 26 April 2016, the European Court of Human Rights (ECHR) held that Turkey violates the right to freedom of religion of the (roughly 20 million) followers of the Alevi faith, Turkey’s second largest religious community. The court held that compared to citizens adhering to the Sunni understanding of Islam, Alevis were subjected to a difference in treatment for which there was no objective and reasonable justification. With this judgment, the complaint of more than 200 Turkish Alevis was successful. They had complained that the cemevis (the places where they practise their religious ceremony, the cem) were not granted the same status of places of worship as the mosques of the Sunni Muslim community whose expenses (maintenance of buildings and recruitment of the religious leaders as civil servants) are covered by the Directorate of Religious Affairs (DIB) which is directly subordinated to the Prime Minister. Alevis, in contrast, must pay their places of worship and their religious leaders themselves. In 2005, the Turkish government had refused a respective request of the applicants.²⁶⁴

A May 2016 Reuters article noted that “President Tayyip Erdogan officially designated the religious movement of U.S.-based Islamic cleric Fethullah Gulen a terrorist group and said he would pursue its members whom he accuses of trying to topple the government. The move puts the organization built by his former ally legally on par with Kurdish militants currently fighting the army in Turkey’s southeast. Affiliated media firms have been shut down or taken over, a bank seized, and hundreds of people detained. Thousands of the cleric’s followers in the police and judiciary have either lost their jobs or been reassigned”.²⁶⁵

Post-coup situation

A July 2016 Daily Sabah article reported on the reaction of leaders of religious communities in Turkey to the coup attempt stating that “Leaders of Turkey’s religious communities have released a joint statement condemning the failed coup attempt orchestrated by agents of the Gülenist Terror Organization (FETÖ). The statement from representatives of the Jewish, Christian and Muslim communities declared “our great sorrow over the terrorist attacks that disturb the peace of our great nation and of the world.” The signatories include the president of Turkey’s Directorate of Religious Affairs, Istanbul Greek Orthodox Patriarch Bartholomeos and the Chief rabbi of Turkey’s Jewish community”.²⁶⁶

Al Jazeera reported in a July 2016 article that “Clashes between Erdogan’s supporters and Alevi communities across the country have flared since Saturday. According to Ertugrul Kurkcu, a national

²⁶² US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Executive Summary*

²⁶³ US Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Section III. Status of Societal Respect for Religious Freedom*

²⁶⁴ Federal Office for Migration and Asylum (Germany), [Information Centre Asylum and Migration Briefing Notes \(2 May 2016\)](#), 2 May 2016, p. 3

²⁶⁵ Reuters, [Turkey officially designates Gulen religious group as terrorists](#), 31 May 2016

²⁶⁶ Daily Sabah, [Religious communities in Turkey condemn coup attempt](#), 16 July 2016

parliamentarian and leading member of the HDP- the socialist, Pro-Kurdish party, minority communities across the country have started establishing volunteer neighbourhood protection groups. "People are now setting up self-defence units to protect against AKP mobs," he says, referring to supporters of the ruling party. 'The most vulnerable groups are women, Alevis and Kurds,' he adds".²⁶⁷

Further information on the current situation of Kurds and Alevis can be found in section [6. Change in situation of or treatment of minorities since the attempted Coup d'etat](#).

c. Access to education

This section should be read in conjunction with section [1.a.ii. Educational institutions, including Universities](#), [6.c. Teachers, education ministry officials, university deans](#), and [7.a.iii. Purging of civil servants](#).

Pre-coup situation

Human Rights Watch noted in a November 2015 report that "All children have a right to access education without discrimination. Turkey is party to a number of international treaties that outline this right, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 197 and the European Convention on Human Rights (ECHR)".²⁶⁸

A June 2016 report by the International Federation for Human Rights provided an overview on the legal framework pertaining to the right to education:

According to article 42 of the Constitution, "Nobody can be deprived of the right to education... Primary education is mandatory for all citizens, boys and girls, and is provided free-of-charge at public schools...". The National Education Principle Law (n°1739) also mandates the State to ensure equality of opportunity for men and women in education.²⁶⁹

In its 2015 Turkey report, the European Commission noted with regards to the education system in Turkey that "Reforms and increased spending on education have so far generated a positive impact on educational attainment and schooling rates. However, significant problems remain over gender equality and the quality of education. Schooling rates continued to increase at all levels of education, reaching 99.6 % for the first four years and 94.5 % for the second four years of primary school and 76.7 % for secondary school in 2013/14. However, sizeable gaps persist in schooling rates for girls, especially in secondary school. Participation in higher education remained low by international standards, although the percentage of the population aged 30-34 with tertiary education qualifications increased from 19.5% in 2013 to 20.5 % in 2014".²⁷⁰

The Euro-Mediterranean Human Rights Network and International Federation for Human Rights stated in a January 2016 report following a mission to Turkey that "According to the KESK

²⁶⁷ Al Jazeera, [Turkey: United against a coup, divided on the future](#), 21 July 2016

²⁶⁸ Human Rights Watch (HRW), ['When I Picture My Future, I See Nothing': Barriers to Education for Syrian Refugee Children in Turkey](#), November 2015, pp. 54-56

²⁶⁹ International Federation for Human Rights (FIDH), [Submission To The Committee On The Elimination Of Discrimination Against Women, 64th Session – 4/22 July 2016, by the Human Rights Association \(IHD\) And FIDH](#), June 2016, p. 5

²⁷⁰ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.32

[Confederation of Public Workers Trade Unions], citing figures of the Ministry of Education, in the Southeast around 11,000 teachers are impeded to work and 80,000 children are deprived of their right to education. Human rights organisations reported that security forces use several schools as compounds, informing teachers a day before “moving in” that they should leave the area as well as their pupils. Under these conditions, the public service of education is heavily disrupted, both in areas under curfew but also indirectly in other districts, as a domino effect due to the arrival of people fleeing from the conflict and curfew areas. The access to education becomes a serious problem for the dozens of thousands of children who have fled from their homes and are displaced in other areas that cannot accommodate all the displaced pupils into existing facilities”.²⁷¹

The Guardian reported in an April 2016 article with regards to the situation in Southeast Turkey that “Due to the violence in urban centres across the region, numerous school buildings have been shut down or turned into military headquarters or, due to pressure from Kurdish militants to boycott Turkish-language education, tens of thousands of children have been deprived of schooling. Parents and teachers in Sur say that those children who do still attend classes are often unable to concentrate, and that report cards do not reflect academic success”.²⁷²

Post-coup situation

In an article dating September 2016 the Guardian reported on the effects of the July coup on the education system that “As more than 18 million children began the new term after the summer break, the president of the Istanbul teachers’ union, Huseyin Ozev, said there were fears the academic year would begin in chaos because of huge staff shortages. Ozev said children’s education could suffer if inexperienced teachers have to step in to fill the staffing shortages. “It is believed that this school year will take place in general chaos, as there are 40,000 to 50,000 vacancies and no preparation on the side of the ministry of education,” he said”.²⁷³

d. Access to health

This section should be read in conjunction with section [1.a.ii. Hospitals/ health care structures](#), and [6.q.iii. Health workers](#).

Pre-coup situation

The European Commission noted in its 2015 report on Turkey that “Public health in Turkey has generally improved. Quantitative capacity of health services improved, including the number of doctors per capita. Life expectancy at birth has risen to 76.9 years from 72.4 years in ten years. Total health spending held at 5.4 % of GDP during the reporting period. However, Turkey’s total health expenditure per capita amounts to only one third of the EU average”.²⁷⁴

The Euro-Mediterranean Human Rights Network and International Federation for Human Rights stated in a January 2016 report following a mission to Turkey that “The overall situation in areas affected by the armed conflict and the curfews is adverse to health: houses are in very poor conditions due to bombings, corpses are left in the streets and there is limited or no access to health facilities and personnel. The curfews and the fighting have heavily disrupted health services and

²⁷¹ The Euro-Mediterranean Human Rights Network (Euromed Rights) and International Federation for Human Rights (FIDH), [High Level Solidarity Mission to Turkey](#), 20-24 January 2016, p. 8

²⁷² The Guardian, [In a devastated Turkish town, teenagers dream of joining the Kurdish guerrillas](#), 03 April 2016

²⁷³ Guardian (The), [Turkish schools reopen after purge of teachers suspected of coup links](#), 19 September 2016

²⁷⁴ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p. 78

made access to health very difficult for inhabitants of the concerned areas”.²⁷⁵

The same report further noted that “Several human rights organisations have lodged an urgent appeal to the European Court of Human Rights to obtain ‘interim measures’ to lift the curfews and guarantee access to health care for the injured. In one instance, the Court ruled that the elements presented were insufficient to request the lifting of the curfews, but it took three interim measures on specific cases in favor of injured persons who were not permitted access to health care. However, the Turkish authorities have not taken steps to implement these decisions, and two of the three people that should have been protected subsequently died”.²⁷⁶

Post-coup situation

An August 2016 published by Physicians for Human Rights following its May 2016 fact-finding mission documented the access to healthcare in Southeastern Turkey stating that:

Since July 2015, the Turkish authorities have waged a campaign against the population of southeastern Turkey, imposing a succession of 24-hour sieges, known as curfews, which have blocked access to health care – including emergency medical treatment for life-threatening injuries or illnesses – cut off water, food, and electricity to whole cities, and resulted in thousands of deaths. [...] During 11 months of curfews in the southeast, Turkish security forces deliberately and illegally obstructed access to health care by using state hospitals for military purposes, preventing the free movement of emergency medical vehicles, and punishing health professionals for delivering treatment to the wounded and sick. Several emergency medical personnel came under active fire, as security forces did not respect their neutrality and status as humanitarian workers. Local residents were shot at, and some were killed, for attempting to move their wounded family members to safety.²⁷⁷

The same report further noted that:

The shutdown of the health care system during the prolonged unrest and persistent curfews has had predictably disastrous effects on people’s ability to access health care services, and has been debilitating for the region’s health care infrastructure and resources. The TMA’s [Turkish Medical Association] 2015 assessment found that health center closures and the presence of security forces at state hospitals severely interrupted access to health care for local residents in at least 13 provinces. All primary health care centers in Cizre, Diyarbakır (Sur district), Hakkâri, Mardin, and Şırnak were closed during the first wave of curfews starting in August 2015, affecting a population of approximately 470,000 people. In addition, the state hospitals in each area were occupied by Turkish security forces, a presence which discouraged people living in each area from seeking treatment short of a life threatening emergency.²⁷⁸

In a June 2016 statement, The UN Committee Against Torture reported that “it expresses its serious concern at reports that the imposition of curfews in areas in which security operations have taken place has restricted the ability of the affected populations to access basic goods and services such as health care and food, causing severe pain and suffering”.²⁷⁹

²⁷⁵ The Euro-Mediterranean Human Rights Network (Euromed Rights) and International Federation for Human Rights (FIDH), [High Level Solidarity Mission to Turkey](#), 20-24 January 2016, p. 6

²⁷⁶ The Euro-Mediterranean Human Rights Network (Euromed Rights) and International Federation for Human Rights (FIDH), [High Level Solidarity Mission to Turkey](#), 20-24 January 2016, p. 5

²⁷⁷ Physicians for Human Rights (PHR), [Southeastern Turkey: Health Care Under Siege](#), August 2016, pp. 5-6

²⁷⁸ Physicians for Human Rights (PHR), [Southeastern Turkey: Health Care Under Siege](#), August 2016, p. 22

²⁷⁹ UN Committee Against Torture (CAT), [Concluding observations on the fourth periodic reports of Turkey \[CAT/C/TUR/CO/4\]](#), 2 June 2016, Paragraph 13

The US Department of State annual report covering 2015 stated with regards to the access to healthcare for prisoners that “Although the government claimed doctors were assigned to each prison, human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. The HRA reported prison doctors were often absent for long periods and that prisoners often waited months to be transferred to hospitals. As of May the HRA [The Human Rights Association] reported that 721 inmates were sick, including 283 in critical condition”.²⁸⁰

Sources consulted within the timeframe for this report have mainly focused on changes implemented in the military medical system post-coup as outlined in section [1.a.ii.6. Hospitals/health care structures](#). No additional information was found on the general access to healthcare following the attempted coup.

e. Arbitrary detention and detention

For profile-specific information on arrests, see the following sections of this report:

[4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état](#)

[5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan since the attempted Coup d'état](#)

[6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état.](#)

[7. Change in situation of or treatment of minorities since the attempted Coup d'état](#)

[9. Change in the situation of or treatment of diverse individuals of sexual orientation and gender identity since the attempted Coup d'état](#)

Pre-coup situation

In its annual report covering 2015, the U.S. Department of State considered that “although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. By law police and Jandarma may compel citizens without cause to identify themselves. During the year police routinely detained individuals for hours without legal justification. Human rights groups alleged that especially in areas under curfew or in ‘special security zones,’ security forces detained citizens without official record. Consequently, these detainees were at greater risk of ‘arbitrary practices’”.²⁸¹

With regards to pretrial detention the same source noted that “The trial system does not provide for access to a speedy trial, and hearings in a case may be months apart. [...] Human rights groups further noted that detentions were generally longer than necessary to defend the public interest, detainees usually had limited opportunities to challenge their detentions in court, and those occasions offered little prospect of success”.²⁸²

²⁸⁰ US Department of State (USDOS), [Country Report on Human Rights Practices 2015 - Turkey](#), 13 April 2016, Section 1 Prison and Detention Conditions

²⁸¹ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.d. Arbitrary Arrest or Detention

²⁸² U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.d. Arbitrary Arrest or Detention

The November 2015 European Commission Turkey progress report on EU membership found that “Freedom of expression is frequently challenged, in particular through arbitrary and restrictive interpretation of the legislation, political pressure, dismissals and frequent court cases against journalists which also lead to self-censorship”.²⁸³

Human Rights Watch’s annual report covering 2015 noted that “A new trend in 2015 saw courts in several cases order pretrial detention of people for several months for allegedly insulting Erdoğan via social media or during demonstrations”.²⁸⁴

In its annual report covering 2015 Amnesty International reported that “Waves of detentions took place after the eruption of violence between the PKK and state forces in July. By late August it was estimated that more than 2,000 people had been detained for alleged links to the PKK, while over 260 were remanded in pre-trial detention. Prosecutions were commenced of individuals accused of membership of the “Fethullah Gülen Terrorist Organization”, including US-based cleric and former AK Party ally Fethullah Gülen”.²⁸⁵

In February 2016 the World Organisation Against Torture described a “wave of arbitrary arrests and detentions” which it considered were “part of wide-range anti-terrorism operations, started in late July 2015. The operations turned into a massive crackdown on some civil society organisations depicted as ‘terrorist networks’”.²⁸⁶ It further noted that “The Observatory has been informed by the Human Rights Association (İHD) and the Human Rights Foundation of Turkey (HRFT) about the arbitrary arrest and subsequent release of 49 individuals for their participation in a press conference organised by the İzmir Peace Block to protest against human rights violations in Cizre (South-eastern Anatolia Region of Turkey) and call for peace”.²⁸⁷ The same source reported that the arrestees were attending a press conference organised by the İzmir Peace Block when “riot police forces forcefully entered the location, using excessive force including rubber bullets, against the participants. Mr. Mehmet Aker, İHD Executive Committee member, was shot in the leg and injured. The 49 activists were kept in police vehicles for over three hours without any arrest warrant, before being taken to İzmir Security Directorate. 38 of them were released on the same day. The other 11 activists remained in police custody overnight and were released the following day. The 49 are facing charges for violating the law on assemblies, marches and demonstrations (Law No. 2911) and doing propaganda for an illegal organisation”.²⁸⁸

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey reported that “there have been lots of incidents including assassination to arbitrary arrest in the case of protection of human rights defenders”.²⁸⁹

In April 2016 the International Federation for Human Rights reported that “Human rights defenders, lawyers, academics, on and off-line media and political opposition members are increasingly

²⁸³ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.62

²⁸⁴ Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

²⁸⁵ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

²⁸⁶ World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the İzmir Peace Block](#), 11 February 2016

²⁸⁷ World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the İzmir Peace Block](#), 11 February 2016

²⁸⁸ World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the İzmir Peace Block](#), 11 February 2016

²⁸⁹ Human Rights Foundation of Turkey, [Alternative Report to the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 117

targeted. They face smear campaigns, stigmatization, defamation, intimidation, threats, judicial harassment and criminalization, which often result in arbitrary arrest and detention as well as physical violence at the hands of law enforcement officials”.²⁹⁰

In May 2016 the United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein announced that he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in south-east Turkey over the past few months”, including “allegations of arbitrary arrests, and of torture and other forms of ill-treatment, as well as reports that in some situations ambulances and medical staff were prevented from reaching the wounded”.²⁹¹

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States reported in June 2016 that “The Assembly is also worried about the lack of political dialogue in the region, the arrests and destitution of democratically elected mayors in south-east Turkey on the following charges: ‘aiding and abetting a terrorist organisation’, ‘disrupting the unity and territorial integrity of the State’, ‘membership of a terrorist organisation and making terrorist propaganda’, ‘acting as a human shield’ and ‘providing logistical support to a terrorist organisation’”.²⁹² The same source further noted that “With regard to respect for the rule of law, the Assembly is very concerned about the recent statements made by the President of the Republic and ministers not to respect a decision of the Constitutional Court on the unlawfulness of the pretrial detention of investigative journalists, which was based on the case law of the European Convention on Human Rights”.²⁹³

Post-coup situation

Human Rights Watch explains that in July 2016 “Emergency decree 667 increased the maximum period of police detention for terrorism and organized crime from four to 30 days in clear violation of international law. [...] Lawyers and former detainees told Human Rights Watch that the extended detention period allowed by the decree rendered detainees more vulnerable to abuse and that police had in some cases explicitly used the extended detention period to threaten detainees”.²⁹⁴ For further information, see [1.a.i.2. Emergency decrees](#).

Following the coup attempt, Amnesty International reported in July 2016 that “Detainees are being arbitrarily held, including in informal places of detention. They have been denied access to lawyers and family members and have not been properly informed of the charges against them, undermining their right to a fair trial”.²⁹⁵ It further noted that it had “interviewed more than 10 lawyers in both Ankara and Istanbul who gave information about the conditions of their clients’ confinement. The lawyers represented up to 18 detainees each. [...] All the lawyers said that in the majority of the cases detainees were held pre-charge for four or more days by the police. With very few exceptions, their clients were being held incommunicado throughout this period and had not been able to inform their families of where they were or what was happening to them. They were also not able to

²⁹⁰ International Federation for Human Rights, [What Turkey really is](#), 18 April 2016

²⁹¹ UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

²⁹² Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 32

²⁹³ Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 28

²⁹⁴ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, II. Suspension of Safeguards Against Torture and Ill-treatment, p.16

²⁹⁵ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

phone a lawyer and in most cases did not see their lawyers until shortly before being brought to court or being interrogated by prosecutors”.²⁹⁶ Furthermore, “The lawyers told Amnesty International that in most cases neither they nor their clients were informed of the specific charges against them, either in a charge sheet or in court, making it difficult to prepare a defence”.²⁹⁷

Human Rights Watch reported in August 2016 that “In cases Human Rights Watch examined, decisions to arrest and detain someone pending investigation appear to have been made simply because their names appear on a list of alleged suspects, or because of alleged associations with a terrorist organization and ‘national security threats.’ The authorities have presented no evidence in courts to substantiate any alleged criminal conduct by those arrested”.²⁹⁸

In September 2016 the Reporters Sans Frontières noted that “The state of emergency strips journalists of all legal recourse against such arbitrary measures as denial of access to a lawyer during police custody, prolonged pre-trial detention, the criminalization of dissent and mistreatment of detainees. [...] Dozens of renowned journalists, including leading reporters and editors of pro-Gülen movement newspaper and magazines, have been placed in preventive detention under the two-month-old state of emergency”.²⁹⁹

Reporters Sans Frontières considered in a further September 2016 article that “Detention purely on the grounds of affiliation with the Gülenist movement, which is accused of being behind the coup, is in itself problematic, occurring without any individualised evidence of involvement in a criminal act. Moreover, the decree is also being used to arbitrarily detain journalists with absolutely no link to the Gülenist movement, including many representatives from opposition and minority groups. [...] Human Rights Watch has criticized the detentions and other measures for being arbitrary and lacking due process”.³⁰⁰

Human Rights Watch issued a report in October 2016 which explained that “Since the coup attempt, the Turkish authorities have launched a campaign to detain members and supporters of the Gülen movement accused of involvement in the bloody events of July 15. By late September, Turkey’s Justice Minister announced that around 32,000 people had been jailed pending investigation and criminal investigations were underway in relation to 70,000. Among them are soldiers, police, judges, prosecutors, journalists, teachers, academics, bureaucrats and others”.³⁰¹

Human Rights Watch, along with a number of NGOs signed a joint letter in October 2016 which stated “During the first three months of the state of emergency, the Turkish authorities have abused emergency provisions to stifle dissent, through the detention of large numbers of individuals, including both real and perceived critics of the government and others. The removal of fair trial protections and crucial safeguards against torture and other ill treatment exceed permissible, justified derogations and risk violating the absolute prohibition in international law against torture and other cruel, inhuman or degrading treatment. In practice, the application of the provisions

²⁹⁶ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

²⁹⁷ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

²⁹⁸ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

²⁹⁹ Council of Europe, [Council of Europe anti-torture Committee visits Turkey](#), 7 September 2016

³⁰⁰ Reporters Sans Frontières, [Turkey: International civil society condemn crackdown on freedom of expression](#), 06 September 2016

³⁰¹ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Background*, p.11

enable sweeping arrests, where those detained are not presented with credible evidence, preventing them from challenging or seeking redress for human rights violations”.³⁰²

f. Prison conditions

This section should be read against sections [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#) and [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#) and [3.h. Torture and other ill-treatment and abuse](#).

Pre-coup situation

According to the current World Prison Brief Turkey profile, as of April 2016 the total prison population in Turkey was 187,609 in 255 institutions, of which 14.1% were ‘untried’ prisoners i.e. not including remand prisoners convicted but unsentenced., 3.7% were female and 1.3% were juveniles.³⁰³

In December 2015 Hurriyet Daily News reported that “The number of child inmates in Turkey’s prisons increased by five times between 2010 and 2014, according to newly released data from the Turkish Statistics Institute (TÜİK). There were a total of 7,595 child convicts in Turkish prisons in 2014, 1,028 of whom were younger than 15 years old”.³⁰⁴

The Institute for Criminal Policy Research reported in its International Prison News Digest for January-February 2015 that “An internal report at a juvenile prison in İzmir, Turkey, has exposed sexual abuse and bullying of minors by older prisoners, according to media reports. [...] It reveals that older prisoners sexually abuse younger ones at the prison and that gang rape and sexual torture are highly prevalent. The document also exposes other cases of mistreatment and torture at the prison. Some older prisoners have passed urine into beverages for weaker prisoners to drink and others have deliberately cut themselves with glass and tiles so they can go to hospital”.³⁰⁵

The same source reported in its International Prison News Digest for March-April 2015 that:

In Turkey, prisoners in Şakran Women's Prison have been subjected to a new measure following the suicide of a prisoner, whereby guards check prisoners every half-hour, which the prisoners describe as a form of torture. According to reports, the Şakran prison administration introduced the practice to prevent further suicides, especially among those sentenced to life imprisonment. The prisoners are monitored by guards who go from cell to cell asking each prisoner every thirty minutes if she is OK, a practice that has become torture for the prisoners at night. Damla Ülgen, a prison lawyer, said that the measure taken by the prison administration negatively affects the psychological well-being of the prisoners instead of preventing further suicides.³⁰⁶

Penal Reform International noted in its annual report for 2015 that “In Turkey drug offenders are held in high security prisons where many are held in isolation with consequent damage to their physical and psychological well-being”.³⁰⁷

³⁰² Human Rights Watch, [Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter](#), 20 October 2016

³⁰³ World Prison Brief, [Turkey country profile](#), undated but last updated 1 April 2016 [accessed 11 November 2016]

³⁰⁴ Hurriyet Daily News, [Number of child inmates in Turkey up 500 percent in five years](#), 11 December 2015

³⁰⁵ Institute for Criminal Policy Research, [International Prison News Digest](#), 25th Edition – January- February 2015, p.9

³⁰⁶ Institute for Criminal Policy Research, [International Prison News Digest](#), 26th Edition – March-April 2015, p.6

³⁰⁷ Penal Reform International, [Global Prison Trends 2015](#), *Safety and violence*, p.5

The Institute for Criminal Policy Research reported that “There were 212 deaths in Turkish prisons in the first six months of 2015, according to a report published by the Radikal news portal. Of the 212 deaths in Turkey’s prisons, 176 were from natural causes, 29 people committed suicide and seven more died from other causes. This number is strikingly higher than the 2005 total figure of 59 deaths”.³⁰⁸

In its annual report covering 2015, the U.S. Department of State considered that “Prison facilities remained inadequate and did not meet international standards”.³⁰⁹ The same source further noted that:

Underfunding and lack of access to adequate health care were problems. Overcrowding in some prisons remained a problem. [...]

Human rights organizations asserted prisoners frequently lacked adequate access to potable water, proper heating, ventilation, and lighting, a claim the government denied. According to the HRA, prisoners sometimes complained about food quality. The HRF [Human Rights Foundation] reported that physical and hygiene conditions in prisons were inadequate due to overcrowding. [...]

Although the government claimed doctors were assigned to each prison, human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. The HRA reported prison doctors were often absent for long periods and that prisoners often waited months to be transferred to hospitals. As of May the HRA [Human Rights Association] reported that 721 inmates were sick, including 283 in critical condition. The Ministry of Justice reported that between January 2013 and October 5, authorities released 517 inmates for health reasons, but the HRA claimed only a few of those releases occurred during the year. Chief prosecutors have discretion, particularly under the wide-reaching antiterror law, to keep in prison inmates whom they deem dangerous to public security, regardless of medical reports documenting serious illness.

The government in 2014 amended the law to enhance inmates’ access to medical care. Instead of improving conditions, there were reports it actually worked against prisoners by adding a requirement to show “immediate and verifiable danger” for prisoners to receive special treatment. The HRF stated that illness among inmates was the biggest problem in prisons, followed by overcrowding. [...]

There was no prison-specific ombudsman institution; the national Ombudsman Institution functioned for prisons as well as for broader human rights and personnel issues. Authorities at times investigated credible allegations of inhuman conditions but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable. [...]

The HRA reported the government did not allow NGOs to monitor prisons.³¹⁰

The November 2015 European Commission Turkey progress report on EU membership found that:

As regards the prison system, 2 045 prison staff members have received training on Council of Europe and human rights mechanisms. Despite an increase in the number of psychologists, social workers, and sociologists, the low number hinders successful rehabilitation of 173 000 inmates. Concerns over the situation in prisons continue. Alternatives to imprisonment should be developed to curb overcrowding. Ill-treatment in juvenile prisons has continued to be reported. Suspended sentence measures are granted restrictively to terminally ill prisoners.

Allegations of ill-treatment are not properly investigated or sanctioned. Only a small number of judicial cases against prison staff have been concluded with overly lenient sanctions. Turkey still fails to implement ECtHR case law on mistreatment, conditions in prisons and protection of the right to life. This also includes violation of the right to vote.³¹¹

³⁰⁸ Institute for Criminal Policy Research, [International Prison News Digest](#), 28th Edition – July - August 2015, p.3

³⁰⁹ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.c
Prison Conditions

³¹⁰ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.c
Prison Conditions

³¹¹ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.62

The Council of Europe Parliamentary Assembly explained in a November 2015 report on a Committee on Legal Affairs and Human Rights fact-finding mission to Turkey on 'The fate of critically ill detainees' that "Within the Turkish penitentiary system, medical care is normally provided by general practitioners and specialists at the place of detention. These doctors are appointed to work in the prison by the Ministry of Health. Five prisons across the country have a prison hospital. For emergency cases, co-operation is foreseen between the place of detention and university hospitals".³¹² The same source further found that:

Prior and during my information visit, I was confronted with allegations of breaches of medical confidentiality, notably due to the presence of custodial staff during medical examination. [...]

It is also a cause of concern that prisoners and detainees appear too often, if not routinely, to be handcuffed during medical examinations at hospitals. [...]

I received accounts claiming that there continue to be instances of ill-treatment at the hands of gendarmes during transfer to hospitals. Kurdish political prisoners seem to be particularly prone to such abuse. [...]

The problem of delays seems to also exist in the context of early release from prison on health grounds.³¹³

On the same issue the Human Rights Association submitted to the UN Committee Against Torture in March 2016 that "According to the IHD Data, as of 15 December 2015 there are 757 ill-prisoners and 300 of these prisoners are seriously ill in Turkey. [...] These ill prisoners are not released as a result of problematic practices by The Council of Forensic Medicine (ATK) Turkey. There are several cases that seriously ill prisoners lost their lives in the past".³¹⁴ Moreover, "The independent non-governmental organisations are not allowed to monitor the prisons in Turkey".³¹⁵

The Human Rights Foundation of Turkey submitted in March 2016 to the UN Committee Against Torture organization with regards to detention conditions:

Prisons remain among the places where torture and ill treatment allegations are common. It is observed that, along with physical or psychological violence against inmates, physical conditions of prisons, limited access to health care facilities, hygiene and nutritional issues, and solitary confinement and small group isolation (especially in type F prisons) cause physical and psychological integrity of inmates to get severely damaged.

The increasing population of prisons and placing inmates at levels exceeding the capacity of prisons cause worsening of physical conditions and increases deprivation of rights. Considering the data of Ministry of Justice as of 18 February 2016 there are 362 prisons with a capacity of 180.256 people where the total number of inmates is 182.539. [...]

The arising population in contrast to decreasing humane treatment have caused protests which resulted in serious violations. In the fire outbreak at Type E Closed Prison, Şanlıurfa on 16.06.2012, 13 inmates died and 5 were injured. In the joint report prepared by HRFT, HRA, CPETU, TMA, Progressive Lawyers Association (PLA), Confederation of Progressive Trade Unions (CPTU), Diyarbakır Bar Association (DBA) and The Association of Human Rights and Solidarity for Oppressed People (AOP), it was stated that 1057 detainees and inmates were put in a 375 person capacity jail, the building was

³¹²Council of Europe Parliamentary Assembly, [The fate of critically ill detainees in Europe](#), 13 November 2015, paragraph 114

³¹³Council of Europe Parliamentary Assembly, [The fate of critically ill detainees in Europe](#), 13 November 2015, paragraphs 115-118

³¹⁴Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 20

³¹⁵Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 21

old, health conditions were very bad, humane needs like food and sleep weren't fulfilled in dignity, and wards were extremely crowded and hot. [...] Other issues underlined in the report include: those in the prison set their beds on fire to protest these conditions, but fire-fighter intervention was allowed only when it was too late and efforts were insufficient, medics also weren't allowed in until it was too late and thus deaths and injuries happened.³¹⁶

It should be noted that as reported by Amnesty International, the National Human Rights Institution was abolished in April 2016, leaving no independent human rights monitors with access to detention facilities in Turkey.³¹⁷

In April 2016 the Daily Sabah reported that "Turkey also faces a prison capacity shortage with some prisons already working beyond their capacity, with inmates forced to stay in three-bed bunks and beds on the floor".³¹⁸

In June 2016 the Committee Against Torture concluded with regards to conditions of detention:

While welcoming the efforts made by the State party to improve conditions of detention in prisons, the Committee is concerned that overcrowding and inadequate health-care services remain a problem in the prison system and that the State party has taken insufficient measures to mitigate the dramatic increase in its prison population through the use of alternative measures to deprivation of liberty. It is also concerned at reported arbitrary practices such as cell raids at any hour of the day, illegal searches and denial of phone calls, in particular in the Tekirdag F-type prisons. In addition, the Committee notes with concern that solitary confinement may be imposed for up to 20 consecutive days (arts. 2, 11 and 16). [...]

The Committee regrets the lack of complete information on suicides and other sudden deaths in detention facilities during the period under review (arts. 2, 11 and 16). [...]

The Committee is concerned that, contrary to the information provided by the State party, human rights non-governmental organizations have reported that they are still not allowed to visit prison detention facilities to conduct monitoring activities.³¹⁹

Post-coup situation

Following the coup attempt, Amnesty International reported in July 2016 that it had "credible reports that Turkish police in Ankara and Istanbul are holding detainees in stress positions for up to 48 hours, denying them food, water and medical treatment, and verbally abusing and threatening them. In the worst cases some have been subjected to severe beatings and torture, including rape".³²⁰ Furthermore, "The organization heard multiple reports of detainees being held in unofficial locations such as sports centres and a stable. Some detainees, including at least three judges, were held in the corridors of courthouses. [...] Interviewees also said that based on what detainees told them police deprived them of food for up to three days and water for up to two days. [...] One lawyer working at the Caglayan Courthouse in Istanbul said that some of the detainees she saw there were in extreme emotional distress, with one detainee attempting to throw himself out of a sixth story window and another repeatedly slamming his head against the wall".³²¹

³¹⁶ Human Rights Foundation of Turkey, [Alternative Report to the United Nations Committee against Torture; For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraphs 88 -90

³¹⁷ Amnesty International, [Turkey crackdown by the numbers: Statistics on brutal backlash after failed coup](#), 26 July 2016

³¹⁸ Daily Sabah, [Plea bargain in the works to speed up Turkey's judicial system](#), 3 April 2016

³¹⁹ Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey*](#), 2 June 2016, paragraphs 31, 33 and 37

³²⁰ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

³²¹ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

In August 2016 a lawyer told Hurriyet Daily News that there were six people staying in cells built for three people, noting "They are sleeping in bunk beds in turns. The prison is already overcrowded. Instead of taking steps to solve the situation, the state plans to jail more people via opening more prisons".³²²

The Business Insider reported in August 2016 that "The government says the situation is under control, but pictures of some alleged coup plotters handcuffed, stripped to their underpants and detained in sweltering rooms have raised concern among rights groups. There are reports that some jails are so crowded that prisoners have to sleep in shifts" and "The Silivri prison west of Istanbul was so crowded that prisoners were being housed in its sports facilities".³²³ Furthermore:

"Jails had already exceeded capacity before July 15, with prisoners sleeping in corridors and by toilets," said Veli Agbaba, the deputy head of the main opposition, the secular Republican People's Party (CHP), who has made hundreds of prison visits in the last five years for his work on a CHP commission investigating conditions in jails.

The overcrowding was such that prisoners were sleeping in shifts and in response new beds were being brought in, Agbaba said. The rooms are so crammed with beds that there is no floor space for walking, he said. "The severity of the prison problem is not one that can be solved by sending in new beds," he said.

The pro-government Yeni Safak newspaper reported that authorities at Sincan prison in Ankara set up a large tent on the prison grounds to house coup-related detainees. The government has rejected the report, with a justice ministry official saying all suspects were held in prison buildings.

Rights groups say the overcrowding is another form of torture for the prisoners, some of whom have been shown in photos and television footage with bandages and bruises since their incarceration.³²⁴

In August 2016 Justice Minister Bekir Bozdag announced that Turkey would grant early release to around 38,000 prisoners on parole who committed crimes before July 1 2016, given prison overcrowding following the attempted coup.³²⁵ The Independent newspaper reported that on 1 September 2016 "33,838 prisoners convicted before 1 July who had demonstrated 'good behaviour' were released", and that "those who had served half their sentence were eligible, with crimes such as murder and rape excluded from the scheme".³²⁶ The Justice Ministry also announced in August 2016 that over 170 jails will be built over the next five years in Turkey, increasing capacity by 100,182 convicts in order to "meet the unanticipated increase in the number of convicts".³²⁷

In August 2016 the OHCHR reported that "allegations of torture and poor detention conditions have been raised following legislative provisions that enable wide and indiscriminate administrative powers that affect core human rights".³²⁸

Reporters Sans Frontières reported in September 2016 with regards to those held under the state of emergency decrees that "Those detained are held for several days without charge, often without access to a lawyer or their family. There are worrying reports of poor conditions in detention,

³²² Hurriyet Daily News, [174 jails to be built in Turkey](#), 5 August 2016

³²³ Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

³²⁴ Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

³²⁵ France 24, [Turkey to release 38,000 from prison, frees space for coup plotters](#), 18 August 2016

³²⁶ The Independent, [Turkey releases almost 34,000 prisoners 'to make space for more coup plotters'](#), 2 September 2016

³²⁷ Hurriyet Daily News, [174 jails to be built in Turkey](#), 5 August 2016

³²⁸ OHCHR, [UN experts urge turkey to adhere to its human rights obligations even in time of declared emergency](#), 19 August 2016

including beatings, severe overcrowding, and a lack of access to essential medicines”.³²⁹ Another September 2016 report from the same source provided further details:

Turkey had carried out significant improvements to the conditions of detainees in the past decade, motivated in large part by a desire to advance accession negotiations with the European Union. This progress has unfortunately been swept away by the state of emergency and the thousands of arrests carried out in the wake of the coup attempt. As arbitrary methods have gained sway and a spirit of revenge has taken hold at the highest government levels, the situation in prisons has declined rapidly and several journalists have been mistreated”.³³⁰

In September 2016 Hurriyet Daily News reported that according to Gülseren Yoleri, lawyer of the Human Rights Association, “Notorious former prison torture methods have reemerged during the state of emergency declared after the July 15 failed coup attempt”.³³¹ The same source noted that “Being detained for 30 days and getting no help from lawyers is torture in itself. [...] There are preventions regarding [medical] treatment. They are saying, ‘We can’t take you to hospitals due to the state of emergency.’ The prison is also full beyond its capacity. Inmates are having to sleeping in turns due to lack of space. [...] Yoleri also noted that inmates crammed into small cells had to take turns at windows in order to get fresh air”.³³²

Human Rights Watch considered in an October 2016 report that “Police behavior and pressure from the authorities have also undermined the integrity of medical examinations for those in police custody and detention by often requiring that medical examinations take place in detention facilities and in the presence of police officers, Human Rights Watch research shows. In addition, the authorities have repeatedly denied detainees and their lawyers access to detainees’ medical reports that could substantiate allegations of ill-treatment during arrest or detention, citing secrecy of the investigation”.³³³ The report focused on the period of police detention, noting that “Expert human rights monitoring bodies have repeatedly emphasized that this is the period when detainees are likely to be most vulnerable to abuse”.³³⁴

g. Enforced disappearances

Pre-coup situation

The Human Rights Association (HRA) submitted to the UN Committee Against Torture that “According to the HRA data, there are 455 cases of enforced disappearance between 1979 and 2004. The list of names in all of these cases was submitted to the UN Working Group on Enforced or Involuntary Disappearances. The Republic of Turkey is not a signatory to the International Convention for the Protection of all Persons from Enforced Disappearances”.³³⁵

³²⁹ Reporters Sans Frontières, [Turkey: International civil society condemn crackdown on freedom of expression](#), 06 September 2016

³³⁰ Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.7

³³¹ Hurriyet Daily News, [Former torture methods reemerge in Turkish prisons: Human Rights Association](#), 14 September 2016

³³² Hurriyet Daily News, [Former torture methods reemerge in Turkish prisons: Human Rights Association](#), 14 September 2016

³³³ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, Summary p.3

³³⁴ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, Summary p.3

³³⁵ Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 6

Human Rights Watch's annual report covering 2015 noted that "Despite thousands of killings and enforced disappearances of Kurds by security forces in the 1990s, only a handful of military personnel have faced criminal trial; in four cases in 2015, military personnel were acquitted, and in no case convicted. Turkey's 20-year statute of limitations on the prosecution of unlawful killings remains a major obstacle to justice".³³⁶

The 2015 U.S. Department of State report noted that "There were no reports of politically motivated disappearances during the year. Human rights organizations continued to criticize official investigations into previous disappearances, many from the early 1990s. Only a few active court cases continued. According to the HRA, 10 cases continued during the year, four of which concluded in acquittals. The HRF reported that of hundreds of reported disappearances from the 1990s, only a few cases were opened, and only after public pressure. Citing security concerns, the government moved hearings on the few continuing cases to cities distant from the scene of the alleged disappearances, making participation in the hearings difficult for victims' families and their lawyers".³³⁷

The Human Rights Association submitted to the UN Committee Against Torture in March 2016 that "no one has ever been sentenced for enforced disappearances in Turkey. In Turkey, there is no definition for this crime; the statute of limitations was implemented so far and a policy of impunity has been in place. [...] There are many of ECtHR decisions against Turkey on cases of enforced disappearances and it has been held that the responsible public officials should be put on trial. Despite this, there were only a few cases brought against these and in the cases opened they were acquitted".³³⁸

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey (HRFT) considered that "there are systemic problems in the implementation of the ECtHR judgments regarding enforced disappearances. Despite the decisions on violation, the prosecution stages were handled as form of impunity. They are initiated with a limited scope. Each incident is considered as a stand-alone case and therefore the systematic, organized and widespread structure of the violations is disregarded. Moreover prosecutions initiated have been transferred to a city other than the place of the offenses, by a decision of the Ministry of Justice due to 'security reasons'. Such transfers obstruct the relatives and lawyers of the survivors from following the proceedings properly and cause financial burdens due to transportation costs. [...] in all of these cases, perpetrators have continued to serve their duty. [...] There are visible concerns related to the impartiality of the courts. The decisions on acquittal are granted to the perpetrators".³³⁹

In March 2016 Deutsche Welle reported that "Dozens are unaccounted for in Diyarbakir, Turkey's largest Kurdish city, where government forces are clashing with PKK-linked militias".³⁴⁰ In June 2016 the Committee Against Torture concluded that "The Committee is concerned at the "almost

³³⁶ Human Rights Watch, [World Report 2016 - Turkey](#), 27 January 2016

³³⁷ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.b. *Disappearance*

³³⁸ Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraphs 6 and 7

³³⁹ Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 44

³⁴⁰ Deutsche Welle, [Families search for missing loved ones in Turkey's embattled Kurdish capital](#), 19 March 2016

complete lack of accountability for cases of enforced disappearance” in the State party and its “palpable lack of interest [in] seriously investigating, prosecuting and adjudicating these cases”.³⁴¹

Amnesty International reported at the end of June 2016 that:

On 27 May Hurşit Küller, chair of the Kurdish Democratic Regions Party (DBP) for Şırnak, a city that has been under a 24-hour round the clock curfew since 14 March, disappeared. According to text messages he sent to his father, and chilling tweets by an unknown individual or individuals sent from an account that shares details of security operations and is believed to be operated by special operations police, he was detained by members of the security forces. There has been no information regarding Hurşit Küller’s whereabouts since that day, although the authorities deny that he is in their custody. According to lawyers working on Hurşit Küller’s case, the Turkish authorities have failed to investigate the circumstances of his disappearance, including the identification of those who sent tweets reporting his detention and the questioning of members of the security forces on duty at the time. On 23 June, almost a month after Hurşit Küller’s disappearance, the Ministry of Interior announced that a civil servant from the Ministry had been instructed to inspect the incident. Amnesty International is dismayed by the apparent failure of the authorities to initiate a prompt, effective and independent investigation into the alleged enforced disappearance.³⁴²

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that:

Turkey has not come to terms with past enforced disappearances in all relevant areas, namely truth, justice, reparation, and memory of the victims. There has been no comprehensive policy to address disappearances. Many families do not know the truth about what happened to their loved ones, there has hardly been a single case of criminal responsibility or civil liability for an act of enforced disappearance, there are no reparation programmes independent from the compensation that may be awarded by a court, nor any effective and accessible social or psychological support for families, and there is no public memorial site or symbolic place for the families — and for society as a whole — to remember the victims and pay tribute to them. This lack of measures to address disappearances results from a combination of factors: mainly the lack of clear political will in all spheres to seriously tackle the issue, combined with legal and other obstacles.³⁴³

The same source noted that “The allegations filed with the Working Group mainly relate to disappearances that occurred between 1992 and 1996 in the south-east of Turkey” and that “Although during the visit the Working Group did not receive allegations of recent enforced disappearances, its experience suggests that situations such as the current one in the south-east are conducive to human rights violations, including enforced disappearances”.³⁴⁴ It further reported that “During its visit, the Working Group heard very troubling testimonies, including of families not being able to have access to the bodies of their loved ones killed during the security operations, and of bodies being disposed of. It also heard allegations of instances of extrajudicial executions and other human rights violations”.³⁴⁵

Post-coup situation

³⁴¹ Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey*](#), 2 June 2016, paragraph 21

³⁴² Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

³⁴³ UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, *Note by the Secretariat*

³⁴⁴ UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, paragraphs 8 and 11

³⁴⁵ UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, paragraph 12

Following the coup attempt, Amnesty International reported in July 2016 that it had “has gathered credible evidence that detainees in Turkey are being subjected to beatings and torture, including rape, in official and unofficial detention centres in the country” and spoken with “a relative of a high-ranking military official who was detained in Ankara. He said that family members were able to speak with the detained relative on his mobile phone on Saturday 16 July before it was confiscated by the police, but that the family has had no information about his fate or whereabouts since then. Family members made several trips to detention centres in Ankara but were consistently told the detainee was not there. The detainee has also had no access to a lawyer. Such treatment amounts to enforced disappearance which in itself is a crime under international law. This practice places detainees outside the protection of the law and cuts them off from the outside world, putting them at very high risk of torture or even extrajudicial execution”.³⁴⁶

Also see section [3. e. Arbitrary arrest and detention](#).

h. Torture and other ill-treatment and abuse

This section should be read in conjunction with section [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#).

Pre-coup situation

Human Rights Watch provides the following historical overview of torture in Turkey “Widespread and systematic torture has been a long-standing problem in Turkey’s recent past [...] From 2002, when the Justice and Development Party (AKP) first assumed office, to mid- 2015 reports of torture and ill-treatment in police custody decreased significantly. [...] With the collapse of a peace process between the Turkish state and the imprisoned leader of the armed Kurdistan Workers’ Party (PKK) in summer 2015, conflict in the mainly Kurdish southeast resumed. In the context of security operations against PKK-linked urban militia groups entrenched in cities and neighborhoods of the southeast, Human Rights Watch documented a rise once more in reports of torture and ill-treatment of detainees in police custody”.³⁴⁷ The same source further noted that:

Methods reported to Human Rights Watch by people later released from detention in the southeast included police beating and punching them, verbally abusing them and threatening them with rape, making them kneel for many hours while handcuffed from behind, depriving them of basic needs such as water, food and sleep. For the most part, however, the reports and descriptions of such abuse came from lawyers since the majority of detainees remained imprisoned pending trial and therefore not accessible to human rights groups.

Even before the coup attempt lawyers in the southeast also reported some relaxation of the usual detention safeguards. After mass arrests, individuals were held in unofficial places of detention such as sports halls and lawyers were often barred from access to them in the midst of continuing armed clashes. Some detainees later reported to their lawyers being forced to sign papers they had not read and being coerced into identifying other suspects from lists of names and photographs

Images circulated on the internet, apparently taken by special operations police officers, appearing to show the naked and disfigured body of female PKK member Kevser Eltürk (Ekin Wan) being paraded in the streets of Varto in the eastern province of Muş, after clashes with state forces in August.³⁴⁸

³⁴⁶ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

³⁴⁷ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Torture in Turkey* p.14-15

³⁴⁸ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Torture in Turkey* p.15

The European Commission against Racism and Intolerance (ECRI) reported with regards to disciplinary investigations against police for torture between 2010 and July 2015 that:

According to the Turkish authorities' statistics, between 2010 and 3 July 2015 2 975 staff of the national police were the subject of disciplinary and 3 543 of criminal investigations for excessive use of force (Article 256 CC). Disciplinary investigations for torture (Articles 94 and 95 CC) were instigated against 324 and criminal investigations for torture against 688 staff. In 148 cases of excessive use of force disciplinary measures were taken and in 4 cases a judicial fine was imposed. In the field of torture, 3 disciplinary measures were taken.

These figures are not made public and not even the Ombudsperson is informed of these statistics. Since the very limited number of disciplinary measures and judgments again points to continuing impunity, ECRI welcomes the authorities' plan to establish a central registry for all such complaints and investigations, appoint a body to follow up these decisions, provide further training to groups of inspectors specialising in the review of human rights violations (see also §§ 95 and 96), and extend human rights training for police officers. At the same time, ECRI considers that additional activities are needed to re-establish and increase the trust of vulnerable groups in the police.³⁴⁹

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, found that "deaths in custody continue to occur, the majority after instances of torture or ill-treatment" and that "The Special Rapporteur continues to receive reports of reprisal action being taken against complainants of torture or ill-treatment".³⁵⁰

The 2015 U.S. Department of State report noted that "Human rights organizations continued to report allegations of torture and abuse, especially of persons who were in police custody but not in a place of detention, and during demonstrations and transfers to prison, where such practices were more difficult to document. [...] Human rights groups alleged that although torture and mistreatment in police custody decreased following installation of closed-circuit cameras in 2012, police continued to abuse detainees outside police stations. [...] Human rights organizations documented cases of prison guards beating inmates and maintained those arrested for ordinary crimes were as likely to suffer torture and mistreatment as those arrested for political offenses, such as speaking out against the government".³⁵¹

Reporting with regards to investigations for allegations of torture committed by the security forces the same source noted that:

Prosecutors investigated allegations of abuse and torture by security forces during the year but rarely indicted accused offenders. The National Human Rights Institution (NHRI) is administratively responsible for investigating human rights violations, including allegations of torture, excessive use of force, or extrajudicial killings. Domestic human rights organizations claimed the NHRI's failure to follow through in investigating potential human rights violations deterred victims of abuse from filing complaints. Authorities regularly allowed officers accused of abuse to remain on duty during their trial. [...]

Some human rights observers reported detainees often refrained from reporting torture and abuse because they feared retaliation or believed complaining to authorities would be futile. [...]

The TNP [Turkish National Police] investigated allegations of excessive use of force during the year, resulting in disciplinary actions for 30 officers in relation to 334 cases. At the end of the year, 71 cases continued. The TNP also investigated allegations of the use of torture, dismissing 34 officers in 46

³⁴⁹ Council of Europe - European Commission against Racism and Intolerance, [ECRI Report on Turkey \(fifth monitoring cycle\) \[CRI\(2016\)37\]](#), 4 October 2016, paragraph 58

³⁵⁰ UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum: Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, paragraphs 25 and 65

³⁵¹ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.c *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

investigations. Eight investigations continued at year's end. The TNP also reported 229 criminal cases based on allegations of the use of torture during the year. There were no convictions, but prosecution continued in seven cases.³⁵²

In its annual report covering 2015 Amnesty International reported that "Reported cases of ill-treatment in detention and other inhuman or degrading treatment in the context of police or military operations against the PKK increased. Four men accused of murdering two policemen in the southeastern city of Ceylanpınar said they had been severely beaten in police custody in July and August, first when they were being transferred to Osmaniye No. 1 T-type prison in Adana province and then at the prison itself. They remained in pre-trial detention at the end of the year. Another photograph showed the body of Hacı Lokman Birlik being dragged behind an armoured police vehicle in the southeastern province of Şırnak in October. The reported autopsy indicated that the man had been shot 28 times. The authorities said that investigations into both incidents were continuing".³⁵³

The November 2015 European Commission Turkey progress report on EU membership found that:

The situation regarding prevention of torture and ill-treatment has improved over the past several years but a number of problems remain. There have been frequent reports of use of excessive force against demonstrators and cases of ill-treatment in prisons. This is an issue of serious concern give the lack of clear and binding rules on the proportionate use of force, especially in demonstrations. The NHRI's national preventive mechanism is not yet functional. There are no effective civilian arrangements to investigate alleged violations of conscripts' rights and cases of ill-treatment. Significant obstacles remain to securing justice for victims of serious human rights abuses by law enforcement officials.³⁵⁴

The Human Rights Association (IHD) submitted to the UN Committee Against Torture in March 2016 that "According to the IHD data, the figures of torture and ill-treatment cases in prison as follows: 583 people in 2012, 843 people in 2013, 213 people in 2014 and 215 in 2015. In addition to these torture and ill-treatment cases, there are cases of forced transfer from one prison to another one, naked body check/search, medical treatment while handcuffed, naked body check/search of new prisoners, at least 1-day isolation for prisoners who are accused of terrorist activities, and isolation punishment and ban on family visits in F-Type prisons. These are the most problematic issues as regards to torture and ill-treatment in prisons".³⁵⁵

The London Legal Group submitted to the UN Committee Against Torture that "more recent information was published by the Human Rights Association (HRA) and the Human Rights Foundation of Turkey (HRFT) according to which, in the first 11 months of 2015, 560 people applied to HRFT, 347 of whom claiming to have been subjected to torture or ill-treatment. In the first 11 months of 2015, 1433 were reported to be tortured while under custody but outside detention centres according to the additional data released by HRA".³⁵⁶ The same source further considered that "Excessive use of force by police officers and prison guards continues to be extensively practiced in Turkey. In Turkey's detention facilities, overcrowding and poor living conditions remain

³⁵² U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1.c *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* and Role of the Police and Security Apparatus

³⁵³ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

³⁵⁴ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.62

³⁵⁵ Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 19

³⁵⁶ London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.9-10

unresolved, and torture and ill-treatment of inmates, including beatings, sexual and psychological harassment, and rapes, are still common. [...] Torture and ill-treatment at the hands of law enforcement officials also occurs during demonstrations and protests, particularly in the Kurdish region or during demonstrations related to minority rights across the country”.³⁵⁷

Hurriyet Daily News cited Republican People’s Party (CHP) Istanbul deputy Sezgin Tanrikulu as stating that “If we look closely, in the last two years, the AKP has followed policies which gave rise to a horrible increase in the number of torture incidents. The torture cases, which were around 900 when the AKP came to power, reached a horrible figure like 5,671 in 2015”.³⁵⁸

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey (HRFT) considered that “There has been a significant increase in cases of torture and other forms of ill treatment in places described as unofficial places of detention experienced in Turkey as police vehicles, home, workplace, confined areas, streets, areas of demonstrations and so forth since the Committee’s last Concluding Observations. [...] In 2015, there have been serious violations of human rights, including acts of sexual torture against women”.³⁵⁹

It should be noted that as reported by Amnesty International, the National Human Rights Institution was abolished in April 2016, leaving no independent human rights monitors with access to detention facilities in Turkey.³⁶⁰

In its April 2016 submission to the UN Committee Against Torture, Human Rights Watch reported that it “is concerned to report an increase in allegations of police torture or ill-treatment of detainees, including children, in southeast Turkey over the past nine months, and over the past five years a pattern of widespread police ill-treatment of demonstrators and excessive use of force to disperse protests. [...] The increase in allegations of ill-treatment and torture of detainees includes reports of ill-treatment at the moment of apprehension as well as in transit to and in formal places of detention. The increase in reports mainly concern individuals detained during or after security operations against PKK-affiliated groups or following armed clashes”.³⁶¹

In May 2016 the United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein announced that he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in south-east Turkey over the past few months”, including “allegations of arbitrary arrests, and of torture and other forms of ill-treatment, as well as reports that in some situations ambulances and medical staff were prevented from reaching the wounded”.³⁶²

The International Rehabilitation Council for Torture Victims reported in May 2016 that “As part of the [UN Committee against Torture’s] hearings, IRCT member the Human Rights Foundation of Turkey (HRFT) travelled to Geneva to brief the Committee on its key concerns. These concerns related to torture in unofficial places of detention, torture during the curfews in the south-east of the country, lack of independent institutions to investigate and monitor torture and ill-treatment

³⁵⁷ London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p. 4

³⁵⁸ Hurriyet Daily News, [CHP report on prisoners highlights mistreatment and mischarges in post-coup attempt probes](#), 7 September 2016

³⁵⁹ Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraphs 5 and 29

³⁶⁰ Amnesty International, [Turkey crackdown by the numbers: Statistics on brutal backlash after failed coup](#), 26 July 2016

³⁶¹ Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

³⁶² UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

and the deliberate targeting of individuals and organisations working to support victims of torture and ill-treatment”.³⁶³ Moreover “HRFT was recently fined because of its provisions of rehabilitation to persons who were tortured during the Gezi Park protests”.³⁶⁴

In a June 2016 report on ‘Security operations in south-east Turkey’, Amnesty International noted that “On 26 May, 42 people, comprising 26 men, 11 women and 10 children (five girls and five boys) were detained by security forces. All of the individuals reported being ill-treated and having been hooded during detention. Lawyers representing some of those detained told Amnesty International that the individuals showed injuries consistent with those sustained during beatings and that one 16 year-old boy reported his finger had been broken after he refused to sign a statement he was not allowed to read and that his eye had been damaged during a beating by police officers while in police custody. [...] Those who have been remanded in pretrial detention on anti-terrorism charges have not received the medical care they need in prison”.³⁶⁵

In June 2016 the Committee Against Torture concluded that:

The Committee is seriously concerned about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of detainees while responding to perceived and alleged security threats in the south-eastern part of the country [...]. The Committee is further concerned at the reported impunity enjoyed by the perpetrators of such acts (arts. 2, 4, 12, 13 and 16). [...] The Committee is concerned that allegations of excessive use of force against demonstrators have increased dramatically during the period under review.³⁶⁶

With regards to impunity for torture the same source noted that:

The Committee is concerned that, despite the fact that the State party has amended its law to the effect that torture is no longer subject to a statute of limitations, it has not received sufficient information on prosecutions for torture, including in the context of cases involving allegations of torture that have been the subject of decisions of the European Court of Human Rights. The Committee is also concerned that there is a significant disparity between the high number of allegations of torture reported by non-governmental organizations and the data provided by the State party in its periodic report [...], suggesting that not all allegations of torture have been investigated during the reporting period. Further, while the State party has undertaken many investigations into allegations of ill-treatment and excessive use of force by its officials, these have resulted in relatively few cases of disciplinary sanctions, and in fines and imprisonment in only a small number of cases. [...] The Committee further regrets [...] that the State party has not yet created an independent State body to investigate complaints of torture and ill-treatment against law enforcement officers (arts. 2, 4, 12 and 13 and 16).³⁶⁷

Post-coup situation

Following the attempted coup, in July 2016 the International Rehabilitation Council for Torture Victims expressed its concern over “the mass arrests and allegations of torture and ill treatment of

³⁶³ International Rehabilitation Council for Torture Victims, [Committee against Torture urges Turkey to take serious action to end torture and stop crackdown on civil society](#), 17 May 2016

³⁶⁴ International Rehabilitation Council for Torture Victims, [Committee against Torture urges Turkey to take serious action to end torture and stop crackdown on civil society](#), 17 May 2016

³⁶⁵ Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

³⁶⁶ Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey*](#), 2 June 2016, paragraphs 11, 15

³⁶⁷ Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey*](#), 2 June 2016, paragraph 9

detainees”.³⁶⁸ It also reported that “Images have recently surfaced, showing dozens of detainees huddled together naked and handcuffed on the floor. According to HRFT [Human Rights Foundation of Turkey], the images suggest that the detainees have also been subjected to torture and ill treatment”.³⁶⁹

Amnesty International reported in July 2016 that it “has credible reports that Turkish police in Ankara and Istanbul are holding detainees in stress positions for up to 48 hours, denying them food, water and medical treatment, and verbally abusing and threatening them. In the worst cases some have been subjected to severe beatings and torture, including rape. ‘Reports of abuse including beatings and rape in detention are extremely alarming, especially given the scale of detentions that we have seen in the past week. The grim details that we have documented are just a snapshot of the abuses that might be happening in places of detention,’ said Amnesty International’s Europe director John Dalhuisen”.³⁷⁰ Furthermore:

The organization heard extremely alarming accounts of torture and other ill-treatment of detainees, particularly at the Ankara Police Headquarters sports hall, Ankara Başkent sports hall and the riding club stables there. [...]

Two lawyers in Ankara working on behalf of detainees told Amnesty International that detainees said they witnessed senior military officers in detention being raped with a truncheon or finger by police officers. A person on duty at the Ankara Police Headquarters sports hall saw a detainee with severe wounds consistent with having been beaten, including a large swelling on his head. The detainee could not stand up or focus his eyes and he eventually lost consciousness. While in some cases detainees were afforded limited medical assistance, police refused to allow this detainee essential medical treatment despite his severe injuries. The interviewee heard one police doctor on duty say: “Let him die. We will say he came to us dead.” [...]

The same interviewee said 650-800 male soldiers were being held in the Ankara police headquarters sports hall. At least 300 of the detainees showed signs of having been beaten. Some detainees had visible bruises, cuts, or broken bones. Around 40 were so badly injured they could not walk. Two were unable to stand. One woman who was also detained in a separate facility there had bruising on her face and torso.

In general, it appears that the worst treatment in detention was reserved for higher-ranking military officers.

Many of the detainees in the sports hall and other facilities were handcuffed behind their backs with plastic zip-ties and forced to kneel for hours. Interviewees reported that zip-ties were often fastened too tight and left wounds on the arms of detainees. In some cases detainees were also blindfolded throughout their detention.

Lawyers described how people were brought before prosecutors for interrogation with their shirts covered in blood.³⁷¹

The Business Insider reported in August 2016 that “pictures of some alleged coup plotters handcuffed, stripped to their underpants and detained in sweltering rooms have raised concern among rights groups”.³⁷² Moreover, “Footage clearly shows those soldiers were beaten when they were under custody. This is torture. You don’t even need to go and investigate,” said Ozturk

³⁶⁸ International Rehabilitation Council for Torture Victims, [IRCT member in Turkey warns of torture in the aftermath of failed coup](#), 21 July 2016

³⁶⁹ International Rehabilitation Council for Torture Victims, [IRCT member in Turkey warns of torture in the aftermath of failed coup](#), 21 July 2016

³⁷⁰ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

³⁷¹ Amnesty International, [Turkey: Independent monitors must be allowed to access detainees amid torture allegations](#), 24 July 2016

³⁷² Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

Turkdogan, head of the Turkish Human Rights Association. ‘This is such a vengeful mentality and it should be abandoned’³⁷³.

In August 2016 the OHCHR reported that “allegations of torture and poor detention conditions have been raised following legislative provisions that enable wide and indiscriminate administrative powers that affect core human rights”.³⁷⁴

In September 2016 Reporters Sans Frontières noted that:

Turkey had carried out significant improvements to the conditions of detainees in the past decade, motivated in large part by a desire to advance accession negotiations with the European Union. This progress has unfortunately been swept away by the state of emergency and the thousands of arrests carried out in the wake of the coup attempt. As arbitrary methods have gained sway and a spirit of revenge has taken hold at the highest government levels, the situation in prisons has declined rapidly and several journalists have been mistreated.³⁷⁵

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc visit to Turkey from 29 August to 6 September 2016 and explained that “The purpose of the visit was to examine the treatment and conditions of detention of persons who have been detained in connection with the recent military coup attempt. To this end, the delegation interviewed in private several hundred persons in various prisons and police establishments in the Ankara, Istanbul and Izmir areas”.³⁷⁶

Welcoming the Council of Europe's visit, Amnesty International reported in September 2016 that:

Amnesty International had called on the CPT and other international bodies to monitor the conditions of detention in Turkey, after collecting credible evidence of detainees being subjected to beatings and torture in official and unofficial places of detention in the aftermath of the coup attempt on 15 July 2016. Allegations of abuses continue to surface, including in prison as well as police detention facilities and against persons not held in connection to the coup attempt. Restrictions to detainees' access to lawyers, the refusal to provide detainees' lawyers with medical reports and the climate of fear among doctors, lawyers and activists make it difficult for independent monitors to verify these allegations. The reported lack of timely notification to family members and lawyers regarding detentions and the presence of police officers while medical checks are being conducted increase the risk of torture and other ill-treatment taking place.³⁷⁷

In September 2016 Hurriyet Daily News reported that “A recent report prepared by the main opposition Republican People's Party (CHP) on its deputies' observations on inmates in Turkish prisons has highlighted mistreatment during their time behind the bars, while also serving as means for the interviewed prisoners to convey their belief that they had been subjected to mischarges with mounting probes into both Gülenists and the outlawed Kurdistan Workers' Party (PKK)”.³⁷⁸

In October 2016 the Council of Europe issued a ‘Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey’ which found in relation to torture that:

³⁷³ Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

³⁷⁴ OHCHR, [UN experts urge turkey to adhere to its human rights obligations even in time of declared emergency](#), 19 August 2016

³⁷⁵ Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.7

³⁷⁶ Council of Europe, [Council of Europe anti-torture Committee visits Turkey](#), 7 September 2016

³⁷⁷ Amnesty International, [Turkey: Amnesty International welcomes the ad-hoc visit by the Committee for the Prevention of Torture](#), 9 September 2016

³⁷⁸ Hurriyet Daily News, [CHP report on prisoners highlights mistreatment and mischarges in post-coup attempt probes](#), 7 September 2016

As regards on-going criminal proceedings, among the most immediate human rights concerns are consistent reports of allegations of torture and ill-treatment. The Commissioner does not automatically give credence to such allegations, but observes that the extension of the custody period to 30 days, practical changes to procedures for obtaining medical reports, and drastic restrictions to access to lawyers, as well as limitations on the confidentiality of the client-lawyer relationship, contributed to the persistence of such allegations. The fact that there is currently no functioning National Preventive Mechanism in Turkey and that the existing prison monitoring boards have been disbanded and reappointed during such a crucial period only exacerbated the risks inherent in this situation.³⁷⁹

An October 2016 Human Rights Watch report on torture which focused on the period of police detention, noted that “Lawyers, medical personnel, recently released detainees and family members of detainees described to Human Rights Watch 13 cases of torture and ill-treatment of detainees to varying degrees of severity. The cases of abuse documented by Human Rights Watch include allegations of the use of methods ranging from stress positions and sleep deprivation to severe beating, sexual abuse and threat of rape. Eight of the cases describe abuse that took place in the immediate aftermath of the failed coup attempt before the emergency decrees were published. In five cases the alleged abuse took place after the adoption of the emergency decrees”.³⁸⁰

Furthermore, it considered that “Emergency decree provisions and post-coup detention practices have made it difficult to document ill-treatment and torture. Most of those detained after the coup attempt were still in detention during the research for this report and mostly unable to speak freely to their lawyers and family. Several lawyers also told Human Rights Watch that clients released from detention were too afraid to speak about their detention conditions”.³⁸¹ The same report further noted “Other measures also call into question the government’s commitment to prevent torture and ill-treatment. A provision in the emergency decrees absolves government officials of any responsibility for duties carried out in the context of the decrees, which cannot but facilitate torture and ill-treatment. In addition, the government postponed a visit by the United Nations Special Rapporteur on Torture to the country, scheduled to take place from October 10 to 14, 2016”.³⁸² The report also found with regards to when torture is carried out that “Lawyers, medical personnel and former detainees recounted to Human Rights Watch allegations of torture and ill-treatment in police detention, that is, the period before an individual is brought before a judge”.³⁸³ With regards to impunity for torture, the same source noted that:

In a very troubling provision, emergency decree 667 states that “individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial or criminal responsibility for those duties performed.” This sends a clear signal to police officers and other officials that they can abuse detainees and violate their rights without fear of legal or other consequences. It also is a clear breach of Turkey’s non-derogable duty under international law to prevent and punish acts of torture and ill-treatment.

Responding to allegations of torture and ill-treatment after the coup attempt Turkish government officials, including President Erdoğan, has said that Turkey has zero tolerance for torture. However,

³⁷⁹ Council of Europe, [*Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey*](#), 7 October 2016, CommDH(2016)35, paragraph 15

³⁸⁰ Human Rights Watch, [*Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police*](#), 24 October 2016, Summary, p.3

³⁸¹ Human Rights Watch, [*Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police*](#), 24 October 2016, Summary, p.4

³⁸² Human Rights Watch, [*Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police*](#), 24 October 2016, Summary, p.5

³⁸³ Human Rights Watch, [*Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police*](#), 24 October 2016, IV. Allegations of Ill-treatment and Torture, p.28

officials have also often dismissed allegations of torture and illtreatment as lies and propaganda, failing to adequately respond to the allegations.³⁸⁴

The Daily Sabah reported that in response to the Human Rights Watch report “the head of Turkish parliament's human rights commission, Mustafa Yeneroğlu, urged [...] that defamation against Turkey through false allegations of torture in prisons must not be used as a political tool and warned about its possibility of being exercised to cause ideological conflicts”.³⁸⁵

i. Extrajudicial and targeted killings, unlawful use of violence and harassment

Pre-coup situation

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, found that “During the period under review, killings due to excessive use of force by security officers and killings of members of vulnerable groups persisted. Some measures taken by the State, including a draft law that would increase the powers of the police to use force, appear to take regressive steps. [...] The excessive use of force by law enforcement officers during assemblies and arrest remains a serious concern, as does the use of tear gas and pepper spray. [...] Incorrect or excessive use of “less-lethal” weapons has resulted in serious and permanent disability of a number of civilians in Turkey”.³⁸⁶ The same source also “expressed concern about the unnecessarily slow pace of investigations and prosecutions of law enforcement officials, which seems to continue despite the concerns that have been raised”.³⁸⁷

In August 2015, Human Rights Watch documented “allegations of police repeatedly beating, humiliating and issuing death threats to detainees in Silopi, a town in the southeastern Şırnak province, and Silvan, a town in Diyarbakir province”.³⁸⁸

The November 2015 European Commission Turkey progress report on EU membership found that “There is no comprehensive approach to missing persons or the exhumation of mass graves. Independent investigation of all alleged cases of extrajudicial killing by security and law enforcement officers is also lacking”.³⁸⁹ Furthermore, it found that “Freedom of assembly is overly restricted, in law and practice, in particular through disproportionate use of force in policing demonstrations and a lack of sanctions for law enforcement officers”.³⁹⁰

In its annual report covering 2015, the U.S. Department of State noted that “There were credible allegations that the government or its agents committed arbitrary or unlawful killings. Many of these alleged killings stemmed from the renewal of violent clashes between government security forces and the PKK, a terrorist organization, during the second half of the year. [...] The Human Rights Association (HRA), a domestic NGO, maintained security officers killed nine civilians and injured 22

³⁸⁴ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, V. *A Climate of Impunity for Torture and Ill-treatment* p.44

³⁸⁵ Daily Sabah, [Parliament's human rights committee head strongly criticizes HRW report on Turkey](#), 28 October 2016

³⁸⁶ UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, Summary and paragraphs 13 and 14

³⁸⁷ UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, paragraph 61

³⁸⁸ Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

³⁸⁹ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.62

³⁹⁰ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.22

at government checkpoints in the first nine months of the year. [...] Security officers reacted with force to some protests and demonstrations. According to human rights groups, this response may have contributed to civilian deaths in the Southeast. [...] The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, often using excessive force”.³⁹¹

In its 2015 report Amnesty International reported with regards to the ‘Excessive use of force’ that:

Allegations of excessive use of force at demonstrations dramatically increased. Lethal force was used by security forces during anti-terrorism operations, many involving armed clashes with the YDG-H. In many cases, conflicting accounts and the absence of effective investigations prevented the facts from being established. In March, legislative amendments in the Domestic Security Package conflicted with international standards on the use of force.

In January, 12-year-old Nihat Kazanhan was shot dead by a police officer in the southeastern city of Cizre. The authorities first denied the involvement of police, but video evidence emerged showing Nihat Kazanhan and other children throwing stones at police officers and, in separate footage, showing a police officer firing a rifle towards the children. Nihat Kazanhan was killed by a single bullet to the head. The trial of five police officers continued.

Local authorities imposed extended round-the-clock curfews during police operations targeting the YDG-H in cities in the southeast. During the curfews, a total ban on residents leaving their homes was imposed, water, electricity and communications were cut and outside observers banned from entering.³⁹²

In its annual report covering 2015 the Institute for Economics & Peace reported that “In 2015 Turkey suffered from a deepening of its internal security woes, a continued hard-line approach by the government of Recep Tayyip Erdoğan and spillovers from the conflict in neighbouring Syria. The main trigger for the deterioration in the domestic situation was the resurgence of conflict between the state and the Kurdistan Workers’ Party (PKK), as well as a rise in terrorist activity, mostly on the part of ISIL. The intensity of and the number of deaths from internal conflict have both deteriorated”.³⁹³

In February 2016 “The International Rehabilitation Council for Torture Victims (IRCT), the Independent Forensic Expert Group, together with other leading health-based organisations, have expressed their concern about the credible reports that, in the course of their operations, Turkish security forces are killing unarmed civilians and blocking access to urgent medical care for the sick and wounded”.³⁹⁴

The London Legal Group noted in its submission to the UN Committee Against Torture that “Between January and September 2015, it is reported that 74 disproportionate interventions by Turkish security forces during public demonstrations, as well as 1,975 house raids took place in the Kurdish region of Turkey. As a consequence of such raids, 3,564 people were detained and among them 788 were remanded in custody”.³⁹⁵

³⁹¹ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 1. a. *Arbitrary or Unlawful Deprivation of Life* and 2. b *Freedom of Assembly*

³⁹² Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

³⁹³ Institute for Economics & Peace, [Global Peace Index 2016](#), 2016, Turkey p.20

³⁹⁴ International Rehabilitation Council for Torture Victims, [Turkey must respect the right to health and life of civilians in the Southeast – Open letter to Prime Minister Davutoğlu and the Turkish government](#), 9 February 2016

³⁹⁵ London Legal Group, [Alternative report to the Committee against Torture – Turkey](#), March 2016, p.25

The Human Rights Association submitted to the UN Committee Against Torture in March 2016 with regards to the curfews imposed in response to the armed conflicts relating to the ‘Kurdish issue’ that “between 16 August 2015 and 31 December 2015, 126 civilians lost their life under the curfews, or more precisely the martial law and the picture is getting worse. Only in Cizre district, approximately 300 civilians died between 14 December 2015 and 2 March 2016”.³⁹⁶

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey considered that “During the reporting period State hasn’t taken any measures to effectively investigate the allegations of extrajudicial killings. Indeed as mentioned before, more the authority of law enforcement officials expanded, the less investigations were launched”.³⁹⁷

In its April 2016 submission to the UN Committee Against Torture, Human Rights Watch considered that “The breakdown in 2015 of the government-initiated peace process with Abdullah Öcalan, the imprisoned leader of the armed Kurdistan Workers’ Party (PKK), has been accompanied by an increase in violent attacks, armed clashes, and serious human rights violations since summer 2015. [...] The past eight months have seen hundreds of security personnel, Kurdish armed fighters and civilians killed, with almost no government acknowledgement of the civilian death toll estimated at between 200 and 300 in this period”.³⁹⁸

In May 2016 the United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein announced that he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in south-east Turkey over the past few months”, and “had received reports of unarmed civilians – including women and children – being deliberately shot by snipers, or by gunfire from tanks and other military vehicles” and that “There also appears to have been massive, and seemingly highly disproportionate, destruction of property and key communal infrastructure – including buildings hit by mortar or shellfire, and damage inflicted on the contents of individual apartments and houses taken over by security forces”.³⁹⁹ Furthermore, “‘Most disturbing of all,’ the High Commissioner said, ‘are the reports quoting witnesses and relatives in Cizre which suggest that more than 100 people were burned to death as they sheltered in three different basements that had been surrounded by security forces’.”⁴⁰⁰ Also in May 2016 the Council of Europe Committee on Legal Affairs and Human Rights reported that “The list of peaceful protests being brutally dispersed in Turkey seems to be constantly growing”.⁴⁰¹

In June 2016 the Committee Against Torture concluded with regards to ‘Allegations of extrajudicial killings and ill-treatment in the course of counter-terrorism operations’ that:

the Committee is concerned at reports it has received concerning the commission of extrajudicial killings of civilians by the State party’s authorities in the course of carrying out counter-terrorism operations in the south-eastern part of the country.⁴⁰²

³⁹⁶ Human Rights Association (HRA), [Report Prepared for the UN Committee against Torture in Connection to its Review of the Report of the Republic of Turkey under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#), 28 March 2016, paragraph 43

³⁹⁷ Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, paragraph 114

³⁹⁸ Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016

³⁹⁹ UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

⁴⁰⁰ UN Office of the High Commissioner for Human Rights, [Need for transparency, investigations, in light of “alarming” reports of major violations in south-east Turkey – High Commissioner Zeid](#), 10 May 2016

⁴⁰¹ Council of Europe Parliamentary Assembly, [Urgent need to prevent human rights violations during peaceful Protests](#), 10 May 2016, paragraph 38

⁴⁰² Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey*](#), 2 June 2016, paragraph 13

In a June 2016 report on ‘Security operations in south-east Turkey’, Amnesty International noted that it “maintains that 24 hour round the clock curfews and accompanying restrictions are disproportionate limitations on the rights of residents in areas under curfew, and amount to collective punishment. The organization has also expressed concerns regarding the use of heavy weaponry, which should never be deployed in populated urban areas, and, more broadly, regarding the use of force by security forces, which has been disproportionate, unlawful and has endangered the lives of unarmed residents. Furthermore, Amnesty International has found no evidence that effective investigations have been conducted into killings occurring under curfew since September 2015”.⁴⁰³

In July 2016 Human Rights Watch reported that “the Turkish government is blocking access for independent investigations into alleged mass abuses against civilians across southeast Turkey. [...] The alleged abuses include unlawful killings of civilians, mass forced civilian displacement, and widespread unlawful destruction of private property”.⁴⁰⁴

It should also be noted that the International Crisis Group reported on 20 July 2016, the first-year anniversary of resumption of violence in Turkey's PKK conflict, more than 1,700 people have been killed, according to the organisation's interactive, open-source database of the casualties.⁴⁰⁵ Between 20 July 2015 and 19 July 2016, Crisis Group confirmed the deaths of at least:

- 307 civilians
- 582 security force members
- 653 PKK militants
- 219 “youth of unknown affiliation”.⁴⁰⁶

The same source further noted that “Since August 2015, security forces have imposed a total of 85 curfews of different durations in 33 majority Kurdish south-eastern districts to ensure government control over areas where members of the Kurdish political movement have declared self rule, and where PKK militant presence grew significantly. The Turkish military and PKK both maintain their own count of the overall casualties during the last escalation cycle. The Turkish military on 24 May 2016 claimed that since July 2015, 4,949 PKK militants have been killed. The HPG [People's Defence Forces], the military wing of the PKK, claimed on 2 May to have killed a total of 1,557 police and soldiers since July 2015, while for the same period Crisis Group confirmed a total of 465 security force members dead”.⁴⁰⁷ The Human Rights Association announced in its ‘Research Report of the Human Right Violations That Took Place in the Conflict Zones Between July 24, 2015-July 24, 2016’ that 552 people lost their lives, of which 320 were extrajudicial executions, 75 of which were children.⁴⁰⁸

Physicians for Human Rights published a report in August 2016 on the situation in South East Turkey following their May 2016 fact-finding mission which noted:

Even before the failed coup, the government punished any individuals or organizations that challenged the government's use of harsh military tactics to quell an armed uprising by Kurdish youth in the southeast. [...]

⁴⁰³ Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

⁴⁰⁴ Human Rights Watch, [State Blocks Probes of Southeast Killings](#), 11 July 2016

⁴⁰⁵ International Crisis Group, [Turkey's PKK Conflict: The Death Toll](#), 20 July 2016

⁴⁰⁶ International Crisis Group, [Turkey's PKK Conflict: The Death Toll](#), 20 July 2016

⁴⁰⁷ International Crisis Group, [Turkey's PKK Conflict: The Death Toll](#), 20 July 2016

⁴⁰⁸ Bianet, [Human Rights Association: 320 Civilians Including 75 Children Killed in Operations](#), 31 August 2016

Since July 2015, the Turkish authorities have waged a campaign against the population of southeastern Turkey, imposing a succession of 24-hour sieges, known as curfews, which have blocked access to health care – including emergency medical treatment for life-threatening injuries or illnesses – cut off water, food, and electricity to whole cities, and resulted in thousands of deaths. [...] During 11 months of curfews in the southeast, Turkish security forces deliberately and illegally obstructed access to health care by using state hospitals for military purposes, preventing the free movement of emergency medical vehicles, and punishing health professionals for delivering treatment to the wounded and sick. Several emergency medical personnel came under active fire, as security forces did not respect their neutrality and status as humanitarian workers. Local residents were shot at, and some were killed, for attempting to move their wounded family members to safety. [...] In one case, in the southeastern city of Cizre, more than 100 people with injuries were trapped in three basements for several weeks between January and February 2016 without access to care. [...] Turkish authorities also refused to investigate the deaths and disappearances of those trapped in the basements even after the curfew ended on March 2. [...]

Health professionals working in the emergency rooms of hospitals across the southeast testified that, during the curfews, security forces used hospitals as dormitories and offices and barred health professionals from entering certain areas of the hospitals or health centers they worked in – effectively militarizing hospitals, in violation of international law.

Turkish security forces and armed opposition groups have both interfered with medical transport units through the use of blockades and checkpoints, failed to provide adequate protection to emergency transport vehicles, and failed to prevent the targeting of emergency response vehicles. [...] Family members and their lawyers told PHR that local prosecutors consistently refused to open investigations into reports of unlawful killings.⁴⁰⁹

Further information on the situation in south-east Turkey can be found in sections [7.a. Kurds](#) and [8. Change in situation of or treatment of IDPs since the attempted Coup d'état](#).

Post-coup situation

Human Rights Watch reported that “On July 15-16, 2016, elements of the military attempted a coup d’état against the elected government of Turkey, which led to at least 241 deaths among citizens and security personnel. The attempted coup included the use of tanks in Istanbul and Ankara, fighter jets that bombed the parliament in Ankara, and helicopters that opened fire on people who took to the street to oppose the coup attempt”.⁴¹⁰

Amnesty International reported in July 2016 that “Although exact figures are unclear, Turkish authorities report that 208 people were killed and more than 1,400 injured across Istanbul and Ankara on Friday night when a faction of the military attempted to seize power, raiding TV stations and firing on the parliament and presidential buildings. Those killed include 24 people described by authorities as ‘coup plotters’, some of whom were reportedly lynched while unarmed and trying to surrender. Civilians were also killed when they took to the streets following a call for protest from President Tayyip Erdogan, facing down tanks and helicopters”.⁴¹¹

A later Amnesty International report put the number of deaths at least 260 and at least 2,000 killed.⁴¹²

⁴⁰⁹ Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, Executive Summary, p 4-7

⁴¹⁰ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinststate Safeguards to Curb Abuse by Police](#), 24 October 2016, Background p.10

⁴¹¹ Amnesty International, [Turkey: Human rights in grave danger following coup attempt and subsequent crackdown](#), 18 July 2016

⁴¹² Amnesty International, [Turkey crackdown by the numbers: Statistics on brutal backlash after failed coup](#), 26 July 2016

In an August 2016 article Amnesty International reported that police are using emergency powers to “look at text and social media messages on people’s phones”.⁴¹³

j. Death penalty

The current Hands off Cain country profile on Turkey explains that “The death penalty has been fully abolished by a package of constitutional and legislative amendments. Constitutional amendments of May 7, 2004 removed all reference to the death penalty from the Constitution. In addition, legislative amendments of July 21, 2004 abolished the death penalty in all circumstances”.⁴¹⁴ It further noted that “On October 6, 2005, Turkey’s Parliament passed the Protocol No. 13 to the ECHR, concerning the abolition of the death penalty in all circumstances. The last execution in Turkey took place in October 1984 and provoked an international outcry. Hidir Aslan, aged 28, was executed after being convicted of belonging to an illegal organization. He had not been convicted of any killings”.⁴¹⁵

The BBC explains that “In Turkey, reinstating the death penalty would require a change in the constitution, which would need the approval of 367 MPs in the parliament”.⁴¹⁶ The BBC further reported that in July 2016 at a funeral held in Istanbul of those killed during the coup, President Recep Tayyip Erdogan was interrupted whilst giving a speech by chants from the crowd shouting ‘We want the death penalty’.⁴¹⁷ Reportedly in response he stated that “In democracies, people’s demands cannot be set aside. [...] Those who attempt a coup must pay a price”.⁴¹⁸

Daily Sabah cited Prime Minister Binali Yıldırım on the same day as stating “‘Turkey is a state of law, we engage in politics for our people’, but added that it is not wise to rush to a decision on capital punishment while the developments are still recent. ‘These issues will be extensively discussed, as it requires constitutional reform. We cannot either accept or reject this demand outright’”.⁴¹⁹

According to the BBC, President Recep Tayyip Erdogan has said “he would approve the change if parliament backed it and declared the attempted coup a ‘clear crime of treason’. However the main opposition CHP party [Republican People’s Party] and the pro-Kurdish HDP [Peoples’ Democratic Party] have already stated they would not support it”.⁴²⁰

On 25 July 2016 EU Commission President Jean-Claude Juncker “reiterated other EU leaders’ statements that all negotiations for Turkey to join the European Union will stop immediately if it reintroduces the death penalty”.⁴²¹

An August 2016 International Federation for Human Rights article stated that “The discussion over the reintroduction of the death penalty for alleged coup plotters and the project to amend the constitution are another source of concern for the future of human rights in Turkey”.⁴²²

⁴¹³ Amnesty International, [Turkey’s many shades of fear](#), 15 August 2016

⁴¹⁴ Hands off Cain, [Turkey country profile](#), undated [accessed 11 November 2016]

⁴¹⁵ Hands off Cain, [Turkey country profile](#), undated [accessed 11 November 2016]

⁴¹⁶ BBC, [Will Turkey’s failed coup mean a return to the death penalty?](#) 19 July 2016

⁴¹⁷ BBC, [Will Turkey’s failed coup mean a return to the death penalty?](#) 19 July 2016

⁴¹⁸ BBC, [Will Turkey’s failed coup mean a return to the death penalty?](#) 19 July 2016

⁴¹⁹ Daily Sabah, [Turkish military penal code allows capital punishment for putschist soldiers](#), 19 July 2016

⁴²⁰ BBC, [Will Turkey’s failed coup mean a return to the death penalty?](#) 19 July 2016

⁴²¹ Radio Free Europe/Radio Liberty, [Turkey Issues Arrest Warrants For 42 Journalists](#), 25 July 2016

⁴²² International Federation for Human Rights, [Rights groups express deep worries over the state of emergency declared in Turkey](#), 5 August 2016

4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état

This section should be read in conjunction with section [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#).

For up-to date information on the purge, including articles and statistics on the extend of the post-coup purge, see www.turkeypurge.com, which according to its founders, is a “small group of young journalists”, which was established “with the aim of tracking the extensive witch-hunt in Turkey”.⁴²³

a. The Gulen movement – an overview

Note that the Gulen movement has been declared a terrorist organisation by the Turkish government in March 2016⁴²⁴ and as noted by Human Rights Watch, it refers to it also as the “Fethullahist terrorist organization’ (also known by the abbreviation FETO)”.⁴²⁵

In July 2016, the BBC News provided the following overview on the Gulen movement:

A well-organised community of people - not a political party - named after the US-based Islamic cleric Fethullah Gulen.

He is regarded by followers as a spiritual leader and sometimes described as Turkey's second most powerful man.

The imam promotes a tolerant Islam which emphasises altruism, modesty, hard work and education.

He is also a recluse with a heart condition and diabetes who lives in a country estate in the US state of Pennsylvania.

The movement - known in Turkey as Hizmet, or service - runs schools all over Turkey and around the world, including in Turkic former Soviet Republics, Muslim countries such as Pakistan and Western nations including Romania and the US, where it runs more than 100 schools.

Followers are said to be numerous in Turkey, possibly in the millions, and are believed to hold influential positions in institutions from the police and secret services to the judiciary and Mr Erdogan's ruling AK Party itself.⁴²⁶

According to BBC News, the Turkish President Recep Tayyip Erdogan blames US-based cleric Fethullah Gulen for the attempted coup.⁴²⁷ Human Rights Watch reported on 18 July 2016 that “President Erdogan has publicly blamed the coup attempt on military supporters of the US-based cleric Fethullah Gülen, a former ally and now critic of the president who leads a powerful social movement. Followers of Gülen in the Turkish civil, judiciary, and police have been repeatedly purged over the past two and a half years”.⁴²⁸

On 16 August 2016 Radio Free Europe/Radio Liberty reported that the “Turkish prosecutors have filed a 2,527-page indictment against self-exiled cleric Fethullah Gulen for his alleged involvement in a coup attempt last month that left some 240 people dead. The indictment filed on August 16 calls for Gulen to be given two life sentences and an additional 1,900 years in prison for ‘attempting to destroy the constitutional order by force’ and ‘forming and running an armed terrorist group’”.⁴²⁹

⁴²³ See TurkeyPurge, [Who We Are](#), Undated [Accessed: 1 December 2016]

⁴²⁴ BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

⁴²⁵ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, *Background*, page 11

⁴²⁶ BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

⁴²⁷ BBC News, [Turkey coup: What is Gulen movement and what does it want?](#), 21 July 2016

⁴²⁸ Human Rights Watch, [Turkey: Protect Rights, Law After Coup Attempt: Mass Arrests, Website Shutdowns Raise Grave Concerns](#), 18 July 2016

⁴²⁹ Radio Free Europe/Radio Liberty, [Turkish Prosecutors Seek 2,000-Year Term For Gulen](#), 16 August 2016

The Guardian reported on 24 August 2016 that the US confirmed it had received a formal extradition request from Turkey for “the Turkish cleric Fethullah Gülen, but not over the July coup attempt the Turkish authorities has accused Gülen of orchestrating [...] but was for other issues for which Gülen was being sought by authorities in Ankara”, which were not specified.⁴³⁰

According to the German Federal Office for Migration and Refugees, the Turkish Justice Ministry officially requested the US to arrest the cleric Fethullah Gülen.⁴³¹ Radio Free Europe/Radio Liberty reported that the written appeal to the US government is based on Gülen’s “ordering and leading the coup attempt”.⁴³²

On 7th October 2016, the Middle East Eye⁴³³ reported that a Turkish parliamentary inquiry, which was “set up to investigate the events surrounding the 15 July coup attempt” will “seek to travel to the US to communicate with Gülen himself”.⁴³⁴

More background information on Fethullah Gülen and the Gülen Movement can be found amongst the following sources [note that this list is non-exhaustive]:

- BBC News, [Profile: Fethullah Gülen's Hizmet movement](#), 13 December 2013
- BBC News, [Fethullah Gülen: Powerful but reclusive Turkish cleric](#), 27 January 2014
- Center for Security Policy, [THE GÜLEN MOVEMENT Turkey's Islamic Supremacist Cult and its Contributions to the Civilization Jihad](#), 10 December 2015
- The Guardian, [Fethullah Gülen: who is the man Turkey's president blames for coup attempt?](#), 16 July 2016
- BBC News, [Turkey coup: What is Gülen movement and what does it want?](#), 21 July 2016
- Radio Free Europe/Radio Liberty, [The Gülen Movement's Collision Course With The Turkish State](#), 24 July 2016
- BBC News, [Turkey failed coup: Who are the Gülenists?](#), 29 July 2016
- The Washington Post, [He's 77, frail and lives in Pennsylvania. Turkey says he's a coup mastermind](#), 3 August 2016

i. Perceived or actual members or associates of the Gülen movement

This section should be read in conjunction with the information contained in section [5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdoğan since the attempted Coup d'état](#) and [6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état](#).

Pre-coup situation & treatment

⁴³⁰The Guardian, [Turkey requests extradition of Fethullah Gülen but not for coup attempt, says US](#), 24 August 2016

⁴³¹BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 19.09.2016](#), 19 September 2016

⁴³²Radio Free Europe/Radio Liberty, [Turkey Makes Formal Request To U.S. For Cleric's Arrest](#), 13 September 2016

⁴³³According to its ‘About us’ webpage the Middle East Eye (MME) “is an independently funded online news organisation that was founded in February 2014. We aim to be the primary portal of Middle East news and our target audience are all those communities of readers living in and around the region that care deeply for its fate”. See Middle East Eye, [About Middle East Eye](#), Undated [Last accessed: 2 November 2016]

⁴³⁴Middle East Eye, [Turkish coup inquiry may speak directly to Fethullah Gülen: Report](#), 7 October 2016

The Council of Europe issued a report in June 2016 on the ‘functioning of democratic institutions in Turkey’ and found that “in 2014 the fight against terrorism was extended to the Gülen Movement (the so-called “parallel State structure”), a former ally of the AKP. The purge to clear the State institutions of alleged Gülenist followers raises question in respect of procedural guarantees. This move particularly affected the judicial system, where the large number of transfers, arrests and detentions of judges and prosecutors could have a deterrent effect on the members of the judiciary”.⁴³⁵

In its annual report covering 2015 Human Rights Watch stated that “Prosecutions of journalists, judges, prosecutors, and police for membership of an alleged ‘Fethullah Gülen Terrorist Organization; were ongoing at time of writing, although there is no evidence to date [January 2016] that the Gülen movement has engaged in violence or other activities that could reasonably be described as terrorism”.⁴³⁶ The same report further noted that “The AKP government in 2015 continued efforts to purge the police and judiciary of alleged supporters of the Gülen movement. During 2015, prosecutors, judges, and police officers with perceived links to the Gülen movement were jailed and charged with plotting against the government and membership of a terrorist organization. The main evidence being cited against judges and prosecutors at time of writing was decisions taken in the course of their professional duties rather than any evidence of criminal activity”.⁴³⁷

Similarly, Amnesty International in its annual report covering 2015 found “Prosecutions were commenced of individuals accused of membership of the “Fethullah Gülen Terrorist Organization”, including USbased cleric and former AK Party ally Fethullah Gülen”.⁴³⁸

Publishing an article on these prosecutions, which are known as falling under the ‘Ergenekon’ case, the Daily Sabah summarised:

The Supreme Court of Appeals yesterday [20 April 2016] overturned convictions of hundreds in the Ergenekon case, one of the biggest trials in Turkey’s history that saw a circle of generals, academics and journalists imprisoned on charges of plotting a coup, allegedly in a scheme by the judiciary officials and police chiefs linked to the shadowy Gülen Movement.

Ergenekon, an infamous case where hundreds were tried and jailed on allegations of scheming to plot to overthrow the government, nearly came to a conclusion yesterday after a Supreme Court of Appeals ruling. The country's highest legal authority overturned the convictions of 275 people, ranging from the former head of the Turkish Armed Forces to lower-ranking military officers, journalists and academics in the case that was allegedly a plot to imprison all involved by the shady Gülen Movement through its infiltrators within the judiciary and police. The court said in its ruling that convictions by a local court were invalid, as it lacked concrete evidence pointing to the existence of the “Ergenekon terrorist organization,” and cited a number of violations in the case such as illegal wiretapping, dubious statements of secret witnesses and unlawful searches.⁴³⁹

The following additional background was provided on the case:

The case, which began with the discovery of a large arms cache at the home of a noncommissioned officer in an Istanbul slum in 2007, has revealed that the country’s military brass, in cooperation with prominent figures such as journalists and academics, was planning to incite strife in the country and

⁴³⁵The Council of Europe, [*The functioning of democratic institutions in Turkey*](#), 6 June 2016, A. Draft resolution, paragraph 31, p. 7

⁴³⁶Human Rights Watch, [*World Report 2016: Turkey, Events of 2015*](#), 27 January 2016, *Freedom of Expression, Association, and Assembly*

⁴³⁷Human Rights Watch, [*World Report 2016: Turkey, Events of 2015*](#), 27 January 2016, *Judicial Independence*

⁴³⁸Amnesty International, [*Annual Report 2015/2016*](#), 23 February 2016, *Turkey, Background*, p. 370

⁴³⁹Daily Sabah, [*Court overturns verdicts in coup case allegedly tied to Gülenists*](#), 21 April 2016

eventually seize power. The coup plotters were members of the Ergenekon gang, named after the mythical land of early Turkic tribes, and were linked to several criminal cases such as the killing of three high-ranking members of the judiciary in the past. This was what the prosecutors said, and the allegations made it to the courts, which eventually sentenced Ergenekon suspects to life terms after a lengthy trial that began in 2008. Former military chief Başbuğ and 18 other defendants were sentenced to life in 2013. The defendants repeatedly pleaded not guilty and claimed they were imprisoned over insufficient and false evidence, denying the charges they faced. A majority of the public, except staunchly pro-military circles, found little reason to disbelieve the case as Turkey has already experienced three military coups and witnessed multiple coup attempts since 1960. According to the court's ruling, Ergenekon was "a terrorist organization."

The suspects, held in pretrial detention for years without tangible evidence, were released in 2014 after new legal amendments limited such detentions. The trial was reportedly the joint work of infiltrators of the controversial Gülen Movement in the judiciary and police, conducted to stifle opposition to the ubiquitous group that evolved into a politically motivated juggernaut from a simple religious congregation. They filed lawsuits against judges and prosecutors, claiming they were imprisoned on forged and fabricated evidence.⁴⁴⁰

On 15 June 2016 Hurriyet Daily News reported that 21 people were detained as part of a wider investigation into the fraud allegations concerning a 2010 nationwide civil service recruitment exam and charged with "being a member of an organization with felonious intent, forgery of official documents, fraud against state institutions, removing evidence and professional misconduct".⁴⁴¹ The same source further reported that "Police investigating the fraud have allegedly found evidence of involvement by members of the 'parallel state' a term widely used to refer to the followers of U.S.-based Islamic scholar Fethullah Gülen, who has been accused of attempting to undermine the government".⁴⁴²

Radio Free Europe/Radio Liberty reported on 25 June 2016 that "28 people over allegations of funding the movement of U.S.-based Muslim cleric Fethullah Gulen" were detained, with "simultaneous raids [...] in several cities including Istanbul as well as Konya and Kayseri in central Anatolia".⁴⁴³

The Council of Europe issued a report in June 2016 on the 'functioning of democratic institutions in Turkey' and found with regards to the alleged set-up of a 'parallel state structure' by the Gulen movement that:

We were also informed by various authorities that the State continued to "purge" the system of alleged members of the Gülen Movement [...]

This affects in particular the police and the judiciary and has led to a number of prosecutions, transfer of personnel, and disciplinary procedures against these alleged members, which leaves us with a number of questions.

The Commissioner for Human Rights pointed out that the fight against this presumed terrorist organisation within the judiciary may have weakened its independence. "In this respect, we had worrisome information from Yarsav that 680 judges are currently being investigated for their alleged links to the 'parallel State structure', based on the decisions they took as judges and prosecutors" (see for example the suspension and arrest of Judge Özçelik and Judge Başer, supra). "Fifty-three judges were standing trial due to their activity and 300 judges and prosecutors were being investigated on the basis of comments posted on social media." Yarsav also pointed out that 6 000 judges and prosecutors had been transferred these past two years, while the Platform for Unity in the Judiciary (a government-sponsored platform created in 2014 before the elections of the elected members of the

⁴⁴⁰Daily Sabah, [Court overturns verdicts in coup case allegedly tied to Gülenists](#), 21 April 2016

⁴⁴¹Hurriyet Daily News, [Police detain 21 in probe into civil service exam 'fraud'](#), 15 June 2016

⁴⁴²Hurriyet Daily News, [Police detain 21 in probe into civil service exam 'fraud'](#), 15 June 2016

⁴⁴³Radio Free Europe/Radio Liberty, [Turkey Detains 28 Over Alleged Links To Erdogan Foe](#), 25 June 2016

HSYK, which won the majority of the seats) recalled that 1 500 judges and prosecutors are usually moved on a yearly basis.⁴⁴⁴

In July 2016 the International Commission of Jurists published a report analysing the judicial system in Turkey in light of the increased government control of the Turkish judiciary, including the High Council for Judges and Prosecutors (HSYK), and arrests and dismissals of judges.⁴⁴⁵ The report found further:

Politically, the move towards undue executive influence over the judiciary and prosecution is grounded in the ruling Justice and Development Party's (AKP) battle with the Gülen movement, a religious-based organization led by Fethullah Gülen, which was, until 2013, closely allied with the AKP party. Following its split with the Gülen movement, President Erdogan alleged that the movement has been seeking to seize power in Turkey by forming a "parallel State", infiltrating State institutions, including the judiciary, prosecution and law enforcement authorities, with its representatives.

The Government, as well as prosecutors in cases concerning the Gülen movement, have labelled it as a criminal and even a terrorist organization, and the reorganization of the institutions of the judiciary as well as measures against individual judges and prosecutors have been driven by the perceived need to purge the judiciary of Gülenist influence. Control or undue influence of the judiciary by a political or religious movement that distorts individual judges' decision making would indeed be a cause for great concern. However, whether or not fears of Gülenist capture of the judiciary are correct, they appear to have opened the door to the danger of dominance of the judiciary by the executive, and to wider purges of all those not seen as loyal to government interests.⁴⁴⁶

Post-coup situation & treatment

BBC News noted early October 2016 that "Since the failed coup, the government has cracked down on any individuals or groups believed to have links to Fethullah Gulen".⁴⁴⁷

On 23 July 2016 The Guardian reported that Turkish President Recep Tayyip Erdogan "has vowed to 'cleanse' all Gülen supporters from the state apparatus and civil services" and through the introduction of the first decree on 23 July 2016 has allowed the "closure of institutions linked to Fethullah Gülen".⁴⁴⁸

On 24 July 2016 Radio Free Europe/Radio Liberty reported that "Hail Hanci, described as Gulen's 'right-hand man,' was detained on July 23 [2016] in the province of Trabzon" and that Muhammed Sait Gulen, a nephew of Fethullah Gulen's had also been detained.⁴⁴⁹ Basing its report on the state-run news agency Anadolu, Al Arabiya noted that Muhammed Sait Gulen's arrest was also linked over "the leak of questions from 2010 civil service exams".⁴⁵⁰

The Guardian reported on 24 July 2016 that "Police [...] detained a female Turkish fighter pilot, Kerime Kurmas, in the region of Yalova south of Istanbul for alleged involvement in the coup" accusing her and two additional male pilots being detained "of flying seized F-16 jets over Istanbul

⁴⁴⁴The Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, 5. *Functioning of the judiciary*, paragraphs 64 and 65, p. 23

⁴⁴⁵International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016

⁴⁴⁶International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016, 1. *Introduction, National Context*

⁴⁴⁷BBC News, [Turkey detains brother of Fethullah Gulen in coup crackdown](#), 2 October 2016

⁴⁴⁸The Guardian, [Turkey's president orders closure of 1,000 private schools linked to Gülen](#), 23 July 2016

⁴⁴⁹Radio Free Europe/Radio Liberty, [Turkey Says Top Gulen Insider Detained](#), 24 July 2016

⁴⁵⁰Al Arabiya, [Turkey detains nephew of powerful US-based cleric](#), 23 July 2016

on the night of the coup. Other Turkish media reports said she was the only female fighter pilot in the country".⁴⁵¹

Reuters reported on 25 July 2016 that "Turkey's state-run Turkish Airlines [...] had fired 211 employees [...] due to operational necessity, inefficiency, poor performance as well as providing support to the movement of U.S.- based cleric Fethullah Gulen".⁴⁵² Deutsche Welle reported on 26 July 2016 that "State-run Turkish Airlines [...] had terminated the contracts of 221 employees for problems, including conduct contrary to the national interest, such as 'sponsoring' the movement of US-exiled Muslim cleric Fethullah Gulen".⁴⁵³

The Washington Post reported on 2 August 2016 that "Turkey's soccer federation [...] has sacked 94 members of the association, including a number of referees. The Turkish Football Federation said the action was taken as a 'necessity' without saying whether those dismissed were suspected of links to U.S.-based Muslim cleric Fethullah Gulen".⁴⁵⁴ The same source further noted that "The decision came days after the federation said all members of all of its committees had tendered their resignations to help the investigation into Gulen's movement".⁴⁵⁵

On 3 August 2016 The Jamestown Foundation noted that "President Recep Tayyip Erdoğan has accused exiled Islamic scholar Fethullah Gülen of being behind the coup plot and of mobilizing closed communities inside Turkey into 'parallel state' structures. Indeed, Gülen's influence over the Turkish judiciary and media has been the target of Erdoğan's crackdown campaigns in the past, which had intensified over the past several years (Opinion.al, March 5). In recent weeks, the crackdown on Gülenists inside Turkey reached new heights, with thousands arrested or dismissed from their jobs and many businesses closed due to alleged ties to the movement (Gazeta Tema, July 16)".⁴⁵⁶

Human Rights Watch's Benjamin Ward, Deputy Director of the Europe and Central Asia Division, noted in early August 2016 that:

Whatever the merits of the government's claims about the movement's role in the coup, which Gulen himself denies, the speed and scale of the dismissals make it clear that many of those affected by the purge are caught up in it not because there is clear evidence of their involvement in the coup but merely because of their perceived association with the Gulen movement.

The EU enlargement commissioner Johannes Hahn commented on July 18 that it appears that at least some of the lists the government used had been prepared before the attempted coup even took place.⁴⁵⁷

Similarly, in a 15 August 2016 Amnesty International article reported that "Anyone with any perceived link to the movement of U.S.-based cleric, Fethullah Gülen, accused of orchestrating the coup, has been targeted. Soldiers, police, judges, lawyers, academics, journalists, teachers, doctors and even football referees. Seemingly no one is immune."⁴⁵⁸

Radio Free Europe/Radio Liberty reported on 18 August 2016 that Turkish President Recep Tayyip Erdogan "has warned that the 'viruses', as he calls Gulen supporters, 'are everywhere'. He has called

⁴⁵¹The Guardian, [Turkey has detained senior aide to Fethullah Gülen, official says](#), 24 July 2016

⁴⁵²Reuters, [Turkish Airlines sacks 211 employees after failed coup attempt](#), 25 July 2016

⁴⁵³Deutsche Welle, [Hundreds sacked at Turkish Airlines as post-coup purges continue](#), 26 July 2016

⁴⁵⁴The Washington Post, [Turkish soccer federation sacks 94 staff, including referees](#), 2 August 2016

⁴⁵⁵The Washington Post, [Turkish soccer federation sacks 94 staff, including referees](#), 2 August 2016

⁴⁵⁶The Jamestown Foundation, [Attack on Gülen Movement Increasingly a Cornerstone of Turkey's Foreign Policy in the Balkans](#), Eurasia Daily Monitor Volume: 13 Issue: 141, 3 August 2016

⁴⁵⁷Human Rights Watch, [The Government Response to Turkey's Coup Is an Affront to Democracy](#), 3 August 2016

⁴⁵⁸Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

on everyone to report them to prosecutors and security agencies 'even if they are your friends'".⁴⁵⁹ The same source further stated that "Anybody suspected of having even talked positively about Gulen in the past is being reported and eventually suspended or detained. Some have reported that occasionally even friends of Gulen supporters were detained. There are also claims that some people spy on others and report them as 'Gulenists' to the security services just to take their jobs or businesses".⁴⁶⁰

Assisting to identify those targeted for arrest, the Middle East Eye reported that:

Turkey intercepted encrypted messages sent by followers of US-based Fethullah Gulen well before the July 15 coup attempt, giving Ankara names of tens of thousands within the preacher's network, a senior government official said on Saturday. [...]

The Turkish official - speaking on condition of anonymity - said Turkey's National Intelligence Organisation, known as MIT, began decrypting messages sent on the app ByLock in May last year.

The official did not provide any of the messages as evidence.

Almost 40,000 names of Gulen followers, including 600 ranking military personnel, were identified by MIT through the intercepted messages.

The official added that "a large number of people identified via ByLock were directly involved in the coup attempt".

The official said that since December 2013, Gulen followers used encrypted messaging apps to communicate securely, and had started using ByLock in 2014.⁴⁶¹

Similarly, BBC reported that "Thousands of people accused of taking part in an attempted coup have been traced via a messaging app, a senior Turkish official has told Reuters. Having been cracked by the authorities, ByLock had been abandoned by members of the dissident Gulen movement before the coup attempt, the news agency heard. But some 40,000 undercover operatives, including 600 ranking military personnel, had already been identified. Experts told Reuters ByLock appeared to be the work of amateur developers".⁴⁶²

In a further move Turkish President Recep Tayyip Erdogan has reportedly "accused followers of a US-based Islamic cleric he blames for last month's coup attempt of being complicit in attacks by Kurdish militants in Turkey's southeast" with "his linking of PKK militants to those suspected of being behind the July 15 coup attempt" coming "as authorities arrest or dismiss tens of thousands in a post-coup purge that some Western allies worry Erdogan is using to target broader dissent", reported Al Arabiya on 18 August 2016.⁴⁶³

Al Monitor reported on 29 August 2016 that "Turkish drivers with license plates bearing the 'FG' letters have recently fallen under suspicion of being members of a terrorist organization for the simple reason that the two letters signify the initials of Fethullah Gulen", a move which the author of the article described as a "witch hunt [...] spiraling [sic] out of control into hysterical proportions".⁴⁶⁴

The same source further noted further arrests of individuals perceived to be or associated with the Gulen movement, including family members:

The FETO probe has extended to a popular comedian and former soccer stars known to be close to Gulen's congregation. Chief among them is Hakan Sukur, the internationally acclaimed former scorer of Galatasaray and the national team. His Gulenist affiliation was never a secret and was not an

⁴⁵⁹ Radio Free Europe/Radio Liberty, [Turkey's Anti-Gulen Clampdown Rages Out Of Control](#), 18 August 2016

⁴⁶⁰ Radio Free Europe/Radio Liberty, [Turkey's Anti-Gulen Clampdown Rages Out Of Control](#), 18 August 2016

⁴⁶¹ Middle East Eye, [Turkey 'tracked thousands of Gulenists via encrypted messages'](#), 30 July 2016

⁴⁶² BBC News, [Turkey coup accused 'traced via messaging app'](#), 4 August 2016

⁴⁶³ Al Arabiya, [Turkey's Erdogan links coup suspects, PKK to bomb attacks](#), 18 August 2016

⁴⁶⁴ Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

obstacle in winning a parliamentary seat on the AKP ticket in 2011, when the ruling party and Gulen's congregation were still allies. After the alliance collapsed and devolved into an open war in late 2013, Sukur quit the AKP and two years later moved to the United States. On Aug. 16, an Istanbul court decided that Sukur's social media posts constituted a reason to suspect he belonged to 'an armed terrorist organization' and issued an apprehension warrant to question him. Three days earlier, the judicial authorities had arrested the soccer player's father, Selmet Sukur, and ordered the seizure of all his assets, using powers made available by the state of emergency.

As this article was being written, news broke of detention orders for three other former Galatasaray players with Gulenist affiliation — Arif Erdem, Ugur Tutuneker and Ismail Demiriz — again for suspected membership in FETO.

Popular comedian Atalay Demirci, meanwhile, was detained earlier this month after 'his correspondence with Hakan Sukur was exposed.' He was then jailed pending trial on charges of FETO membership.

Another troubling practice has been the roundup of relatives of suspected fugitives. A striking example is the Aug. 22 detention of 12 relatives, including brothers, nephews and a brother-in-law, of US-based Cevdet Turkyolu, said to be a 'super imam' or a top leader in the Gulenist network.

The brother of Bulent Kenes, the wanted former editor-in-chief of the now-defunct daily Today's Zaman, and the wife of Bulent Korucu, another fugitive Gulenist journalist, have also landed behind bars.⁴⁶⁵

Hurriyet Daily News reported on 2 September 2016 that "The mother-in-law of one of the prime suspects wanted for his alleged role in the July 15 coup attempt, has been arrested, while the whereabouts of Adil Öksüz himself, referred to as the Gülen movement's 'imam of the Air Force', are still unknown".⁴⁶⁶

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights found that "A series of measures of particular concern to the Commissioner are those which target directly or are liable to affect family members of suspects in an automatic fashion. In addition to the evictions, termination of lease agreements and freezing of assets of the said suspects, which are likely to create unnecessary hardship and victimisation for family members, the Commissioner notes other measures of an administrative nature, such as the possibility for annulling passports of spouses of suspects who are themselves not under investigation and the unlimited access by administrative authorities to the personal data of family members of suspects. This approach raises extremely serious concerns with regard to Article 8 of the ECHR. The Commissioner is worried that such measures will inevitably fuel the impression of "guilt by association", already voiced by many of his interlocutors. In the opinion of the Commissioner, any measure treating family members of a suspect also as potential suspects should not exist in a democratic society, even during a state of emergency."⁴⁶⁷

On 3 September 2016 "Singer Atilla Taş [...was] among 12 persons detained in several provinces in connection with a "Gülenist Movement terror organisation FETÖ/PDY" investigation".⁴⁶⁸

In its 'Daily Human Rights Report' covering the period 7-9 September, the Human Rights Foundation of Turkey reported that "25 lawyers including Progressive Lawyers Association (Çağdaş Hukukçular Derneği – ÇHD) Vice-Chair Münip Ermiş, former ÇHD member Hakan Evcin and Antalya Bar

⁴⁶⁵ Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

⁴⁶⁶ Hurriyet Daily News, [Mother-in-law of prime coup attempt suspect Adil Öksüz arrested](#), 2 September 2016

⁴⁶⁷ Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Sanctions affecting persons other than the suspects*, paragraph 41, p. 8

⁴⁶⁸ Human Rights Foundation of Turkey, [1-6 September HRFT Daily Human Rights Report](#), 6 December 2016

Association board member Lider Tanrıkulu were detained on 8 September 2016 in Antalya in connection with the “Gülenist Movement terror organisation FETÖ/PDY” investigation”.⁴⁶⁹

The Economist stated in its article published 10 September 2016 that the latest arrests “include a pop singer arrested for publishing columns in a Gulenist newspaper and a dancer sacked by the national ballet for allegedly selling his home through a Gulenist bank (which he denies)”.⁴⁷⁰

Radio Free Europe/Radio Liberty reported on 27 September 2016 that “Ankara issued arrest warrants for 121 employees of a Gulen-connected aid organization, Kimse Yok Mu, which was closed down in July”.⁴⁷¹

BBC News reported early October 2016 that “a brother of US-based Turkish cleric Fethullah Gulen has been detained by police in western Turkey”.⁴⁷²

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights stressed the need:

when criminalising membership and support of this organisation [FETÖ/PDY = Gulen movement], to distinguish between persons who engaged in illegal activities and those who were sympathisers or supporters of, or members of legally established entities affiliated with the movement, without being aware of its readiness to engage in violence [...] Given the vagueness of the basis for some of the administrative measures provided for in the emergency decrees and the fact that some administrative sanctions could be seen as displaying a criminal character [...] many people are justifiably afraid of facing sanctions while not having committed any illegal acts themselves. The Commissioner therefore urges the authorities to dispel these fears by communicating very clearly that mere membership or contacts with a legally established and operating organisation, even if it was affiliated with the Fethullah Gulen movement, is not sufficient to establish criminal liability and to ensure that charges for terrorism are not applied retroactively to actions which would have been legal before 15 July.⁴⁷³

Illustrating the extent of the crackdown, The Jamestown Foundation reported on 3 August 2016 that “Abroad, the Turkish president is leveraging Turkey’s important investments and economic influence in order to intensify his calls to close down Gülenist schools and even investigate and arrest anti-Erdoğan journalists on foreign soil. In the past several years, countries in the Western Balkans, such as Albania, Kosovo and Bosnia-Herzegovina, have felt pressure from Turkey to reject Gülenist influence in their societies. This pressure is now growing, as Turkey threatens to curtail its economic ties with these states”.⁴⁷⁴ For example, Al Arabiya reported that “Azerbaijan has detained a senior opposition figure [Faig Amirov, an aide to Ali Kerimli, the leader of the Popular Front opposition party] for allegedly possessing books by US-based preacher Fethullah Gulen” and has been arrested “on suspicion of inciting religious hatred and faces up to five years in jail, his lawyer Agil Layijev told AFP”.⁴⁷⁵ EurasiaNet reported on 12 September 2016 that “As part of a wide-ranging clampdown in the aftermath of the failed July coup, Turkish President Recep Tayyip Erdoğan’s administration has

⁴⁶⁹ Human Rights Foundation of Turkey, [7-9 September HRFT Daily Human Rights Report](#), 9 September 2016,

⁴⁷⁰ The Economist, [A conspiracy so immense](#), 10 September 2016

⁴⁷¹ Radio Free Europe/Radio Liberty, [Turkey Targets Security Agency In Anti-Gulen Crackdown](#), 27 September 2016

⁴⁷² BBC News, [Turkey detains brother of Fethullah Gulen in coup crackdown](#), 2 October 2016

⁴⁷³ Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Criminal law aspects, paragraphs 21 and 22, pages 4 and 5*

⁴⁷⁴ The Jamestown Foundation, [Attack on Gülen Movement Increasingly a Cornerstone of Turkey’s Foreign Policy in the Balkans](#), Eurasia Daily Monitor Volume: 13 Issue: 141, 3 August 2016

⁴⁷⁵ Al Arabiya, [Azerbaijan detains dissident over books by Erdogan’s foe](#), 21 August 2016

urged countries in Eurasia to shut down schools associated with the Muslim cleric Fethullah Gülen. But outside of Azerbaijan, the call does not seem to be swaying Eurasian governments".⁴⁷⁶

On 20 September 2016 Turkish President Recep Tayyip Erdogan addressed the UN General Assembly in New York and reportedly stated: "I would like to call on all our friends to take the necessary measures against the Fethullah Terrorist Organization in their own countries for the future of their own people and their well-being [...] Erdogan told the United Nations that the movement was present in 170 countries, posing a 'national security threat' to all of them. 'This terrorist organization is in a deep mental heresy of subduing the whole world, far beyond Turkey' he said".⁴⁷⁷

BBC News reported on 23 September 2016 about Gulen schools worldwide that "Turkey says the schools are part of a vast and secretive network which the Gulen movement has used to build a powerbase and infiltrate state institutions. Accusations have been levelled against schools with Turkish connections in more than a dozen countries, from Germany to Afghanistan, leaving thousands of children facing uncertainty over their education. Supporters of the schools say they are no more than a loose affiliation of institutions that share common values and are committed to academic excellence. From extensive interviews with BBC World Service across 10 countries in three continents, it is clear that the schools have much in common but operate quite differently. But all are feeling the pressure".⁴⁷⁸

b. Business owners/company executives

This section should be read in conjunction with section [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#).

Pre-coup situation & treatment

Reuters reported that already before the attempted coup "the Turkish authorities had already seized Islamic lender Bank Asya, taken over or closed several media companies and detained businessmen on allegations of funding the cleric's [Gülen's] movement".⁴⁷⁹

Post-coup situation & treatment

On 5 August 2016 "Turkish President Tayyip Erdogan vowed [...] to choke off businesses linked to the U.S.-based cleric he blames for an attempted coup, describing his schools, firms and charities as "nests of terrorism" and promising no mercy in rooting them out".⁴⁸⁰ According to the same source President Tayyip Erdogan further stated: "'The business world is where they are the strongest. We will cut off all business links, all revenues of Gulen-linked business. We are not going to show anyone any mercy'".⁴⁸¹

Indicative of such views, already on 29 July 2016 Hurriyet Daily News reported that Turkish authorities detained "three major businessmen [...] the chairman of the family-owned Boydak Holding company, Mustafa Boydak, and two other top executives [...] Şükrü and Halit Boydak".⁴⁸²

⁴⁷⁶EurasiaNet, [Turkey: Effort to Force Closure of Gülen Schools Falling Flat in Eurasia](#), 12 September 2016

⁴⁷⁷Al Arabiya, [Erdogan at UN urges global action against preacher](#), 20 September 2016

⁴⁷⁸BBC News, [Turkey's post-coup crackdown hits 'Gulen schools' worldwide](#), 23 September 2016

⁴⁷⁹Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

⁴⁸⁰Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

⁴⁸¹Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

⁴⁸²Hurriyet Daily News, [Turkey detains 3 businessmen over failed coup attempt](#), 29 July 2016

Reuters exemplified in an article published on 5 August 2016 that “The head of research at a brokerage had his license revoked over a report to investors analyzing the coup plot”, while “the chairman and several executives from Boydak Holding, a prominent family-run conglomerate with interests from furniture to energy, have also been detained, as has the chief of Turkey's biggest petrochemicals firm Petkim”.⁴⁸³

BBC News reported on 16 August 2016 that “Turkish police have raided 44 companies and are seeking the arrest of 120 company executives, as part of the investigation into last month's failed coup”.⁴⁸⁴

On 18 August 2016 Reuters reported that “Turkish authorities ordered the detention of nearly 200 people, including leading businessmen, and seized their assets as an investigation into suspects in last month's failed military rebellion shifted to the private sector”.⁴⁸⁵ The same source further noted that “Among the businesses targeted were two Fortune 500 companies [...] naming clothing makers Aydinli Group and Eroglu Holding, which both run large retail chains”.⁴⁸⁶ Reuters reported also that “Earlier this week, police searched the offices of a nationwide retail chain and a healthcare and technology company, and detained key executives. Turkey authorities said 4,262 companies and institutions with links to Gulen had been shut”.⁴⁸⁷

Al Monitor reported on 29 August 2016 that “The clampdown on ‘FETO’s business leg’ has been of a similarly staggering proportion. Detention warrants have been issued for 187 people, owners or managers of companies belonging to the Gulen congregation’s business organization, the Turkish Industrialists and Businessmen Confederation. Prosecutors have ordered the seizure of all of the suspects’ assets”.⁴⁸⁸ The same source noted further that Turkish President Recep Tayyip Erdogan reportedly remarked on 10 August 2016 whilst addressing a group of businesspeople in his palace that, “We have to cleanse FETO from the business world, just as we are scraping them off from the armed forces, the judiciary and the bureaucracy. Some from the West are offering counsel, saying they are worried about thousands of people being dismissed. ... But we are going to do it, no matter whether [the numbers reach] 10,000, 50,000, 100,000 or 200,000”.⁴⁸⁹

Reuters reported on 6 September 2016 that “Turkey has taken control of a bank, several media firms and other enterprises as part of a crackdown on companies it suspects of links to sympathizers of Fethullah Gulen”.⁴⁹⁰ The same source further noted that “Boydak Holding, a conglomerate which features in the Fortune 500 list of top Turkish firms is among those added to the list of firms to be managed or sold by the state's Savings Deposit Insurance Fund (TMSF) after a court ordered its seizure. Turkey has appointed administrators to a series of companies which it accuses of links to what prosecutors term the Gulenist Terrorist Organisation (FETO)”.⁴⁹¹

The Middle East Eye reported on 8 September 2016 that “A Turkish court on Thursday ordered the arrest of the chairman of a famed traditional sweet pastry manufacturer as well as more than a dozen other businessmen for their alleged links to the failed 15 July coup”.⁴⁹² The same day Reuters stated that a dozen of businessmen were arrested for alleged links to the Gulen movement, among

⁴⁸³ Reuters, [Turkey's Erdogan vows to cut off revenues of Gulen-linked businesses](#), 5 August 2016

⁴⁸⁴ BBC News, [Turkey coup inquiry: Police raid companies and target CEOs](#), 16 August 2016

⁴⁸⁵ Reuters, [Turkey seizes assets as post-coup crackdown turns to business](#), 18 August 2016

⁴⁸⁶ Reuters, [Turkey seizes assets as post-coup crackdown turns to business](#), 18 August 2016

⁴⁸⁷ Reuters, [Turkey seizes assets as post-coup crackdown turns to business](#), 18 August 2016

⁴⁸⁸ Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

⁴⁸⁹ Al Monitor, [Has Turkey's Gulenist witch hunt spiraled out of control?](#), 29 August 2016

⁴⁹⁰ Reuters, [Turkey downplays risks from Gulen-linked companies as new firm seized](#), 6 September 2016

⁴⁹¹ Reuters, [Turkey downplays risks from Gulen-linked companies as new firm seized](#), 6 September 2016

⁴⁹² Middle East Eye, [Pastry magnate arrested in ongoing Turkey coup probe](#), 8 September 2016

them “leading clothing maker and retailer Omer Faruk Kavurmaci, the son-in-law of Istanbul's mayor, Kadir Topbas” and “Faruk Gullu, owner of a chain of shops selling baklava, a traditional sweet Turkish pastry”. The same source reported further that “Gullu's brother Nejat, who runs a rival chain of baklava shops, was among dozens who were released subject to judicial monitoring, meaning they could still face prosecution”.⁴⁹³

Middle East Eye further reported on 21 September 2016 that:

The post-coup crackdown has also targeted businesses suspected of having links with the Gulen movement. This has included well-known furniture manufacturers, businesses involved in gold mining and even baklava makers.

Many of these businesses are also known as the Anatolian Tigers, which played a major role in Turkey's economic growth over the past decade. The majority of these tigers are comprised of religiously conservative small and medium-sized businesses in Anatolia, away from the traditional manufacturing centres in western Turkey.

Many of these businesses are now implicated with links to Gulen.⁴⁹⁴

On 2 October 2016 Hurriyet Daily News reported that “The Turkish authorities have seized a major furniture company based in the Aegean province of İzmir” and that “4,262 companies and institutions had been shut over alleged ties to the Gülen network”.⁴⁹⁵

Hurriyet Daily News stated on 5 October 2016 that “A total of 255 companies have been seized by the Saving Deposit Insurance Fund (TMSF) so far in the Turkish government's post-coup attempt measures, TMSF President Şakir Ercan Gül” reportedly said on suspected links to the Gulen movement.⁴⁹⁶

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights found that the scope and application of the series of decrees that allowed for the suspension or dismissal of civil servants, as well as judges and prosecutors, “have not been limited to the public sector” but have “introduced sweeping measures affecting, among others “businesses, family members of suspected terrorists, as well as a number of municipalities”.⁴⁹⁷

c. Trade Union members

Pre-coup situation & treatment

Freedom House noted in its annual report covering 2015 that

There are four national trade union confederations. Trade unions have been active in organizing antigovernment protests. However, union activity, including the right to strike, remains limited by law and in practice, and union-busting activities by employers are common. Because of various threshold requirements, only half of union members in Turkey enjoy collective-bargaining rights, and fewer than 10 percent of workers are unionized. In January [2015], 15,000 workers in the United Metal Workers Union declared a strike, but the government banned it on national security grounds.⁴⁹⁸

⁴⁹³ Reuters, [Turkey jails businessmen and academics, orders officers detained: media](#), 8 September 2016

⁴⁹⁴ Middle East Eye, [Turkey takes 'risky' steps to keep economy on track](#), 22 September 2016

⁴⁹⁵ Hurriyet Daily News, [Major furniture firm seized in anti-Gülen probe](#), 2 October 2016

⁴⁹⁶ Hurriyet Daily News, [255 companies seized so far in Turkey's post-coup attempt measures: TMSF](#), 5 October 2016

⁴⁹⁷ Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, Introduction, paragraphs 8 and 9, p. 2

⁴⁹⁸ Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, E. Associational and Organizational Rights: 6 / 12 (+1)

On 2 May 2016 the International Trade Union Confederation (ITUC) called on the Turkish government to “cease its intensified repression of trade unions, and protested at its plan to amend labour laws to further weaken workers’ rights”.⁴⁹⁹ The same source further noted that “The ITUC has [...] been informed that 1,390 union members have been placed under investigation for participating in an event calling for peace and democracy. Some 284 are in exile or have been transferred, 403 have been forced to retire, 102 placed under investigation and 97 have been charged with ‘insulting the President’”.⁵⁰⁰ With regards to the proposed changes to the labour law, the source explained that “The proposed amendments to the labour law and employment agency law were pushed through parliament without proper consultation. The changes would give employers a virtually unfettered right to place workers on insecure and short-term contracts, thus avoiding legal obligations and allowing employers to prevent workers from joining trade unions”.⁵⁰¹

ITUC reported on 17 June 2016 the arrest of Arzu Çerkezoğlu, General Secretary of the Confederation of Progressive Trade Unions of Turkey (DİSK) on charges of insulting the Turkish president Recep Tayyip Erdogan in a speech she made on 31 August 2015.⁵⁰²

Post-coup situation & treatment

Reuters reported on 23 July 2016 that the first emergency decree implemented by the Turkish authorities [KHK/667] authorized the closure of 19 trade unions over “suspected links to the Gulen movement”.⁵⁰³

On 26 July 2016 a joint statement by the International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC) condemned the attempted coup and noted with concern that “Plans have been announced to replace 20,000 teachers, among them thousands of trade union members”.⁵⁰⁴

d. Armed forces/soldiers

Pre-coup treatment

In March 2015 The Wall Street Journal reported that “A Turkish court acquitted scores of active and retired military officers previously convicted of plotting to overthrow the government of then-Prime Minister Recep Tayyip Erdogan. It was a stunning reversal in a landmark case [also referred to as the ‘Sledgehammer’ case] that had helped his Islamist-rooted government tame the once-paramount military”.⁵⁰⁵

Middle East Eye provided the following background summary regarding this case:

⁴⁹⁹ International Trade Union Confederation (ITUC), [Turkey: Government Stepping up Repression of Unions](#), 2 May 2016

⁵⁰⁰ International Trade Union Confederation (ITUC), [Turkey: Government Stepping up Repression of Unions](#), 2 May 2016

⁵⁰¹ International Trade Union Confederation (ITUC), [Turkey: Government Stepping up Repression of Unions](#), 2 May 2016

⁵⁰² International Trade Union Confederation (ITUC), [Turkey: European and International Trade Unions Demand Immediate release of DİSK General Secretary](#), 17 June 2016

⁵⁰³ Reuters, [Turkey's Erdogan shuts schools, charities in first state of emergency decree](#), 23 July 2016

⁵⁰⁴ International Trade Union Confederation (ITUC) and European Trade Union Confederation (ETUC), [Turkey: ITUC and ETUC Deeply Concerned at Government Purge](#), 26 July 2016

⁵⁰⁵ The Wall Street Journal, [Turkish Officers Acquitted Over Coup Plot](#), 31 March 2016

A court in Turkey acquitted 236 former military personnel in the infamous Sledgehammer (Balyoz) case last week. Charged with making preparations to topple the Justice and Development Party (AKP) government as early as 2003, some of the former top military personnel of the Turkish Armed Forces were sentenced in 2012.

The "coup plan" was discovered in a briefcase that was presented by anonymous individuals to Turkish daily Taraf newspaper in 2010. The briefcase contained plans to stir chaos in Turkey to justify a military coup by bombing mosques and accusing Greece over shooting down a Turkish plane over the Aegean Sea.

A total of 365 suspects were found guilty in 2012, mostly on the basis of the documents in the briefcase. The defendants appealed against the decision and the Turkish Constitutional Court concluded that the lower court "violated their right to a fair trial" and released them in June 2014 for a retrial.⁵⁰⁶

Post-coup treatment

In the wake of the attempted coup, a crackdown on the military (and the judiciary) has led to the "detention of thousands of soldiers [...] including commanders".⁵⁰⁷ The same source noted that "Justice Minister Bekir Bozdağ [...] said around 6,000 suspects, including at least 2,839 soldiers [...] have been detained as part of a wide-scale operation launched following" the attempted coup.⁵⁰⁸ Amongst those detained was "the chief military assistant to Turkish President Recep Tayyip Erdoğan, Col. Ali Yazıcı; the commander of the 2nd Army, Gen. Adem Huduti; the executive officer and Malatya Garrison Commander Avni Angun; and the commander of the 3rd Army, Gen. Erdal Öztürk. Air Forces Commander Akın Öztürk was also detained on suspicion of masterminding the coup attempt, according to multiple reports. In addition, Adana İncirlik 10th Adana Tanker Base Commander Gen. Bekir Ercan was among those detained".⁵⁰⁹ Additional military personnel detained included:

Police also detained eight Air Force generals suspected of being appointed to the top "coup command posts" if the failed attempt had succeeded, at Istanbul's Sabiha Gökçen Airport late on July 16. In the Aegean province of İzmir, Aegean Army Deputy Commander Brig. Mamduh Hakbilken and Foça Marine Amphibious Force Brigadier Commander Commodore Halil İbrahim Yıldız were among those detained.

Meanwhile operations in Turkey's eastern and southeastern provinces also took place, with Brig. Arif Seddar Afşar in Bitlis, Brig. Yunus Kotaman in Bingöl, Brig. Abdülkerim Ünlü in Tunceli, Brig. Ahmet Şimşek in Siirt, and Maj. Gen. Halil İbrahim Ergin in Hakkari all being detained. [...]

Eight generals, namely Brig. İrfan Can, Maj. Gen. İmdat Bahri Biber, Maj. Gen. Fethi Alpay, Maj. Gen. Haluk Sahar, Maj. Gen. Mehmet Özlü, Brig. Ahmet Biçer, Maj. Gen. Şaban Umut and Maj. Gen. Serdar Gülbaş were detained.⁵¹⁰

Radio Free Europe/Radio Liberty reported on 20 July 2016 that "Turkey has formally charged 99 military generals for their role in the failed coup attempt", which represents about "a third of the country's military top brass".⁵¹¹

⁵⁰⁶ Middle East Eye, [ANALYSIS: Turkey's former generals walk free on 'coup' verdict](#), 5 April 2016

⁵⁰⁷ Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

⁵⁰⁸ Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

⁵⁰⁹ Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

⁵¹⁰ Hurriyet Daily News, [6,000 detained from Turkish army, judiciary in probe into failed coup attempt](#), 15 July 2016

⁵¹¹ Radio Free Europe/Radio Liberty, [Turkey Formally Charges 99 Generals, Admirals For Coup Attempt](#), 20 July 2016

On 21 July 2016 Radio Free Europe/Radio Liberty further reported that “The Defense Ministry is investigating all military judges and prosecutors and has suspended 262 of them, broadcaster NTV reported”.⁵¹²

Radio Free Europe/Radio Liberty reported on 26 July 2016 that Turkey detained the top Turkish military generals that are serving as part of NATO forces in Afghanistan, Major General Mehmet Cahit Bakir, Commander of Turkey’s task force in Afghanistan, and Brigadier General Sener Topuc, Chief of the Appointment Department for Turkish Land Forces, on suspicion of having links to the attempted coup.⁵¹³

The Guardian reported on 28 July 2016 that “Two of Turkey’s highest-ranked generals resigned on Thursday as the prime minister prepared to meet military commanders over one of the most radical shake-ups in the armed forces’ history in the wake of a failed coup. Generals İhsan Uyar and Kamil Başoğlu, who both are general - Turkey’s highest rank for a general - stepped down ahead of the meeting [...] Their resignations follow the dishonourable discharge of 149 generals over the coup”.⁵¹⁴ The same source further noted that “Lower-ranking officers are expected to be fast-tracked to fill the gaps in the top positions. In the wake of the coup the military has already lost control of the coastguard and gendarmerie, which will now be dependent on the interior ministry”.⁵¹⁵ The Guardian further broke down the discharge of the 149 generals as follows: “Eighty-seven land army generals, 30 air force generals, and 32 admirals – a total of 149 – were dishonourably discharged over their complicity in the 15 July putsch bid, an official said, confirming a government decree. In addition, 1,099 officers and 436 junior officers have also received a dishonourable discharge” and reported that “178 generals have been detained, with 151 of them already remanded in custody, around half of the 358 serving generals”.⁵¹⁶

The German Federal Office for Migration and Refugees reported that “On 30 July 2016 President Erdogan announced a reform of the Turkish armed forces. More soldiers were dismissed, based on an emergency decree about 1,400 were given dishonourable discharges”.⁵¹⁷ On 30 July 2016 Radio Free Europe/Radio Liberty reported that over 9,000 people, mostly in the military, have been put under arrest in the aftermath of the attempted coup, whilst “in Istanbul [...] 758 out of 989 conscripts under arrest in the coup investigation were freed by the chief public prosecutor's office following a court decision. The prosecutors recommended their release on the grounds they had delivered their testimony and did not pose a flight risk. Among those released were military high-school students. Another 47 enlisted conscripts were released by a court in Ankara on similar grounds”.⁵¹⁸

A day later, on 31 July 2016 the same source reported the dismissal of 1,389 armed forces personnel for suspected links to U.S.-based Fethullah Gulen”.⁵¹⁹ Amongst those Al Jazeera reported were President Recep Tayyip Erdogan’s “chief military adviser, the Chief of General Staff's charge d'affaires and the defence minister's chief secretary”.⁵²⁰

⁵¹²Radio Free Europe/Radio Liberty, [More Arrests In Turkey As State Of Emergency Takes Effect](#), 21 July 2016

⁵¹³Radio Free Europe/Radio Liberty, [Turkish Crackdown Nets Top Generals In NATO's Afghan Force](#), 26 July 2016

⁵¹⁴The Guardian, [Turkish generals resign as government prepares to overhaul armed forces](#), 28 July 2016

⁵¹⁵The Guardian, [Turkish generals resign as government prepares to overhaul armed forces](#), 28 July 2016

⁵¹⁶The Guardian, [Turkish generals resign as government prepares to overhaul armed forces](#), 28 July 2016

⁵¹⁷BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 1.08.2016](#), 1 August 2016

⁵¹⁸Radio Free Europe/Radio Liberty, [Turkey Releases Over 800 Soldiers After Failed Coup](#), 30 July 2016

⁵¹⁹Radio Free Europe/Radio Liberty, [Turkey Dismisses Almost 1,400 Personnel From Armed Forces](#), 31 July 2016

⁵²⁰Al Jazeera, [More government ministers to head Turkey's military](#), 1 August 2016

The Turkish national news agency AA noted on 1 August 2016 that “A total of 3,073 military personnel including 158 general and admirals have been dismissed from Turkish Armed Forces over links to Fetullah Terrorist Organization (FETO)”.⁵²¹

Al Jazeera summarised on 15 August 2016 that:

With the initial dismissal of more than 1,000 ranking officers, the state had formally discharged nearly 44 percent of land force generals, 42 percent of air force generals and 58 percent of navy admirals. By July 31, the total number of soldiers dismissed had surpassed 3,000, while the number of soldiers of various ranks detained stood at around 8,000.⁵²²

Radio Free Europe/Radio Liberty reported on 1 September 2016 about the discharging of another 820 people from the land and naval forces, “ranging from senior general to rang-and-file soldiers”.⁵²³

Hurriyet Daily News reported on 5 October 2016 that “The personnel figures in the Turkish Armed Forces (TSK) have sharply fallen since the evening of the failed coup attempt on July 15, mainly due to the separation of the gendarmerie from the force, as well as large numbers of suspensions. A total of 355,212 military personnel are currently serving under the roof of the TSK, the military announced on its website on Oct. 5, revealing a dramatic decline from the 518,166 at the end of June. The June figures showed that the personnel number of the gendarmerie stood at 160,148”.⁵²⁴ The same source provided the following additional figures pre- and post-coup:

According to [...] new statement, 201 generals and admirals and 29,434 military officers are currently on duty [...]

Before the coup attempt, there were 358 generals and admirals in total, with 32 of them being in the gendarmerie.

The army added that there were 67,257 non-commissioned officers on duty. It also stated that there were 49,279 specialized sergeants and 15,869 contracted privates after the dismissals. There are also 6,072 reserve officers and 187,100 privates in the army, according to the military. According to the statement by the General Staff on July 1, there were 39,287 military officers, along with 96,391 non-commissioned officers, 21,303 specialized gendarmerie, 76,641 specialized privates, 13,216 contracted privates, 6,477 reserve officers and 264,493 privates in the army.

According to initial figures announced in early September after the coup attempt, the number of total military personnel decreased to 351,176.

There were 206 generals and admirals, 29,946 military officers, 67,646 non-commissioned officers and 48,879 specialized sergeants, along with 15,888 contracted privates, 5,827 reserve officers and 182,784 privates, according to figures released on Sept. 9.

In addition, according to the latest decision taken at the meeting of the Supreme Military Council (YAŞ) in August, a total of 586 colonels were retired from the army.

Some 470 of the retired colonels were from the Land Forces, 71 were from the Naval Forces while the other 45 were from the Air Force, the Defense Ministry announced.

However, the terms of office of 434 colonels was expanded for two years on Aug. 30, according to a decision approved by President Recep Tayyip Erdoğan.

Some 372 of the colonels whose terms were expanded were from the Land Forces, 27 were from the Naval Forces and 35 were from the Air Force.⁵²⁵

⁵²¹ AA, [Turkey's military restructured after failed coup bid](#), 1 August 2016

⁵²² Al Jazeera, [How will the military shake-up affect Turkey's future?](#), 15 August 2016

⁵²³ Radio Free Europe/Radio Liberty, [Turkey Discharges Another 820 From Armed Forces After Failed Coup](#), 1 September 2016

⁵²⁴ Hurriyet Daily News, [Turkish military personnel number shrinks after structural change](#), 5 October 2016

⁵²⁵ Hurriyet Daily News, [Turkish military personnel number shrinks after structural change](#), 5 October 2016

e. Lawyers

Pre-coup situation

The U.S. Department of State report covering 2015 noted that “Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities [...] At times lawyers were detained when they attempted to intervene on behalf of protesters”.⁵²⁶

On 28 November 2015 Mr. Tahir Elçi, President of the Bar Association in south-east Diyarbakir province, a prominent lawyer and human rights defender, was killed by unidentified gunmen.⁵²⁷ According to the World Organisation Against Torture:

The assassination of Mr. Tahir Elçi takes place against the backdrop of the deteriorating human rights situation in Turkey. The authorities have launched a strong security offensive over the past five months under the pretext of countering terrorism. However, the operation turned into a massive crackdown on some civil society organisations depicted as “terrorist networks”. This campaign has been targeting dozens of peaceful activists who have been involved in the monitoring of human rights violations resulting from anti-terrorism operations and advocating for a peaceful resolution of the Kurdish issue. These peaceful activists include human rights defenders, particularly IHD [Human Rights Association] members, lawyers, political party representatives and journalists.⁵²⁸

The United Nations Special Rapporteur on the independence of judges and lawyers, Mónica Pinto, condemned the killing and stated that “I am also concerned about the ‘chilling effect’ Mr. Elçi’s death may have on lawyers, their independence, and the exercise of their right to freedom of opinion and expression”.⁵²⁹ The International Commission of Jurists (ICJ) reported that “The ICJ is concerned that insufficient steps were taken to protect the safety of Tahir Elçi, in a context where it was known that he was likely to be a target of violence and where his prosecution was likely to increase the danger to his life. It is also of concern that there appear to have been failings in the investigation into the killing which could compromise the effectiveness of the investigation and its capacity to bring the perpetrators of the killing to justice. In particular, it appears that there was no crime scene investigation for several days, and that insufficient steps were taken to secure the crime”.⁵³⁰

In June 2016 the International Federation for Human Rights reported that two members of the Association of Lawyers for Freedom (Ozgurlukcu Hukukcular Dernegi – OHD), Ramazan Demir and Ayse Acinikli, who had been briefly arrested in March 2016 alongside seven other OHD lawyers in anti-terrorism operation “targeting at least 89 individuals throughout the country” had been rearrested in April 2016 and detained since then under terrorism-related charges.⁵³¹ According to

⁵²⁶ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

⁵²⁷ World Organisation Against Torture, [Turkey: Killing of Mr. Tahir Elçi, President of the Bar Association in south-east Diyarbakir province and member of IHD](#), 1 December 2015

⁵²⁸ World Organisation Against Torture, [Turkey: Killing of Mr. Tahir Elçi, President of the Bar Association in south-east Diyarbakir province and member of IHD](#), 1 December 2015

⁵²⁹ UN Office of the High Commissioner for Human Rights, [Turkey: UN rights expert condemns killing of Tahir Elçi and calls for thorough, independent and transparent investigation](#), 01 December 2015

⁵³⁰ International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers* p.20-21

⁵³¹ International Federation for Human Rights (FIDH), [Turkey: Trial against lawyers Ramazan Demir and Ayse Acinikli opens on June 22](#), 20 June 2016

the same source during their interrogation they were “questioned about interviews they gave in the media, complaints they lodged before the European Court of Human Rights (ECtHR) and visits to their clients”.⁵³²

The International Commission of Jurists (ICJ) reported in a June 2016 report that “Lawyers and NGOs in Turkey reported to the ICJ that other human rights defenders and lawyers, in particular those working in the south of the country, are also at risk of violence and receive threats to their lives, and that criticism of them by the government increases the danger they face. A number of lawyers are currently facing criminal charges, connected with their professional duties. [...] The ICJ is concerned that the independence and security of lawyers is under increasing threat in Turkey, with potentially serious consequences for the capacity of lawyers to play their proper role in the administration of justice, and the protection of the rule of law and human rights in the justice system”.⁵³³

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that “The situation of lawyers, including those working on cases of enforced disappearance, is particularly worrisome. The Working Group received information about the arrest, detention and prosecution on terrorism-related charges of lawyers defending individuals accused of terrorism-related crimes, mostly on the grounds of an alleged link to, or the provision of support for, their clients’ alleged criminal activities. This is inadmissible in a democratic society governed by the rule of law and is particularly concerning in the light of the increasingly broader and more vague definition of terrorism and of ‘illegal organizations’. The Working Group also received information on threats and intimidation against human rights defenders and lawyers working on enforced disappearance cases, sometimes even during hearings in courts”.⁵³⁴

Post-coup situation

The Business Insider reported in August 2016 that “Suspects are having trouble finding adequate counsel because expert lawyers are either afraid to be associated with the coup or are personally repulsed by the putsch, said Turkdogan of Turkey’s Human Rights Association. In some cases, legal aid is provided, but those lawyers are often inexperienced and intimidated by the authorities, he said”.⁵³⁵

Human Rights Watch similarly reported in August 2016 that “Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association”.⁵³⁶ Furthermore, the same source noted that:

Some lawyers asked to represent judges and prosecutors accused of links to the coup or Gülen movement said they felt pressure not to represent those clients or feared being associated with Gülenists if they did. Given that dozens of lawyers have been detained for alleged association with the Gülen movement in Istanbul, Konya, Izmir, and other cities, concerns about the risk of being associated with the movement are understandable. The Adana Bar Association on July 26 made a public statement referring to the “fear” and “concern” about possible reprisals felt by lawyers in Adana, the decision by some not to provide legal aid to people detained in relation to the failed coup

⁵³² International Federation for Human Rights (FIDH), [Turkey: Trial against lawyers Ramazan Demir and Ayse Acinikli opens on June 22](#), 20 June 2016

⁵³³ International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers* p.20-21

⁵³⁴ UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, paragraph 39-40

⁵³⁵ Business Insider, [Overcrowded Turkish prisons are reaching their breaking point amid influx of thousands of detainees](#), 4 August 2016

⁵³⁶ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

attempt, and the negative treatment they faced from the police and prosecutors if they did represent the detainees. [...].⁵³⁷

Reporting with regards to the impact of emergency decree 668, a September 2016 Reporters Sans Frontières report noted that “The crackdown since the coup attempt has also targeted many judges, prosecutors and even lawyers. Lawyers have been arrested or placed under investigation or their offices have been raided. This climate of intimidation discourages both pro-Gülen movement lawyers and human rights lawyers from defending journalists who have been taken into custody”.⁵³⁸

Human Rights Watch explained in an October 2016 report with regards to the treatment of lawyers that “Lawyers have been targeted too. The Union of Turkish Bar Associations informed Human Rights Watch that 79 bar associations had reported that in total 202 lawyers had been placed in pretrial detention on suspicion of involvement in the coup attempt or links to the Gülen movement”.⁵³⁹

5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan since the attempted Coup d'état

Pre-coup situation & treatment

In its annual report covering 2015 Human Rights Watch stated that “Government-led restrictions on media freedom and freedom of expression in Turkey in 2015 went hand-in-hand with efforts to discredit the political opposition and prevent scrutiny of government policies in the run-up to the two general elections”.⁵⁴⁰

Freedom House noted in its annual report covering 2015 that Turkey received a “downward trend arrow” due amongst others an “intense harassment of opposition members and media outlets by the government and its supporters ahead of November [2015] parliamentary elections”.⁵⁴¹

Amnesty International in its annual report covering 2015 found “Respect for freedom of expression deteriorated. Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy. Ordinary citizens were frequently brought before the courts for social media posts”.⁵⁴²

The U.S. Department of State reported in its annual report covering 2015 that “Inconsistent application of the law and the appearance of overly broad application of antiterror laws remained problems. Wide leeway granted to prosecutors and judges contributed to politically motivated investigations and court verdicts that were not consistent with the law or with rulings in similar cases. Authorities applied the broad antiterror laws extensively with little transparency to arrest opposition political party members and individuals accused of association with the PKK or the

⁵³⁷ Human Rights Watch, Judges, [Prosecutors Unfairly Jailed](#), 05 August 2016

⁵³⁸ Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6

⁵³⁹ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, III. Climate of Fear, p.26

⁵⁴⁰ Human Rights Watch, [World Report 2016: Turkey, Events of 2015](#), 27 January 2016, Freedom of Expression, Association, and Assembly

⁵⁴¹ Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, Trend Arrow

⁵⁴² Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, Turkey, Freedom of Expression, page 370

Fethullah Gulen movement. Authorities continued to make arbitrary arrests, hold detainees for lengthy and indefinite periods, and conduct extended trials”.⁵⁴³

The same source further noted that “Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints”.⁵⁴⁴

Indicative of the extent of the criminalisation of perceived political opponents, Hurriyet Daily News reported on 28 October 2015 that “Two children aged 12 and 13 have been arrested on charges of ‘insulting the Turkish president’ after allegedly tearing down posters showing a photo of President Recep Tayyip Erdoğan” and face up to two years and four months in prison if indicted.⁵⁴⁵

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), reported in January 2016 that recent arrests of academics had taken place:

against the backdrop of the deteriorating human rights situation in Turkey. The authorities have launched a wide-range anti-terrorism operation, started in late July 2015 under the pretext of countering terrorism. In this context, at least 58 curfews have been imposed in several cities in South East Turkey [...] leading to restrictions in access to basic services for approximately 1,377,000 people living in these districts and to the death between August 16, 2015 and January 9, 2016, of at least 162 civilians (including 29 women, 32 children, 24 people aged over 60).

The operation turned into a massive crackdown against peaceful civil society actors depicted as “terrorist networks”. This campaign has been targeting dozens of peaceful activists who have been involved in the monitoring of human rights violations resulting from anti-terrorism operations and advocating for a peaceful resolution of the Kurdish issue. These peaceful activists include human rights defenders, particularly HRFT [Human Rights Foundation of Turkey] and İHD [Human Rights Association] members, lawyers, political party representatives and journalists.⁵⁴⁶

Post-coup situation & treatment

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights found that the scope and application of the series of decrees that allowed for the suspension or dismissal of civil servants, as well as judges and prosecutors, “have not been limited to the public sector” but have “introduced sweeping measures affecting, among others, civil society, municipalities, private schools, universities and medical establishments, legal professionals, media, business and finance, as well as the family members of suspects. In addition, the procedures established under the decrees represent a significant deviation from ordinary procedural guarantees in the context of both administrative and criminal law. It is therefore clear that these measures created, directly or indirectly, sweeping interferences with the human rights of a very large number of persons”.⁵⁴⁷

⁵⁴³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Executive Summary*

⁵⁴⁴ U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 2. a. Freedom of Speech and Press*

⁵⁴⁵ Hurriyet Daily News, [Two children face two years in jail for tearing down Erdoğan poster](#), 28 October 2015

⁵⁴⁶ Observatory for the Protection of Human Rights Defenders, [Turkey: Arbitrary detention of 20 university academics and researchers](#), 19 January 2016

⁵⁴⁷ Council of Europe Commissioner for Human Rights, [Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, *Introduction, paragraphs 8 and 9, p. 2*

Human Rights Watch also noted that the declared state of emergency and the subsequent emergency decrees have been applied by law enforcement not only to “those accused of involvement with the coup attempt, but also to detainees accused of links with armed Kurdish and leftist groups, depriving also them of important safeguards against ill-treatment and unfair prosecution” and have created a “pervasive climate of fear where lawyers, detainees, human rights activists, medical personnel and forensic specialists told Human Rights Watch they fear that they will be next in the government’s extensive purge of alleged coup supporters”.⁵⁴⁸

a. Treatment of journalists and other media professionals

Pre-coup situation & treatment

In its annual report covering 2015 Amnesty International considered that “Respect for freedom of expression deteriorated. Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy. Ordinary citizens were frequently brought before the courts for social media posts. The government exerted immense pressure on the media, targeting media companies and digital distribution networks, and singling out critical journalists, who were then threatened and physically attacked by often unidentified assailants. Mainstream journalists were fired after criticizing the government. News websites, including large swathes of the Kurdish press, were blocked on unclear grounds by administrative orders aided by a compliant judiciary. Journalists were harassed and assaulted by police while covering stories in the predominantly Kurdish southeast. [...] Unprecedented steps were taken to silence media linked to investigations of the “Fethullah Gülen Terrorist Organization”.⁵⁴⁹

In its annual report covering 2015, the U.S. Department of State noted that with regards to freedom of speech and press that:

During the year many individuals, including journalists and minors, were indicted for insulting the president or prime minister; insulting the organs and institutions of the state; taking part in antigovernment plots; and being members of outlawed political groups. Some journalists were indicted for attempting to influence the judiciary (including publishing an opinion about how a pending case should be resolved or protesting in favor of a particular outcome). [...]

Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints. [...]

According to the TNP, through December 15, one newspaper, 60 magazines, one banner, 19 books, three bulletins, and eight other published materials were banned, confiscated, or removed from distribution or sale. [...]

The Alternative Media Association reported that, as of July 25, the government had blocked nearly 100 internet news sites, most of which were largely pro-Kurdish or leftist in orientation. [...]

Writers and publishers were subject to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion, fundamentalism, and insulting religious values. Authorities investigated or continued court cases against myriad publications and publishers during the year. [...]

Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in at least one case, physical attack. President

⁵⁴⁸ Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, *Summary*, p. 3

⁵⁴⁹ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

Erdoğan and AKP members sometimes verbally attacked journalists by name in response to critical reporting. [...]

The number journalists imprisoned or detained by authorities rose in the second half of the year, largely due to the government's antiterror operations. [...] Besides criminal charges and arrests, media faced verbal harassment, tax investigations and fines, and terrorism investigations.⁵⁵⁰

The 2016 Freedom House 'Freedom of the Press' report covering events in 2015 similarly considered that "Media freedom in Turkey deteriorated at an alarming rate in 2015. The government, controlled by President Recep Tayyip Erdoğan's Justice and Development Party (AKP), aggressively used the penal code, criminal defamation legislation, and the country's antiterrorism law to punish critical reporting, and journalists faced growing violence, harassment, and intimidation from both state and nonstate actors during the year. [...] The elections, as well as volatility stemming from the Syrian conflict and the Turkish government's renewed clashes with the Kurdistan Workers' Party (PKK) militant group, contributed to a sharply polarized climate and greater political pressures on the media. The authorities continued to use financial and administrative leverage over media owners to influence coverage and silence dissent. [...] Journalists do not generally receive fair treatment in the judicial system, and the courts' handling of media-related cases in 2015 showed a lack of impartiality and independence".⁵⁵¹

The May 2015 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, "highlighted the vulnerability of journalists based on information received about the risks faced by journalists in the performance of their activities".⁵⁵²

The November 2015 European Commission Turkey progress report on EU membership found that "There was significant backsliding in the areas of freedom of expression and freedom of assembly. [...] Freedom of expression is frequently challenged, in particular through arbitrary and restrictive interpretation of the legislation, political pressure, dismissals and frequent court cases against journalists which also lead to self-censorship. [...] A high number of arrests, hearings, detentions, prosecutions as well as censorship cases and layoffs occurred, as the government maintained a strong pressure on media. [...] Frequent threats and various types of intimidation from state and non-state agents against journalists and media outlets continue to be an issue of serious concern. Sporadic physical attacks against journalists have taken place, which are being investigated by the authorities".⁵⁵³

The International Commission of Jurists reported that "President Recep Tayyip Erdoğan, following a decision of the Constitutional Court in February 2016 finding the detention of two journalists unconstitutional as in violation of rights to liberty and security and freedom of expression, stated that he "does not accept" and "will not abide by" the ruling of the Constitutional Court. Such comments undermine the principle of separation of powers and the independence of the judiciary, and run counter to international standards and obligations of Turkey".⁵⁵⁴

The Inter Press Service reported 2016 that "On the evening of March 4 [2016], heavily armed police forced their way into the headquarters of the Turkish daily Zaman. The hundreds of protesters that

⁵⁵⁰ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, 2.a.Freedom of Speech and Press

⁵⁵¹ Freedom House, [Freedom of the Press 2016 – Turkey](#), 27 April 2016

⁵⁵² UN Human Rights Council (formerly UN Commission on Human Rights), [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; Addendum; Follow-up to country recommendations: Turkey \[A/HRC/29/37/Add.4\]](#), 6 May 2015, paragraph 47

⁵⁵³ European Commission, [Turkey 2015 Report \[SWD\(2015\) 216 final\]](#), 10 November 2015, p.20-23

⁵⁵⁴ International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, 3. ISSUES OF CONCERN, Independence and politicization of the judiciary p. 11

had gathered in front of the building in an Istanbul suburb in solidarity with their newspaper were violently dispersed”.⁵⁵⁵ The same source further explained that:

In spite of Davutoğlu’s claims to the contrary, few observers nourish any doubts that the takeover of Zaman was a political manoeuvre by the ruling AKP, with the intention to silence one of the most vocal and influential newspapers in the country. With a circulation of about 650,000, Zaman was Turkey’s biggest newspaper. This, in combination with the newspaper’s close ties with the Gülen movement – a former close ally and current enemy of the AKP – made it a potential threat to the government. [...]

Just one week before the police raid of the Zaman offices, the satellite broadcast of the Istanbul-based IMC TV was pulled off the air at the request of an Ankara prosecutor on allegations of “making terrorist propaganda”. IMC TV was known for its extensive coverage of the conflict in the east.⁵⁵⁶

Human Rights Watch reported that “The trial in Istanbul on March 25, 2016 of two prominent journalists demonstrates the huge restrictions on the media and reporters in Turkey, as well as the president and government’s determination to suppress all critical reporting, Human Rights Watch said today. Can Dündar, editor of the daily Cumhuriyet, and Erdem Gül, the newspaper’s Ankara bureau chief, are on trial in Istanbul Heavy Penal Court No. 14 on charges of obtaining and revealing state secrets for the purpose of espionage, attempting to overthrow the government, and knowingly aiding a terrorist organization. The evidence cited against them consists of a report in the newspaper about arms shipments to Syria through Turkey and their other writings”.⁵⁵⁷

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe noted in an explanatory memorandum that “according to media organisations, 28 journalists (15 of them were convicted) and 10 media distributors were in prison in April 2016. Eighteen of these journalists and distributors are from the Kurdish media. They are charged with being affiliated to an [illegal] organisation according to the Anti-Terror Law and the Turkish Penal Code. [...] The Press for Freedom organisation reported that, in the first quarter of 2016 alone, among others, 894 journalists were dismissed from their jobs, 200 attacks were reported against journalists, including 21 against media institutions, and 12 journalists faced charges of “insulting the President”.⁵⁵⁸

In April 2016 the Council of Europe Commissioner for Human Rights reported following a 9 day visit to Turkey that:

Recourse to an overly wide notion of terrorism to punish non-violent statements and criminalisation of any message merely coinciding with the perceived interests of a terrorist organisation were not new in Turkey, but the scale had become alarming. A similar exponential increase concerned the offence of insulting the President of the Republic, which accounted for 1845 criminal proceedings. “I have not encountered such abusive application of a similar provision in any of the other 46 member states of the Council of Europe, including those where insulting the president is still considered a separate criminal offence”. The Commissioner also pointed to the huge increase in the number of blocked websites since his predecessor’s visit in 2011, and to the fact that Turkey holds the world record for Twitter takedown requests.[...]

The takeover of newspapers and TV stations by trustees was also a very dangerous precedent according to the Commissioner: “by law, these trustees are supposed to safeguard assets, but they changed editorial policy, causing the loss of readership and ruining the market value of the companies. This is an extremely worrying precedent which has already done irreparable harm to media freedom and pluralism in Turkey, even before a final court judgment”.

⁵⁵⁵Inter Press Service, [Turkey’s Crackdown on the Press](#), 14 March 2016

⁵⁵⁶Inter Press Service, [Turkey’s Crackdown on the Press](#), 14 March 2016

⁵⁵⁷Human Rights Watch, [Turkey: Journalism on Trial](#), 25 March 2016

⁵⁵⁸ Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraph 34

According to the Commissioner, the intolerance of the executive and the judiciary to legitimate criticism had led to a very palpable chilling effect and self-censorship, and reduced the scope of democratic discussion in the country.⁵⁵⁹

Reporters Sans Frontières noted that it was “appalled by the two-year jail sentences that an Istanbul court passed today [28 April 2016] on two journalists with the Turkish daily Cumhuriyet for reproducing the cover cartoon of the Charlie Hebdo ‘Survivors Issue’, the first issue published after the January 2015 attack on the Paris-based magazine”.⁵⁶⁰ Human Rights Watch reported that “Can Dündar, editor of the Turkish daily newspaper Cumhuriyet, and Erdem Gül, the newspaper’s Ankara bureau chief, were sentenced to prison on May 6, 2016, on charges of obtaining and revealing state secrets, Human Rights Watch said today. Dündar was sentenced to five years and 10 months, and Gül was sentenced to five years. ‘The decision to sentence Dündar and Gül to long prison terms for publishing the news shows how courts in Turkey comply with President Erdoğan’s campaign of revenge against critics,’ said Emma Sinclair-Webb, senior Turkey researcher at Human Rights Watch. ‘This has been a political trial from the start and part of the ongoing crackdown on journalism and on reporting on issues the public has a right to know about’”.⁵⁶¹

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States reported in June 2016 that:

There are concerns that changes in recent years in ownership of media companies serving business interests were motivated by, and have resulted in, significant political influence on the media. [...]

The Assembly believes that the abusive application of Article 299 (Insulting the President of the Republic) – there were about 2 000 cases in two years against journalists and academics, but also ordinary citizens – is leading to an undue restriction of freedom of expression, considering the case law of the European Court of Human Rights with respect to Article 10 of the Convention. [...]

The Assembly is deeply concerned about the prosecution of investigative journalists following their investigations into topics of general interest. The Assembly is appalled by the harsh prison sentences issued against these journalists. [...]

With regard to respect for the rule of law, the Assembly is very concerned about the recent statements made by the President of the Republic and ministers not to respect a decision of the Constitutional Court on the unlawfulness of the pretrial detention of investigative journalists, which was based on the case law of the European Convention on Human Rights.⁵⁶²

The BBC reported in June 2016 that “A court in Turkey has charged three people with ‘terrorist propaganda’, including a representative of Reporters Without Borders (RSF). It ordered the arrest of RSF representative Erol Onderoglu, journalist Ahmet Nesin and academic Sebnem Korur Fincanci. RSF said it was ‘an unbelievable low for press freedom in Turkey’. The arrests come despite the EU pressuring Ankara to stop prosecuting academics and journalists. The three had reportedly participated in a solidarity campaign in support of Ozgur Gundem, a pro-Kurdish newspaper”.⁵⁶³

Also in June 2016 International PEN, the International Press Institute and Reporters Sans Frontiers submitted to the UN Human Rights Council that “Across the country the authorities are increasingly intolerant of political opposition, public protest, and critical media, while government interference has undermined judicial independence and the rule of law. Media ownership has been transformed,

⁵⁵⁹ Council of Europe Commissioner for Human Rights, [Turkey: security trumping human rights, free expression under threat](#), 14 April 2016

⁵⁶⁰ Reporters Sans Frontières, [Turkish journalists get two years for reprinting Charlie Hebdo cartoon](#), 28 April 2016

⁵⁶¹ Human Rights Watch, [Turkey: Journalists Convicted for News Reports](#), 6 May 2016

⁵⁶² Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 20-22 and 28

⁵⁶³ BBC, [Turkey charges press freedom activists with 'terrorist propaganda'](#), 21 June 2016

leading to a dominance of pro-government media in the country; intimidation, firing of critical journalists and denial of accreditation to foreign reporters have further eroded independent reporting. Restrictive laws have been deployed to arrest and prosecute journalists, while media groups who criticise the government have been fined. [...] At least 14 journalists are currently imprisoned or detained with local NGOs placing the figure over 30. [...] Hundreds of journalists are currently facing charges and investigations”.⁵⁶⁴

In June 2016 the Committee Against Torture concluded that it was “seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists and medical doctors who provide assistance to victims of torture. [...] the Committee remains concerned about the numerous reports received of arbitrary detention of journalists and human rights defenders on terrorism-related charges because of their reporting”.⁵⁶⁵ The International Commission of Jurists reported in June 2016 that “the protection of human rights and the rule of law in Turkey are being severely curtailed. Freedom of expression by the media, academia and the general public have been subject to repressive measures, apparently for the purposes of political control and suppression of dissenting or unwelcome opinion. Criticism of the ruling party, and in particular of the President, has been strongly suppressed; journalists have been arrested, and media organizations subjected to closure or deprived of independence. There has been an alarming escalation in the number of prosecutions for speech offences, in particular for ‘insult to the President’”.⁵⁶⁶

Reporting on the historical climate for journalists, Reporters Sans Frontières considered in a September 2016 report that “Countless journalists have been jailed in recent years on charges of “membership of a terrorist organization” simply because of perceived similarities between their views and the positions espoused by the targeted group. This has happened both to Kurdish journalists who have been accused of being PKK members, and Kemalist journalists accused of being part of a shadowy ultranationalist group called ‘Ergenekon’. In both cases, the journalists often end up being released after long periods of preventive detention when the political circumstances change and it has become clear that prosecutors had no evidence against them”.⁵⁶⁷

Describing the situation for the press at the time of the coup Reporters Sans Frontières considered that “Persecution of critics had already been growing in recent years in Turkey in what was the clearest sign of President Erdoğan’s authoritarian tendencies. Judicial harassment of journalists, systematic Internet censorship, curbs on pluralism and the increasingly concentrated ownership of leading media outlets in the hands of the government’s friends had already become the norm”.⁵⁶⁸

Turkey is ranked 151st out of 180 countries in RSF’s 2016 World Press Freedom Index.⁵⁶⁹

Post-coup situation & treatment

The Committee to Protect Journalists reported that during the attempted coup on 15 July 2016, “Soldiers shot and killed Mustafa Cambaz, a photographer with the pro-government newspaper Yeni

⁵⁶⁴International PEN, the International Press Institute and Reporters Sans Frontiers, [*Joint written statement* submitted by International PEN, the International Press Institute, Reporters Sans Frontiers, nongovernmental organizations in special consultative status Turkey: Major deterioration of the human rights situation in the country*](#), 8 June 2016

⁵⁶⁵Committee against Torture, [*Concluding observations on the fourth periodic reports of Turkey**](#), 2 June 2016, paragraph 43

⁵⁶⁶International Commission of Jurists (ICJ), [*Turkey: the Judicial System in Peril*](#), 2 June 2016, Introduction p.3

⁵⁶⁷Reporters Sans Frontières, [*State of Emergency State of Arbitrary*](#), 25 September 2016, p.6-7

⁵⁶⁸Reporters Sans Frontières, [*State of Emergency State of Arbitrary*](#), 25 September 2016, p.6-7

⁵⁶⁹Reporters Sans Frontières, [*2016 World Press Freedom Index*](#), 2016

Şafak, in the Çengelköy neighborhood of Istanbul. [...] Soldiers also took control of the Ankara studios of the state broadcaster, Turkish Radio and Television (TRT) and forced news anchor Tijen Karas to read a televised statement at gunpoint, she later told journalists. [...] Several reporters were attacked while covering the events”.⁵⁷⁰

Reporters Sans Frontières noted that with regards to the state of emergency declared following the attempted coup that it “removed the few remaining safety nets and brought arbitrary governmental decision-making to new unprecedented heights: journalists have been jailed without any reason being given, media outlets have been closed with the stroke of pen, and punitive measures have been taken without any form of trial”.⁵⁷¹ Human Rights Watch, along with a number of NGOs signed a joint letter in October 2016 which explained that “Provisions of the emergency decrees affect the exercise of the right to freedom of expression and have been used to facilitate the arrest and harassment of journalists, writers and media workers”, including:

1. Empowering higher levels of administration to shut down any media organization;
2. Enabling the government to impose curfews, ban public meetings, gatherings and rallies, and restrict access to private and public spaces;
3. Enabling the authorities to cancel or confiscate passports of anyone under investigation. On 1 September, an amendment to the decree extended this power, enabling the authorities to cancel or confiscate the passports of spouses and partners of those under investigation.⁵⁷²

For more information see [1.a.i.2. Emergency decrees](#).

In July 2016 The UN Special Rapporteur on the right to freedom of opinion and expression, David Kaye, and the OSCE Representative on Freedom of the Media, Dunja Mijatović, expressed alarm at the measures adopted by the Turkish authorities, noting “‘It is quite clear that this wave of restrictions against media groups does not meet the basic international standards concerning restrictive measures even in times of emergency’ Ms. Mijatović said. ‘The attempted coup cannot justify such a broad attack against almost all voices, not just critical ones but analytic and journalistic,’ Mr. Kaye said. ‘The widespread and abrupt nature of the measures, lacking even the basic elements of due process, is shocking and unprecedented in recent times in Turkey. “The Government’s purging of personnel and institutions of what it perceives as being dissenting and critical voices, solely on the basis of allegations of membership in the Gülen movement, clearly violates standards of international human rights law”’.⁵⁷³

Reporters Sans Frontières noted in a September 2016 report that “The second decree issued under the state of emergency, on the night of 27 July, ordered the closure and expropriation of 45 newspapers, 16 TV channels, 23 radio stations, three news agencies and 15 magazines (plus 29 publishing houses) on suspicion of ‘collaborating’ with the Gülen movement. [...] According to media labour unions, hundreds of employees of the state-owned news agency Anadolu and the state-owned broadcaster TRT have been laid off pending the outcome of an internal investigation to establish whether they were linked to the Gülen movement”.⁵⁷⁴

⁵⁷⁰Committee to Protect Journalists, [In Turkey, one journalist killed, several newsrooms seized in attempted coup](#), 16 July 2016

⁵⁷¹Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.3

⁵⁷²Human Rights Watch, [Turkey: State of emergency provisions violate human rights and should be revoked - Joint NGO Letter](#), 20 October 2016

⁵⁷³OHCHR news, [Freedom of expression: UN and OSCE experts deplore crackdown on journalists and media outlets in Turkey](#), 28 July 2016

⁵⁷⁴Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p. 9-10

Physicians for Human Rights published a report in August 2016 on the situation in South East Turkey noted:

The sweeping post-coup purges in the education, legal, and security sectors, combined with relentless persecution of people voicing dissent – including human rights defenders and journalists – is devastating for the Kurds specifically, and the people of Turkey generally. For the Kurds, there is no longer any space for journalists or human rights activists to document persecution of the Kurdish population and demand equality and justice.⁵⁷⁵

In an August 2016 article Amnesty International reported that “we have witnessed a crackdown on the media that is unprecedented in modern Turkish history. In the past month, 131 media outlets and publishing houses have been shut down and at least 89 arrest warrants have been issued for journalists”.⁵⁷⁶ Furthermore, “The post-coup purge comes at a time when Turkey’s attack on freedoms of expression, association and assembly was already gathering momentum. Government administrators had been appointed to run Gülen-linked opposition newspapers and 15 TV channels were shut down in the months before the coup. The right to freedom of peaceful assembly was already restricted and excessive force was regularly used by police to disperse protests”.⁵⁷⁷

Reporters Sans Frontières reported that “The judicial system’s witchhunt is targeting many prominent government critics including well-known journalists like Ilıcak. The scale of the round-ups of journalists is astonishing – 42 arrest warrants were issued on 25 July and another 47 were issued two days later. RSF has seen the written records of interrogations, which confirm that many journalists are being targeted above all for working for media sympathetic to the Gülen movement. Their work as journalists is equated to membership of the movement, and this in turn is equated to complicity in the coup attempt”.⁵⁷⁸

On 10 August 2016 Reporters Sans Frontières noted that “The 42 newly detained journalists combined with those who were already in prison before the abortive coup makes Turkey the world champion in imprisoned media personnel. [...] Seventeen of them, including well-known TV presenter Nazlı Ilıcak, were detained on 30 July on charges of belonging to the ‘FETÖ’, the acronym used by the government to brand the movement headed by US-based Turkish cleric Fethullah Gülen as a ‘terrorist’ organization”.⁵⁷⁹

Reporters Sans Frontières noted in a September 2016 report that “Under the provisions of the first decree after the state of emergency, many journalists have been denied access to a lawyer during their first few days in police custody. [...] As arbitrary methods have gained sway and a spirit of revenge has taken hold at the highest government levels, the situation in prisons has declined rapidly and several journalists have been mistreated. [...] As well as all the judicial proceedings, many journalists have been the targets of administrative sanctions that they have no way of contesting because the state of emergency has suspended any possibility of a legal appeal”.⁵⁸⁰

Article 19 reported that “On 30 September [2016], the licenses of twenty TV and radio stations were canceled in Turkey, including IMC TV, Hayatın Sesi, Azadi TV, Jiyan TV, Van TV, TV 10, Denge TV and Zarok TV, on the accusation of ‘terrorist propaganda’. [...] MC-TV and Hayatin Sesi [...] cover issues representing minority views, while other channels closed are reportedly children’s channels showing

⁵⁷⁵Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Summary*, p 4 and p.7

⁵⁷⁶Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

⁵⁷⁷Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

⁵⁷⁸Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p. 5

⁵⁷⁹Reporters Sans Frontières, [Turkey – world leader in imprisoned journalists](#), 10 August 2016

⁵⁸⁰Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p. 6 and 11

cartoons in the Kurdish language. The closures further confirm that emergency measures are being used for purposes other than those which were the basis of the declared state of emergency, reinforcing concerns that the state of emergency is being used to silence alternative and minority viewpoints”.⁵⁸¹

At the end of September 2016 a further Article 19 press release reported that “the government is now abusing the state of emergency to severely restrict the right to freedom of expression and media freedom, to stifle criticism and limit the diversity of views, perspectives and opinions available in the public sphere within Turkey. Restrictions on the media are not a new phenomenon in Turkey, but in response to the failed coup, the breadth and scope of the crackdown on media freedom has intensified dramatically, with measures of an unprecedented scale now being justified on the grounds of ensuring stability”.⁵⁸² The same source further noted that (original emphasis):

Media workers and other government critics are being arrested and harassed, and independent newspapers and broadcasters are being forced to close.

During the first six weeks of the state of emergency, pursuant to the decrees outlined above, over **100** media outlets had been closed, leaving over **2,300** journalists and media workers without jobs. At least **89** journalists have been arrested, bringing the total number of media workers detained on official charges, believed to be related to their exercise of the right to freedom of expression, to **121**. These numbers exclude countless other journalists who are currently in detention in police holding cells, or have been detained and released without charge during the state of emergency, as well those for whom detention warrants have been issued but have not yet been detained.⁵⁸³

Hurriyet Daily News noted that “Turkey’s Press Advertisement Institution, the authority for distributing official ads to newspapers, has announced that it will not direct any business to publications whose owners, partners or executives face terrorism charges, raising criticism from the opposition and a sector organization. Newspapers who do not fire journalists who face such charges within five days will also not benefit from official ads, according to a regulation published in the Official Gazette on Oct. 5 [2016]”.⁵⁸⁴

The Platform for Independent Journalism reported that “October 6 was the 79th of Turkey’s post-coup State of Emergency rule. Uğur’s arrest brings the number of imprisoned journalists in Turkey to 126. This figure does not include journalists who are in police custody waiting to be arraigned”.⁵⁸⁵ The same source lists all those journalists arrested under State of Emergency as part of coup investigation, journalists taken into custody as part of coup probe under State of Emergency, journalists taken into custody as part of coup probe, journalists being sought in coup probe by judiciary, journalists detained under State of Emergency outside coup probe, journalists known to have been arrested during State of Emergency outside coup probe, journalists arrested before State of Emergency, and media outlets shut down under State of Emergency decrees.⁵⁸⁶

b. Treatment of civil society, human rights and political activists

⁵⁸¹ Article 19, [Turkey: More closures of independent media outlets under extended state of emergency](#), 30 September 2016

⁵⁸² Article 19, [Turkey: “You cannot report the news under the state of emergency](#), 5 October 2016

⁵⁸³ Article 19, [Turkey: “You cannot report the news under the state of emergency](#), 5 October 2016

⁵⁸⁴ Hurriyet Daily News, [Turkey to cut official ads on newspapers of journalists charged with terror links](#), 6 October 2016

⁵⁸⁵ Platform for Independent Journalism, [Journalists in State of Emergency – 21](#), 6 October 2016

⁵⁸⁶ Platform for Independent Journalism, [Journalists in State of Emergency – 21](#), 6 October 2016

For information on the ill-treatment of protestors, see section [3 i. Extrajudicial and targeted killings, unlawful use of violence and harassment](#).

For the treatment of perceived Gulen supporters, see section [4. Treatment of perceived or actual members or associates of the Gulen movement and their family members since the attempted Coup d'état](#) and for the treatment of Kurdish activists, see section [6.a. iv Targeting freedom of expression](#).

Pre-coup situation & treatment

In its annual report covering 2015, the U.S. Department of State considered that “Domestic and international human rights groups operated throughout the country. Some had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations, particularly in the Southeast. [...] Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights violations occasionally faced detention, prosecution, intimidation, harassment, and closure orders for their activities”.⁵⁸⁷ In its 2015 report Amnesty International reported that “Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy”.⁵⁸⁸

In October 2015 Amnesty International described the judicial harassment of the Head of the Diyarbakır Bar Association, Tahir Elçi, a pre-eminent lawyer and human rights defender, noting that “A criminal investigation for ‘Making propaganda for a terrorist organisation’ was started on 16 October following his statements on national television that the Kurdistan Workers’ Party (PKK) is not a terrorist organisation but an armed political movement with popular support”.⁵⁸⁹

The International Commission of Jurists (ICJ) reporting on the November 2015 assassination of human rights defender Tahir Elçi noted that “The ICJ is concerned that insufficient steps were taken to protect the safety of Tahir Elçi, in a context where it was known that he was likely to be a target of violence and where his prosecution was likely to increase the danger to his life”.⁵⁹⁰ In December 2015 the International Federation for Human Rights noted that it had “been informed by reliable sources about the continuous harassment of the Human Rights Association (İHD) members, orchestrated in the context of a broad wave of arrests targeting human rights defenders in Turkey”.⁵⁹¹

In January 2016 the Council of Europe’s Committee on Legal Affairs and Human Rights reported that “in Turkey several human rights organisations have been targeted, arbitrarily, on the basis of anti terrorist legislation. [...] Some human rights advocacy associations are subject to judicial harassment by the authorities. In fact, investigations and court proceedings are regularly opened against certain associations. The case of the Human Rights Association (İnsan Hakları Derneği, İHD) is a typical example of this kind of State harassment, as prosecution of its directors and branch heads on terrorism charges, including lengthy periods of pretrial detention, is often on arbitrary grounds. The

⁵⁸⁷ U.S. Department of State, [Country Reports on Human Rights Practices for 2015](#), 13 April 2016, Section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

⁵⁸⁸ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights - Turkey](#), 24 February 2016

⁵⁸⁹ Amnesty International, [Turkey: End judicial harassment of lawyer Tahir Elçi](#), 21 October 2015

⁵⁹⁰ International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers*, p.20-21

⁵⁹¹ International Federation for Human Rights, [Arbitrary arrest, Release and Judicial harassment of Mr. Atilla Yazar and Ms. Nalan Durdu in Turkey](#), 21 December 2015

association has been subjected to heavy financial penalties”.⁵⁹² The International Federation for Human Rights reported that “According to the information received, on January 15, 2016 an anti-terrorism police operation targeting more than 1.000 academics in Turkey who had signed a statement denouncing state violence on Kurdish provinces was launched, leading to the detention of 20 of them. The academics are being investigated under laws prohibiting ‘making propaganda for a terrorist organization’ and the ‘denigration of the Turkish Nation’”.⁵⁹³

Human Rights Watch reported in March 2016 that three of the academics who signed the peace petition in January 2016 were jailed on suspicion of ‘making terrorist propaganda’, and “at least 30 other academics had been dismissed and 27 suspended by their universities pending investigation”.⁵⁹⁴

The World Organisation Against Torture reported in February 2016 that “The Observatory has been informed by the Human Rights Association (İHD) and the Human Rights Foundation of Turkey (HRFT) about the arbitrary arrest and subsequent release of 49 individuals for their participation in a press conference organised by the İzmir Peace Block to protest against human rights violations in Cizre (South-eastern Anatolia Region of Turkey) and call for peace”.⁵⁹⁵

In its March 2016 submission to the UN Committee Against Torture, the Human Rights Foundation of Turkey noted that “there have been lots of incidents including assassination to arbitrary arrest in the case of protection of human rights defenders”.⁵⁹⁶

In April 2016 Transparency International Turkey issued its National Integrity System Assessment on Turkey which found in relation to civil society organisations (CSOs) that “Turkish legislation on the right to association needs improvement in order to provide an enabling environment for civil society participation and to be brought in line with European standards. Double standards in the treatment of CSOs and lack of a structured and continuous dialogue between CSOs and the public sector limit the influence of civil society in the policy-making process”.⁵⁹⁷ The same source further noted that “Studies analyzing the situation of CSOs in Turkey report several problems including arbitrariness in terms of implementing the law, unequal treatment, and the exercise of pressure by authorities over CSOs, particularly over those working in the field of human rights. [...] Furthermore, interpretations of civil society activities based on Law No. 3713 on Anti-Terror often hinder freedom of speech and association”.⁵⁹⁸

In April 2016 the Council of Europe Commissioner for Human Rights noted following a 9 day visit to Turkey that “the Commissioner raised the issue of human rights defenders and lawyers, mentioning in particular stigmatizing rhetoric, smear campaigns and ongoing investigations against them. ‘In a context where there is a lot of misinformation, manipulation and conflicting opinions, in particular as to what happened during the curfews, a transparent judicial process which relies on human rights

⁵⁹² Council of Europe Parliamentary Assembly, [How to prevent inappropriate restrictions on NGO activities in Europe?](#) 8 January 2016, *Summary and paragraph 48*

⁵⁹³ International Federation for Human Rights, [Turkey: Arbitrary detention of 20 university academics and researchers, among whom Mr. M.D. Ümit Biçer](#), 19 January 2016

⁵⁹⁴ Human Rights Watch, [Turkey: Academics Jailed For Signing Petition](#), 16 March 2016

⁵⁹⁵ World Organisation Against Torture, [Turkey: Arbitrary arrest and subsequent release of 49 individuals participating in a press conference organised by the İzmir Peace Block](#), 11 February 2016

⁵⁹⁶ Human Rights Foundation of Turkey, [Alternative Report To the United Nations Committee against Torture For its consideration of the 4th Periodic Report of Turkey](#), March 2016, *paragraph 6*

⁵⁹⁷ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, *13 Civil Society, paragraph 117 and 119*

⁵⁹⁸ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, *13 Civil Society, p. 2 24*

defenders is the main hope for establishing the truth and obtaining redress'. Against the same background, the recent political attacks against NGOs, merely for writing reports, were also a very disturbing development".⁵⁹⁹

The International Rehabilitation Council for Torture Victims (ICRT) reported in May 2016 that "As part of the [UN Committee against Torture's] hearings, IRCT member the Human Rights Foundation of Turkey (HRFT) travelled to Geneva to brief the Committee on its key concerns. These concerns related to torture in unofficial places of detention, torture during the curfews in the south-east of the country, lack of independent institutions to investigate and monitor torture and ill-treatment and the deliberate targeting of individuals and organisations working to support victims of torture and ill-treatment. HRFT was recently fined because of its provisions of rehabilitation to persons who were tortured during the Gezi Park protests".⁶⁰⁰

The International Commission of Jurists (ICJ) reported in June 2016 that "Lawyers and NGOs in Turkey reported to the ICJ that other human rights defenders and lawyers, in particular those working in the south of the country, are also at risk of violence and receive threats to their lives, and that criticism of them by the government increases the danger they face".⁶⁰¹ In June 2016 the Committee Against Torture concluded that it was "seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists and medical doctors who provide assistance to victims of torture".⁶⁰²

The International Rehabilitation Council for Torture Victims reported in June 2016 that it was "deeply concerned about news of the recent arrest order for the President of the Human Rights Foundation of Turkey (HRFT), Şebnem Korur [Fincancı], along with Erol Önderoğlu (journalist from Reporters Without Borders) and Ahmet Nesin. According to HRFT, the three have been taken to court with warrants for their arrests in relation to their participation in a campaign opposing suppression and investigation against the Journal of Özgür Gündem".⁶⁰³ Calling on Turkey to release and drop charges against the same human rights defenders, the Association for the Prevention of Torture reported that "Ms. Korur Fincancı's arrest takes place in a worrying context, where intimidation and harassment of human rights defenders and other persons who support the fight against torture and ill-treatment in the country is widely reported. These actions have a repressive effect on activities of civil society, which performs essential functions in protecting human rights and upholding democracy and the rule of law in Turkey".⁶⁰⁴

In July 2016 the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey noted that it "also received information on threats and intimidation against human rights defenders and lawyers working on enforced disappearance cases, sometimes even during hearings in courts".⁶⁰⁵

⁵⁹⁹ Council of Europe Commissioner for Human Rights, [Turkey: security trumping human rights, free expression under threat](#), 14 April 2016

⁶⁰⁰ International Rehabilitation Council for Torture Victims, [Committee against Torture urges Turkey to take serious action to end torture and stop crackdown on civil society](#), 17 May 2016

⁶⁰¹ International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, *Harassment and attacks against lawyers*, p.20-21

⁶⁰² Committee against Torture, [Concluding observations on the fourth periodic reports of Turkey*](#), 2 June 2016, paragraph 43

⁶⁰³ International Rehabilitation Council for Torture Victims, [IRCT deeply concerned about arrest order for HRFT President](#), 20 June 2016

⁶⁰⁴ Association for the Prevention of Torture, [Calling on Turkey to release and drop charges against human rights defenders](#), 28 June 2016

⁶⁰⁵ UN Human Rights Council, [Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey](#), 27 July 2016, paragraph 39-40

The Council of Europe Committee on the Honouring of Obligations and Commitments by Member States reported in June 2016 that “The Assembly remains concerned about the extensive interpretation of the Anti-Terror Law, which contradicts Council of Europe standards and leads to the criminalisation and prosecution of human rights defenders and lawyers. [...] We are also concerned that human rights defenders advocating peaceful solutions are targeted by smear campaigns”.⁶⁰⁶

Also reporting in July 2016 the World Organisation Against Torture reported that “Since July 2015, the Turkish authorities have launched a massive crackdown on some civil society organisations abusively depicted as ‘terrorist networks’. The campaign targeted dozens of peaceful activists who have been involved in the monitoring of human rights violations resulting from anti-terrorism operations and who have been advocating for a peaceful resolution of the Kurdish issue, including NGO members, lawyers, political party representatives and journalists”.⁶⁰⁷

According to the current⁶⁰⁸ International Center for Not-for-Profit Law Turkey profile “some human rights organizations complain about lawsuits brought against them, which they interpret as a form of harassment. The threat of inspections can be used to deter rights-based organizations with perceived anti-government stances from speaking out. At least seven associations dealing with human rights and Kurdish issues have reported facing court cases that could shut them down because of their critical positions towards the government. Although Turkey has taken serious steps toward creating a more enabling environment for CSOs, there remains a culture of state control and domination over civil society. [...] CSOs report that they are prevented from holding meetings and rallies on many occasions, and that they are issued fines. A number of human rights defenders continue to face legal proceedings on charges of breaking the law and of propaganda for terrorism as a result of their presence at demonstrations and meetings and following their attendance at press conferences”.⁶⁰⁹

Post-coup situation & treatment

Physicians for Human Rights published a report in August 2016 which considered that “The sweeping post-coup purges in the education, legal, and security sectors, combined with relentless persecution of people voicing dissent – including human rights defenders and journalists – is devastating for the Kurds specifically, and the people of Turkey generally”.⁶¹⁰

The UN Office of the High Commissioner for Human Rights reported in July 2016 that “Numerous academic institutions, schools, civil society organizations were also ordered to close down by decrees issued after the adoption of the ‘Statutory Decree Regarding Measures to be Taken Within Scope of State of Emergency and Regulation of Certain Institutes and Institutions’ on 23 July”.⁶¹¹

⁶⁰⁶ Council of Europe Parliamentary Assembly, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 19 and 57

⁶⁰⁷ World Organisation Against Torture, [Turkey: Provisional release of Mr. Orhan Kemal Cengiz and travel ban against him](#), 26 July 2016

⁶⁰⁸ N.B. The edition available at the time of drafting this report was updated post-cut off point for this research. The previous edition updated on 4 June 2016 is no longer available online

⁶⁰⁹ The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016

⁶¹⁰ Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, Executive Summary, p. 5

⁶¹¹ UN Office of the High Commissioner for Human Rights, [Freedom of expression: UN and OSCE experts deplore crackdown on journalists and media outlets in Turkey](#), 28 July 2016

According to the International Center for Not-for-Profit Law citing the decree published in the Official Gazette on 23 July 2016 “A total of 1,125 associations, 104 foundations, 19 unions, federations and confederations, and 15 foundation schools were also closed”.⁶¹²

For more information on the decree see section [1.a.i.2. Emergency decrees](#).

In an August 2016 article Amnesty International reported that “In the febrile post-coup atmosphere, it is likely that the situation for dissenters will further deteriorate. A blurring of the distinction between culpability for the coup and being a Gülen sympathizer has already been visible. The authorities’ definition of ‘traitor’ could be broadened further still to encompass secular, leftist or Kurdish critics”.⁶¹³

Reporting with regards to the impact of emergency decree 668, a September 2016 Reporters Sans Frontières noted that “The climate also affects those who should be defending journalists – lawyers, human rights defenders and civil society activists”.⁶¹⁴

In October 2016 the Council of Europe issued a ‘Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey’ which reported that “At least more than a thousand NGOs and trade unions, and more than a hundred media establishments were disbanded and liquidated without judicial proceedings”.⁶¹⁵

Human Rights Watch considered in an October 2016 report that “The rhetoric of government officials about those suspected of supporting the coup attempt or alleged to have links with the Gülen movement combined with thousands of arbitrary detentions, dismissals and suspensions have created a climate of fear in which lawyers are afraid to defend those accused of being behind the coup, and lawyers, medical personnel, human rights activists and others fear they may be targeted if they criticize the government”.⁶¹⁶

c. Treatment of other individuals perceived to support the attempted coup/commenting on the attempted coup

The Human Rights Foundation of Turkey reported in its ‘Daily Human Rights reports’ that on 22 July 2016 “8 persons who objected continuous *salaams* [respectful compliments/a gesture of greeting or respect⁶¹⁷] from the mosques in Torbalı district of İzmir were arrested [...] on the allegations ‘of supporting the coup d’état attempt’”.⁶¹⁸ The source did not specify who these individuals were.

Al Jazeera reported on the same day, 24 July 2016, that Turkish prosecutors were investigating people who “have alleged on social media that a July 15 coup attempt was a hoax carried out by the government, the country’s justice minister said”.⁶¹⁹

⁶¹² The International Center for Not-for-Profit Law, [Civic Freedom Monitor: Turkey](#), last updated 26 October 2016

⁶¹³ Amnesty International, [Turkey’s many shades of fear](#), 15 August 2016

⁶¹⁴ Reporters Sans Frontières, [State of Emergency State of Arbitrary](#), 25 September 2016, p.6-7

⁶¹⁵ Council of Europe, [Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey](#), 7 October 2016, CommDH(2016)35, paragraph 9

⁶¹⁶ Human Rights Watch, [Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police](#), 24 October 2016, III. Climate of Fear, p.26

⁶¹⁷ See English Oxford Living Dictionaries, [salaam](#), undated [last accessed: 16 November 2016]

⁶¹⁸ Human Rights Foundation of Turkey, [23-29 July 2016 HRFT Daily Human Rights Report](#), 29 August 2016

⁶¹⁹ Al Jazeera, [Turkey investigates those who say coup attempt was hoax](#), 24 July 2016

Hurriyet Daily News reported on 3 August 2016 that a pregnant woman “working as a secretary at Turkish daily Evrensel was attacked by a group of people who accused her of ‘wearing revealing clothes and supporting the July 15 failed coup attempt’”.⁶²⁰

On 15 September 2016 Al Monitor reported that two Turkish authors/intellectuals Ahmet Altan and his brother Mehmet Altan, known “for their irreconcilable hostility to anything related to the military”, have been arbitrarily detained on the basis of “coluding [sic] with the military”.⁶²¹ The same author further noted that these detentions “created an enormous backlash across the world, with hundreds of international intellectuals signing a letter of protest against the Turkish government”.⁶²²

6. Change in the situation of or treatment of civil servants and government officials since the attempted Coup d'état

This section should be read in conjunction with section [1.a.i.2.a. Decree of 22 July 2016 \[KHK/667\]](#), [1.a.i.2.b. Decree of 25 July 2016 \[KHK/668\]](#), [1.a.i.2.d. Decrees of 17 August 2016 \[KHK/670 and 671\]](#), and [1.a.i.2.e. Decrees of 1 September 2016 \[KHK/672, 673 and 674\]](#).

For up-to date information on the purge, including articles and statistics on the extend of the post-coup purge, see www.turkeypurge.com, which according to its founders, is a “small group of young journalists”, which was established “with the aim of tracking the extensive witch-hunt in Turkey”.⁶²³

On 18 July 2016 Hurriyet Daily News reported that “Turkey’s Prime Minister Binali Yıldırım has suspended the annual leave of more than three million civil servants nationwide until further notice” following the attempted coup on 15 July 2016.⁶²⁴

Shortly after the attempted coup, BBC News reported on 20th July 2016 on the “tens of thousands” of people “arrested or thrown out of their jobs [...] first with the security forces, then spreading to Turkey’s entire civilian infrastructure”.⁶²⁵ At the time of the news article publication, BBC News reported that:

- 7,500 soldiers have been detained, including 118 generals and admirals
- 8,000 police have been removed from their posts and 1,000 arrested
- 3,000 members of the judiciary, including 1,481 judges, have been suspended
- 15,200 education ministry officials have lost their jobs
- 21,000 private school teachers have had their licences revoked
- 1,577 university deans (faculty heads) have been asked to resign
- 1,500 finance ministry staff have been removed
- 492 clerics, preachers and religious teachers have been fired
- 393 social policy ministry staff have been dismissed
- 257 prime minister's office staff have been removed
- 100 intelligence officials have been suspended

The list may be incomplete because the situation is constantly changing. But it is clear that the purge has affected well over 58,000 people.⁶²⁶

⁶²⁰Hurriyet Daily News, [Pregnant woman attacked for ‘wearing revealing clothes, supporting coup’ in Istanbul](#), 3 August 2016

⁶²¹Al Monitor, [Repression of Turkish intellectuals elicits global response](#), 15 September 2016

⁶²²Al Monitor, [Repression of Turkish intellectuals elicits global response](#), 15 September 2016

⁶²³See TurkeyPurge, [Who We Are](#), Undated [Accessed: 1 December 2016]

⁶²⁴Hurriyet Daily News, [Turkey suspends leave for over 3 million civil servants: Gov’t order](#), 18 July 2016

⁶²⁵BBC News, [Turkey coup attempt: Who’s the target of Erdogan’s purge?](#), 20 July 2016

⁶²⁶BBC News, [Turkey coup attempt: Who’s the target of Erdogan’s purge?](#), 20 July 2016

The BBC News reported the following on the possible reasons for targeting civil servants:

This could hark back to a 2010 cheating scandal in Turkey's civil service exams. When 3,227 were suspected of cheating because they scored top marks, the government suspected Gulenists.

The post-coup purge may be the time to get rid of the suspected cheats.

Another possibility is that the government is also weeding out opponents from Turkey's Alevi community, which numbers some 15 million.

Turkey's ruling AKP is predominantly a Sunni Muslim party which gains support from an Islamist base.

The Alevi sect combines elements of Shia Islam with pre-Islamic folk customs.⁶²⁷

BBC News reported further on 13 August 2016 that the Turkish Prime Minister, Binali Yildirim, reportedly stated that "Some 5,000 state employees have been sacked and 77,000 suspended in the purge since last month's failed coup".⁶²⁸

On 17th September 2016 the Turkish government decreed the release of up to "38,000 convicts from prisons to make room for suspected putsch collaborators [...] The decree does not apply to anyone arrested after the mid-July putsch. Turkish Prime Minister Binali Yildirim stated that since the coup attempt and until 17 August 2016 over 40,029 people had been arrested and arrest warrants had been issued for 20,355. 79,900 public servants have been dismissed so far and 4,262 companies and institutions have been closed down", reported the German Federal Office for Migration and Refugees.⁶²⁹

Human Rights Watch noted that:

By late September [2016], Turkey's Justice Minister announced that around 32,000 people had been jailed pending investigation and criminal investigations were underway in relation to 70,000. Among them are soldiers, police, judges, prosecutors, journalists, teachers, academics, bureaucrats and others [...]

Authorities have also suspended or dismissed from their jobs thousands of public servants who are accused of belonging to or supporting the Gülen movement. On September 1 [2016], around 41,000 civil servants and public officials were permanently discharged from their jobs.⁶³⁰

BBC News stated early October 2016 that since the attempted coup "100,000 or so government workers" have been dismissed or suspended, with the BBC reporter stating that "the depth of the purge is staggering, with thousands suspended, dismissed, detained or arrested - from teachers to soldiers, police to judges, aircraft pilots to journalists".⁶³¹ Similarly, on 7th October 2016 Reuters reported that "round 32,000 people have been jailed pending trial during Turkey's post-coup crackdown, while around 100,000 members of the security and civil services, university professors and others have been fired or suspended from work".⁶³²

Following his visit to Turkey in September 2016, the Council of Europe Commissioner for Human Rights stated that

⁶²⁷ BBC News, [Turkey coup attempt: Who's the target of Erdogan's purge?](#), 20 July 2016

⁶²⁸ BBC News, [Turkey coup attempt: Nearly 82,000 sacked or suspended](#), 13 August 2016

⁶²⁹ BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 22.08.2016](#), 22 August 2016

⁶³⁰ Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, I. Background, Coup Attempt and Aftermath, page 11

⁶³¹ BBC News, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

⁶³² Reuters, [Three Turkish diplomats seeking asylum in Germany after coup: media](#), 7 October 2016

Among those directly affected, the Commissioner observes notably that, at the time of his visit and according to the figures provided by the Turkish authorities, 31 844 persons were in detention and 1 477 still in police custody, with several thousand other criminal proceedings still on-going. The Commissioner did not receive an official figure for the number of civil servants suspended or dismissed since 15 July, however various interlocutors estimated the figure to be ranging from 70 000 to 110 000 persons, including 3 400 judges and prosecutors.⁶³³

Human Rights Watch noted in its 23 October 2016 report that “Since the failed coup attempt, the police have detained more than 40,000 soldiers, officers, policemen, judges, prosecutors, teachers and others. According to government statements, most of the detainees are suspected of affiliation with the Gülen movement”.⁶³⁴

With regards to the administrative measures affecting employees in the public sector, the Council of Europe Commissioner for Human Rights found that:

The Commissioner is fully aware that the ECHR does not guarantee access to employment in the public sector and that a relation of trust is essential in relations between civil servants and the state, affording a considerable margin of appreciation to the latter. However, even for this group, under the case-law of the European Court of Human Rights, such dismissals can still be considered an interference with Article 8 of the ECHR (right to respect for private and family life).

It also needs to be borne in mind that all measures taken under the state of emergency must be derogating from the ECHR only to the extent strictly required by the situation, and therefore must be proportionate to the aim pursued. This aim, in the context of Turkey’s derogation to the ECHR, was to counter the severe dangers to public security and order, amounting to a threat to the life of the nation, “posed by the coup attempt and its aftermath together with other terrorist acts”. In this connection, when it comes to the public sector, the threat posed by a public employee wielding the sovereign power of the state, such as military personnel, an intelligence officer, a police officer or a judge, cannot be compared to the risk represented by a teacher, academic or an unqualified worker. Whereas arguments can be made for a speedy dismissal outside ordinary procedural guarantees for the first group, the same reasoning would not apply to the second group, considering that far less intrusive measures are available, such as suspension pending a proper, individualised administrative inquiry with the requisite guarantees.

Even for the first group, the situation of military personnel cannot be compared to judges and prosecutors: in democratic societies special guarantees apply to the members of the judiciary to uphold their independence and impartiality. If there are serious reasons for thinking that they acted in ways incompatible with their function, their dismissal must be subject to the strictest scrutiny and highest evidentiary requirements. In the Commissioner’s opinion, the relevant decisions of the HSYK did not meet such standards. He notes in particular that, while expounding at length on the threat posed by FETÖ, including anecdotal examples involving judges and prosecutors, these decisions included in their operative part only a universal, stereotypical and non-individualised reasoning to which two lists of 2 845 and 543 names were simply appended. Once more, suspension from duty while proper, individualised scrutiny takes place could have been a more proportionate option in the circumstances.

Whereas the Minister of Justice informed the Commissioner that civil servants were in many cases suspended first and dismissed later, these dismissal decisions were still taken under the decrees which do not require an adversarial proceeding or an individualised reasoning. Again, the Minister of Justice said that the decisions were individualised in practice and the files of each person reflected the data and information retained against them to assess whether they had acted loyally to the state. Both the Minister of Justice and the Minister of Foreign Affairs gave examples of such information or evidence that motivated the decisions of dismissal in some concrete cases.

⁶³³ Council of Europe Commissioner for Human Rights, [*Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey*](#), 7 October 2016, Introduction, paragraph 9, p. 2

⁶³⁴ Human Rights Watch, [*A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture*](#), 24 October 2016, Summary, p. 2

However, the procedures clearly do not establish standards regarding such evidence, require their communication to the person concerned or the final assessment to be reasoned and based on this evidence. In such circumstances, it is conceivable that different administrations may have interpreted the same vague criteria concerning membership or contacts with a terrorist organisation in different ways, reaching different conclusions in similar cases, or considering legal actions taken in good faith as establishing guilt. This is a situation which naturally fuels all kinds of speculation concerning the reasons behind certain dismissals. As an example, many interlocutors of the Commissioner were convinced that the dismissal of around 10 000 teachers who were members of EĞİTİM SEN was motivated only by the fact that these teachers had participated in a strike organised by this legally established and operating trade union.

This is why the Commissioner urges the Turkish authorities to render much more transparent the criteria to be retained to prove membership of FETÖ/PDY and other terrorist organisations, the degree beyond which contacts with these organisations can incur sanctions, as well as the kinds of information and evidence the authorities must assess to establish liability. At a minimum, persons should be able to have access to evidence against them and make their case before a decision is taken. Any such decision should be subject to effective remedies, including adversarial proceedings before courts of law.

The Commissioner is particularly concerned about a number of additional sanctions which automatically apply to physical persons dismissed by decree or through the procedures established in decrees. These include a life-long ban from working in the public sector (which includes the practice of law) and private security companies, annulment of passports, eviction from staff housing and the annulment of rental agreements between these persons and public or semi-public bodies. The Commissioner also has grave concerns about the method of publishing a list of names annexed to decrees, which are laws in essence. It is beyond doubt that these persons will have to bear the stigma of having been assessed as having links with a terrorist organisation by the Turkish government itself, heavily compromising their potential of finding employment elsewhere.

These elements reinforce the view that, despite the executive or administrative nature of the dismissal decisions, the sanctions imposed can display a criminal character, blurring the distinction between administrative and criminal proceedings. The upholding of the principles of presumption of innocence, legal certainty, no punishment without law, individuality of crimes and punishments and due process are therefore of particular relevance. This is an additional reason for the Commissioner to urge the authorities to stop applying these procedures and swiftly revert to ordinary procedures.⁶³⁵

On 19 September 2016 Kerem Altıparmak, an Ankara University scholar specializing in human rights, and speaking to AI Monitor reportedly said that “he believes a public sector purge on such a scale ‘is perhaps unprecedented in the world’”.⁶³⁶ Whilst The Economist stated that “Increasingly the crackdown resembles a witch-hunt, far bigger than Senator Joe McCarthy’s purge of suspected communists in America in the 1950s”.⁶³⁷

An AI Monitor article interviewed Aziz Celik, a scholar of labor economics at Kocaeli University, who said that “the dismissed are being socially stigmatized because their names are being published in the Official Gazette without any trials and convictions. ‘With the publicizing of their names, those people are being declared putschists or terrorists before the public. In other words, they are being blacklisted and left to die a ‘civil death’”.⁶³⁸ The same source further noted that according to Aziz Celik, “the purge has affected up to 500,000 people, counting in the families of the dismissed. ‘This is a very serious social trauma that could have other ramifications in the future,’ he said, stressing that the dismissed were stigmatized along with their relatives and social circles and had their personal lives destroyed”.⁶³⁹

⁶³⁵ Council of Europe Commissioner for Human Rights, [*Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey*](#), 7 October 2016, *Administrative measures affecting employees in the public sector*, paragraphs 27 - 34, pp 6-7

⁶³⁶ AI Monitor, [*Turkey could find itself facing hefty legal bill for mass purges*](#), 19 September 2016

⁶³⁷ The Economist, [*A conspiracy so immense*](#), 10 September 2016

⁶³⁸ AI Monitor, [*Turkey could find itself facing hefty legal bill for mass purges*](#), 19 September 2016

⁶³⁹ AI Monitor, [*Turkey could find itself facing hefty legal bill for mass purges*](#), 19 September 2016

a. Police officers and intelligence officials

Pre-coup situation & treatment

Amongst the sources consulted within the set time-frame no specific information was found on the treatment of police officers and intelligence officials.

Post-coup situation & treatment

Radio Free Europe/Radio Liberty reported on 18 August 2016 that “With the ‘special decree’ issued on August 17, 2,360 police staff” were fired.⁶⁴⁰

On 22 August 2016 Radio Free Europe/Radio Liberty basing its article on CNN Turk stated that “Turkish authorities have suspended 95 police officers, including police chiefs, in Istanbul”, following “about 80,000 people in the police, military, judiciary and civil service [that] have been sacked or suspended since the failed July 15 coup”.⁶⁴¹

On 30 August 2016 Al Jazeera reported about the arrest of Istanbul’s ex-police chief, Huseyin Capkin, “after new evidence surfaced in its investigation into the finances of” the Gulen movement.⁶⁴²

Hurriyet Daily News reported that on 7 September 2016 “Basri Aktepe, a former top officer of the National Intelligence Organization (MIT), was arrested [...] over having alleged links to Fethullah Gulen”.⁶⁴³

Radio Free Europe/Radio Liberty reported on 27 September 2016 that “the Turkish government has fired 87 members of the state security agency as part of its ongoing crackdown in the wake of a failed coup attempt in July” for “suspected links with cleric Fethullah Gulen”.⁶⁴⁴ It further noted that since the crackdown, “141 MIT [National Intelligence Organization] staffers have been suspended”.⁶⁴⁵

On 4th October 2016 BBC News reported that “Turkey has suspended almost 13,000 police officers for their alleged links with the US-based Muslim cleric, Fethullah Gulen”, of which “more than 2,500” were police chiefs.⁶⁴⁶

Reuters reported on 5 October 2016 that “Turkey detained 55 military and intelligence agency personnel on Wednesday over suspected links with U.S.-based cleric Fethullah Gulen and his network”.⁶⁴⁷

⁶⁴⁰ Radio Free Europe/Radio Liberty, [Turkey's Anti-Gulen Clampdown Rages Out Of Control](#), 18 August 2016

⁶⁴¹ Radio Free Europe/Radio Liberty, [Turkish Police Officers Suspended As Post-Coup Crackdown Continues](#), 22 August 2016

⁶⁴² Al Jazeera, [Turkey: Ex-police chief, others detained in coup probe](#), 30 August 2016

⁶⁴³ Hurriyet Daily News, [The rise and fall of a Turkish intelligence officer](#), 10 September 2016

⁶⁴⁴ Radio Free Europe/Radio Liberty, [Turkey Targets Security Agency In Anti-Gulen Crackdown](#), 27 September 2016

⁶⁴⁵ Radio Free Europe/Radio Liberty, [Turkey Targets Security Agency In Anti-Gulen Crackdown](#), 27 September 2016

⁶⁴⁶ BBC News, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

⁶⁴⁷ Reuters, [Turkey detains 55 military, intelligence personnel over attempted coup: media](#), 5 October 2016

Reuters reported on 6 October 2016 that “Twenty suspects including Turkish soldiers and a deputy governor were jailed pending trial on Thursday, accused of belonging to a ‘sleeper cell’ to be activated if a July military coup attempt had been successful, state-run Anadolu Agency said”.⁶⁴⁸

Hurriyet Daily News added that the figure of ‘almost 13,000 police officers’ suspended included 1,350 working at the Ankara police headquarters “which came under attack from the air on the night of the [attempted] coup”, whilst the “interior ministry also suspended 37 members of its staff over alleged links to the [Gülen] movement”.⁶⁴⁹

Reuters reported on 7 October 2016 that “Turkish authorities detained 120 police officers [...] and issued warrants for 46 others” of which privately owned Dogan news agency said “were police employees, including 13 police chiefs, 114 ranking officers and 39 regular officers”.⁶⁵⁰

b. Members of the judiciary

This section should be read against [2.a. ii. Criminal justice system and access to fair trial.](#)

Pre-coup situation & treatment

Freedom House noted in its annual report covering 2015 that “The constitution provides for an independent judiciary, but the government has been able influence judges in the past through appointments, promotions, and financing. In the wake of corruption allegations against the government, thousands of police officers, judges, and prosecutors were reassigned during 2014, and the government passed laws to gain more control over the courts as well as the Higher Council of Judges and Prosecutors, the body responsible for judicial appointments”.⁶⁵¹

Amnesty International in its annual report covering 2015 found that the independence of the Turkish judiciary “was further eroded” with “Politically motivated appointments and transfers of judges and prosecutors continued throughout the year, wreaking havoc on a judiciary already lacking independence and impartiality”.⁶⁵²

The U.S. Department of State reported in its annual report covering 2015 that “The government [...] indicted six judges and prosecutors involved in investigating alleged corruption of high-level government officials, a move interpreted as an attempt by the executive branch to intimidate members of the judiciary”.⁶⁵³

The International Commission of Jurists reported in June 2016 that

The Government, including the Ministry of Justice, have justified the arrest, prosecution and disciplinary measures against judges since 2014 as a purge of Gülenist “parallel state” interests which had sought to infiltrate and seize control of the judiciary, as well as other core State institutions, to further their own interests. This is represented as a threat to the security of the State, as a potential “judicial coup” and even sometimes as a “terrorist” threat. Other commentators told the ICJ, however that, prior to 2013, the AKP facilitated and encouraged Gülenist control of the judiciary, since the movement was aligned to and furthered the government’s interests. The AKP’s split with the Gülenist

⁶⁴⁸ Reuters, [Turkey holds 20 alleged members of coup 'sleeper cell': agency](#), 6 October 2016

⁶⁴⁹ Hurriyet Daily News, [Turkey suspends 12,800 police officers in coup plot probe](#), 4 October 2016

⁶⁵⁰ Reuters, [Turkey orders 166 police detained in coup-related crackdown –media](#), 7 October 2016

⁶⁵¹ Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *F. Rule of Law*: 6 / 16 (–1)

⁶⁵² Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background*, p. 369

⁶⁵³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Executive Summary*

movement seems to have precipitated action to assert more direct control, and the purge of Gülenist judges appears to have also involved an opportunistic attack on other independent judges not seen as sufficiently favourable to the wishes of the executive.⁶⁵⁴

In July 2016 the International Commission of Jurists published a report analysing the judicial system in Turkey in light of the increased government control of the Turkish judiciary, including the High Council for Judges and Prosecutors (HSYK), and arrests and dismissals of judges.⁶⁵⁵ The report found:

Since 2014, there have been a series of alarming developments affecting the institutions of the Turkish judicial system, including retrogressive amendments to the legislative framework, increased executive control in practice of the governing institutions of the judiciary and prosecution service; the arrest, dismissal and arbitrary transfer of judges and prosecutors; and recurring instances of violence and threats against lawyers.

There are strong indications that, taken together, these measures may amount to a concerted attack on the independence of the judiciary, prosecution and legal profession, whose integrity and effectiveness is essential to the operation of the Turkish justice system and to the maintenance of the rule of law. [...]

These measures [prosecution and control of freedom of expression], enforced through the courts, are closely linked to attempts by the government to gain greater control over the justice system, including the judiciary and prosecution.⁶⁵⁶

For further detailed information of issues of concern to the International Commission of Jurists on the independence and politicization of the judiciary, the influence of the Executive on the HSYK, the selection and appointment of judges, criminal charges and disciplinary action against judges and prosecutors, the transfer of judges and prosecutors, the establishment of criminal judgeships of the peace, the executive influence on Associations of Judges, and harassment and attacks against lawyers, refer to the relevant chapters in the briefing – see footnote for details.⁶⁵⁷

Post-coup situation & treatment

Human Rights Watch reported one day after the attempted coup “the Higher Council of Judges and Prosecutors issued a list of 2,745 judges and prosecutors who were to be suspended on the grounds that they were suspected of being ‘members of the Fethullah Gülen Terrorist Group/Parallel state structure (FETÖ/PYD)’. The council is charged with administering the justice system, including the appointments, assignments, and oversight of judges and prosecutors. Versions of these lists were published in the media⁶⁵⁸ that day, and police began to arrest those named. In addition to the 2,745 judges and prosecutors from lower courts, the investigation includes 48 members of the Council of State, Turkey’s highest administrative court, two members of the Constitutional Court, 140 members of the Court of Cassation, and four members of the Higher Council of Judges and Prosecutors”.⁶⁵⁹ The same source reported on 18 July 2016 that no explanation had been provided on the role the judges and prosecutors might have had in the coup attempt.⁶⁶⁰

⁶⁵⁴ International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2 June 2016, 3. *ISSUES OF CONCERN, Independence and politicization of the judiciary* page 10

⁶⁵⁵ International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016

⁶⁵⁶ International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016, 1. *Introduction, National Context*

⁶⁵⁷ International Commission of Jurists, [Turkey: ICJ condemns purge of judiciary](#), 18 July 2016, 1. *Introduction, National Context*

⁶⁵⁸ For an example of such a list see TRTHaber, [HSYK'nın açığa aldığı hakim ve savcıların isim listesi](#), 16 July 2016

⁶⁵⁹ Human Rights Watch, [Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup](#), 5 August 2016

⁶⁶⁰ Human Rights Watch, [Turkey: Protect Rights, Law After Coup Attempt: Mass Arrests, Website Shutdowns Raise Grave Concerns](#), 18 July 2016

On 9 August 2016 Turkey's Constitutional Court dismissed two members of its court, Alparslan Altan and Erdal Tercan, on the basis of having links with the Gulen Movement.⁶⁶¹

On 5 August 2016 Human Rights Watch reported that "Turkey's courts have placed at least 1,684 judges and prosecutors in pretrial detention" on suspicion that "they are members of a terrorist organization or were involved in the coup attempt. Some lawyers have been reluctant to represent the judges for fear that they would be tainted by association".⁶⁶² According to the same source:

In cases Human Rights Watch examined, decisions to arrest and detain someone pending investigation appear to have been made simply because their names appear on a list of alleged suspects, or because of alleged associations with a terrorist organization and "national security threats." The authorities have presented no evidence in courts to substantiate any alleged criminal conduct by those arrested.⁶⁶³

Radio Free Europe/Radio Liberty reported on 15 August 2016 that "Police in Istanbul have raided three courthouses to enforce detention warrants against 173 judicial-system personnel wanted in connection with the failed coup attempt last month".⁶⁶⁴

On 24 August 2016 Reuters reported that "more than 2,800 judges and prosecutors" had been fired in the latest purge since the attempted coup.⁶⁶⁵

On 1 September 2016 BBC News reported that "A further 543 judges and prosecutors have been sacked in Turkey, bringing the number of dismissals since July's failed coup to at least 3,288".⁶⁶⁶ The same source quoted Turkish President Recep Tayyip Erdogan as stating that "the purge would 'enhance' the judiciary's independence".⁶⁶⁷ However, Reuters noted on 2 September 2016 that the number of dismissals left a "depleted workforce to manage the legal process against a growing number of detainees".⁶⁶⁸

On 22 September 2016 Reuters reported that "more than 100 court employees have been detained at a courthouse in Istanbul on suspicion of being linked to Gulen, broadcaster Haberturk reported".⁶⁶⁹

Al Jazeera reported on 30 September 2016 that "Turkish authorities [...] issued dozens of arrest warrants for staff in the judicial and prison systems", with warrants for 87 people working in Istanbul courts being sent out".⁶⁷⁰

⁶⁶¹The Constitutional Court of the Republic of Turkey, [*PRESS RELEASE REGARDING THE REASONED DECISION ON THE DISMISSAL OF TWO MEMBERS OF THE CONSTITUTIONAL COURT, ALPARSLAN ALTAN AND ERDAL TERCAN FROM PROFESSION*](#), 9 August 2016

⁶⁶²Human Rights Watch, [*Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup*](#), 5 August 2016

⁶⁶³Human Rights Watch, [*Turkey: Judges, Prosecutors Unfairly Jailed: Pretrial Detention, Unfair Dismissals, Asset Freezes Follow Failed Coup*](#), 5 August 2016

⁶⁶⁴Radio Free Europe/Radio Liberty, [*Istanbul Courthouses Raided In Coup Probe*](#), 15 August 2016

⁶⁶⁵Reuters, [*Turkish authorities fire more than 2,800 judges, prosecutors - CNN Turk*](#), 24 August 2016

⁶⁶⁶BBC News, [*Turkey coup attempt: 543 more court officials sacked*](#), 1 September 2016

⁶⁶⁷BBC News, [*Turkey coup attempt: 543 more court officials sacked*](#), 1 September 2016

⁶⁶⁸Reuters, [*Turkey removes more than 10,000 security personnel, academics in purge*](#), 2 September 2016

⁶⁶⁹Reuters, [*Turkey labour ministry sacks 785 employees since failed coup - minister*](#), 22 September 2016

⁶⁷⁰Al Jazeera, [*Turkey attempted coup: 1,500 jail staff suspended*](#), 30 September 2016

c. Teachers, education ministry officials, university deans

Pre-coup situation & treatment

Freedom House noted in its annual report covering 2015 that:

Academic freedom is limited by self-censorship and legal or political pressure regarding sensitive topics, including contemporary political developments. The government has asserted more authority over individual academics and both public and private universities through the state's Higher Education Board, which in October 2015 introduced a draft regulation that would make it easier to close private universities for becoming "the focal point of acts against the country's indivisible integrity." Also in October, a professor at Ankara University was indicted for "spreading terrorist propaganda" by posing a question on an exam that asked students to analyze the writings of the PKK's leader.⁶⁷¹

The U.S. Department of State reported in its annual report covering 2015 that "Government restrictions on freedom of speech at times limited academic freedom and cultural events. Some academics and event organizers stated their work was monitored and they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Consequently, some contacts reported that they could not easily attend academic programs and practiced self-censorship on sensitive topics. Human rights organizations and student groups continued to criticize constraints placed on universities by law and by the actions of the Higher Education Board that limited the autonomy of universities in staffing, teaching, and research policies and practice".⁶⁷²

The International Rehabilitation Council for Torture Victims reported in January 2016 that 20 university academics, including "Dr Ümit Biçer, who is on the board of IRCT's Turkish member centre, the Human Rights Foundation Turkey (HRFT), and is a leading international expert in forensic documentation of torture and ill-treatment", had been arrested in result to a joint statement issued by "1,128 academics from Turkey and abroad, calling for an end to the curfews imposed on certain districts in Turkey, which have led to severe human rights violations, including extrajudicial executions".⁶⁷³ The same source further noted that "While it appears that all the arrested individuals have since been released, administrative and judicial investigations have been opened against them and many other signatories".⁶⁷⁴

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), reported that shortly after the publication of the joint statement "President Recep Tayyip Erdoğan heavily criticised the academics and compared them to terrorists. In a public speech made on January 15, 2016, he referred to the academics as 'the darkest of dark' and accused them of having committed 'the same crime as those who carry out massacres'. The President also called the academics the 'fifth column' for terrorists. Several academics are also said to have received threats

⁶⁷¹Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, D. Freedom of Expression and Belief: 8 / 16

⁶⁷²U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), Section 2. a. Academic Freedom and Cultural Events

⁶⁷³International Rehabilitation Council for Torture Victims, [IRCT: Turkey must immediately ensure full protection of human rights defenders](#), 28 January 2016

⁶⁷⁴International Rehabilitation Council for Torture Victims, [IRCT: Turkey must immediately ensure full protection of human rights defenders](#), 28 January 2016

via social media and by telephone, including from nationalist mafia boss Sedat Peker, who has publicly threatened the group saying: 'we will bathe in your blood'".⁶⁷⁵

Amnesty International reported in April 2016 that four academics "have been held in pre-trial detention since March 2016. They are among the 1,128 initial signatories of a petition published 11 January 2016 calling on the Turkish government to build a peace plan that recognizes Kurdish political demands. They also criticized the government's actions at a press conference in Istanbul on 10 March, reiterating their call for peace".⁶⁷⁶

Post-coup situation & treatment

Reuters similarly reported on 19 July 2016 article that "Turkey's education ministry has revoked the licenses of 21,000 teachers working in private institutions, an official at the ministry told Reuters on Tuesday, part of an expanding government crackdown following a failed coup attempt. The announcement came shortly after a report that the High Education Board had ordered the resignation of 1,577 deans at all universities across Turkey".⁶⁷⁷

In addition, Amnesty International reported on the same day that "On 19 July [2016] the Ministry of Education reported that 15,200 Ministry personnel had been suspended and that they are under investigation for links to Fethullah Gülen. According to the pro-government Sabah daily, on 19 July, 1,577 university deans were asked to resign by the Council of Higher Education (YÖK). Of these 195 deans have already tendered their resignations. All of the deans will be investigated for links to Fethullah Gülen according to Habertürk. According to the semi-official Anadolu Turkish news agency, the government has begun the process of closing 524 private schools and 102 other institutions operating under the Ministry of Education for suspected links to Fethullah Gülen. The Ministry of Education has also suspended the right of academics to conduct research abroad until further notice and has called back academics who are presently working abroad".⁶⁷⁸

On 21 July 2016 Radio Free Europe/Radio Liberty reported that "Turkey's education system has been hit particularly hard during the ongoing crackdown. The Education Ministry on July 20 added more than 6,500 new names to the list of 15,200 school employees suspended, state media reported. The government also started proceedings to close down more than 600 educational institutions, most of them private schools. In addition, 21,000 teachers at private institutions have had their licenses revoked and more than 1,500 university deans have been forced to resign".⁶⁷⁹

Shortly after the attempted coup, BBC News reported on 20th July 2016 on the possible reasons for targeting the education sector:

President Erdogan has seen the rise of Islamic education in Turkey's schools and universities as a personal mission.

Since his Islamist-rooted party came to power in 2002, the number of children educated in segregated religious schools known as "Imam-Hatip" has soared by 90%. He has repeatedly said he wants to raise a "pious generation" and has reformed state education accordingly. [...]

Mr Erdogan sought to reverse the many closures of religious schools that came in the wake of Turkey's last coup in 1997, which he compared to the cutting of an artery.

⁶⁷⁵ Observatory for the Protection of Human Rights Defenders, [Turkey: Release and ongoing judicial harassment of four academics and researchers](#), 27 April 2016

⁶⁷⁶ Amnesty International, [Turkey: Release detained academics and uphold freedom of expression](#), 21 April 2016

⁶⁷⁷ Reuters, [Licenses of 21,000 Turkish teachers have been revoked: ministry official](#), 19 July 2016

⁶⁷⁸ Amnesty International, [Turkey: State of emergency must not roll back human rights](#), 21, July 2016

⁶⁷⁹ Radio Free Europe/Radio Liberty, [More Arrests In Turkey As State Of Emergency Takes Effect](#), 21 July 2016

He has also moved to shut down Gulenist-run schools outside Turkey. Reports from Romania say Turkish officials have told 11 to close, but the schools argue they fall under Romanian rather than Turkish jurisdiction.

What is less clear is why university deans are also being targeted. The officials told to leave their posts are unlikely to be Gulenists. There is some suggestion that a revamp of Turkey's 300 universities is being prepared.

On Wednesday, Turkey's higher education authority banned academics from travelling abroad and said anyone currently outside Turkey should return home.⁶⁸⁰

Radio Free Europe/Radio Liberty reported that the government further "has banned all academics from foreign travel".⁶⁸¹

Al Jazeera reported on 24 July 2016, that "Education Minister Ismet Yilmaz said Turkey [...] plans to hire more than 20,000 teachers to replace those who have been fired in a purge of suspected coup plotters in schools and other institutions. The new teachers will replace state educators who have been dismissed as well as teachers in private schools with alleged links to Fethullah Gulen".⁶⁸²

On 26 July 2016 Hurriyet Daily News reported that:

[...] simultaneous operations were staged across universities in eight Turkish provinces, with police detaining a total of 188 people and another 54 people being suspended from duty. Some 19 academics were detained in an operation at Çukurova University in the southern province of Adana, including the rector of Kanuni University, Professor Osman Serindağ. Eleven academics were suspended from duty at the Ağrı İbrahim Çeçen University, while a probe was launched into nine academics and three administrative personnel at a local university in Balıkesir. Some 44 academics were detained at Dicle University in the southeastern province of Diyarbakır, while 12 others are being sought with a detention warrant. Some 59 university personnel, including 43 academics, were suspended from duty in Düzce while 30 personnel, including 22 academics, were suspended at Erzurum Atatürk University.

A former rector of Manisa Celal Bayar University, Professor Mehmet Pakdemirli, was also detained, in addition to 19 other academics from the university. Finally, 46 academics were detained at the Namık Kemal University in Tekirdağ.⁶⁸³

On 3 August 2016 Balkan Insight reported that the teaching licenses of 30,000 teachers in the private sector had been revoked.⁶⁸⁴

Al Jazeera reported on 3 August 2016 that "Turkish police have raided the offices of the national science research council, the Scientific and Technological Research Council of Turkey (Tubitak), which funds science research projects in universities and the private sector and employs more than 1,500 researchers."⁶⁸⁵ On 5 August 2016 the Turkish news agency Anadolu Agency (AA) reported that Tubitak had "dismissed 139 personnel [researchers] from their duties amid a coup probe" and 28 others resigned.⁶⁸⁶

Al-Monitor reported on 3 August 2016 that "at least 4,000 students are expected to be affected by a July 31 emergency decree to close all military high schools and military academies. The four military high schools were highly competitive to enter and graduate from [...] The schools are being closed

⁶⁸⁰BBC News, [Turkey coup attempt: Who's the target of Erdogan's purge?](#), 20 July 2016

⁶⁸¹Radio Free Europe/Radio Liberty, [Turkey Bans Academics From Traveling, Blocks WikiLeaks](#), 20 July 2016

⁶⁸²Al Jazeera, [Turkey investigates those who say coup attempt was hoax](#), 24 July 2016

⁶⁸³Hurriyet Daily News, [Turkey detains Istanbul governor, academics after failed coup attempt](#), 26 July 2016

⁶⁸⁴BalkanInsight, [Harsh Crackdown Leaves Turkey Fearful and Divided](#), 3 August 2016

⁶⁸⁵Al Jazeera, [Turkey police raid science council in post-coup purge](#), 3 August 2016

⁶⁸⁶Anadolu Agency, [Turkey's top scientific body dismisses 139 personnel](#), 5 August 2016

because the government believes that they have been infiltrated by the so-called Fethullah Gulen Terror Organization (FETO) and that about 95% of the student body identifies with FETO. The ruling Justice and Development Party (AKP) government is convinced these schools cannot be rehabilitated".⁶⁸⁷

On 8 August 2016 Hurriyet Daily News reported that a teacher, who was suffering from diabetes and who was being held in custody over suspected links to the July 15 failed coup attempt [...] has fallen ill and died in hospital, as "his relatives were not able to provide him with the necessary medicine for three days after his detention".⁶⁸⁸

Deutsche Welle reported on 19 August 2016 that "among the scores of academics currently being sought by the authorities, at least 29 have been detained" with Turkish prosecutors having issued arrest warrants for 84 university academics, with most of the "academic suspects" coming from Selcuk University.⁶⁸⁹

Human Rights Watch noted that on 8 September 2016 "Alongside 28,000 teachers discharged [previously], another 11,000 were suspended".⁶⁹⁰

The International Federation for Human Rights (FIDH) and its member organisations in Turkey, IHD and Human Rights Foundation of Turkey (HRFT) strongly condemned on 19 September 2016 the "dismissal of the 'Academics for Peace', including Prof Dr Ümit Biçer, Member of the HRFT Directors Board, from their positions in public higher education, by a decree having force of law within the scope of the State of Emergency".⁶⁹¹ The same source further noted that:

Among the academics that were removed there are 44 « Academics for Peace » scholars who signed, in January 2016, a petition titled « We will not be a party to this crime », also known as Peace Petition. Their removal is the climax of a series of criminal and disciplinary investigations, custody, imprisonment, or violent threats, that the almost 2,000 signatories of the Peace Petition have faced in the latest months.⁶⁹²

d. Clerics, preachers and religious teachers

Pre-coup situation & treatment

Al Arabiya provided the following background about the Diyanet, the Religious Affairs Directorate:

Diyanet, which is directly linked to the prime minister's office, was established in 1924 to control religion in officially secular modern Turkey.

The agency has a budget larger than many ministries including health and takes care of close to 80,000 mosques in the predominantly Muslim country.

It has 100,000 personnel including imams but Diyanet did not give details of those dismissed.

⁶⁸⁷ Al-Monitor, [Gulen movement's youngest victims speak out in Turkey](#), 3 August 2016

⁶⁸⁸ Hurriyet Daily News, [Teacher held in custody over Gülen links falls ill, dies in Istanbul hospital](#), 8 August 2016

⁶⁸⁹ Deutsche Welle, [Prosecutors target academics, bank regulators in latest post-coup crackdown](#), 19 August 2016

⁶⁹⁰ Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, *I. Background, Coup Attempt and Aftermath*, p. 11

⁶⁹¹ International Federation for Human Rights (FIDH), [Turkey: 'Academics for Peace' suffer purge](#), 12 September 2016

⁶⁹² International Federation for Human Rights (FIDH), [Turkey: 'Academics for Peace' suffer purge](#), 12 September 2016

Diyanet said “the commission created for this purpose (to find Gulen sympathisers) continued its rigorous work.”⁶⁹³

Post-coup situation& treatment

A July 2016 Al-Monitor article reported on the role of Religious Affairs Department (Diyanet) during the coup attempt:

In the first hours of the failed coup attempt on July 15, the pro-government figures that appeared on television called upon the Religious Affairs Department (Diyanet) to rally the Turkish people in defense of democracy. Turkish President Recep Tayyip Erdogan, along with Mehmet Gormez, head of the Religious Affairs Directorate, Turkey’s official religious body, encouraged people to take to the streets to show solidarity against the military coup attempt. Before midnight on July 15, Gormez had issued an order to all imams of the Turkish Republic to go to their mosques and call upon the people to do the same. [...]

This is when the public heard the first sala prayer being read at mosques around the country almost simultaneously all night. Traditionally, sala prayers are read to announce a funeral at the mosque. [...] On July 15, Diyanet sent a text message to the phones of 110,000 imams, who are government employees themselves, asking them to recite the sala prayer at 85,000 mosques. Some imams just read the sala prayer periodically, while others also read announcements to the public informing them where to assemble and encouraging them to be courageous. In more pious and active neighborhoods, when the imam called Takbeer (a call during distress and war), the people passionately replied Allahu Akbar (God is greatest) while marching on streets. [...]

Yet not everyone was happy about the involvement of Diyanet in the civilian resistance against the coup. In both Izmir and Istanbul on that eventful night, attacks on mosques for reciting the sala prayers have been reported. Once the coup attempt was suppressed, police forces investigated and found those who attacked the imams and arrested them. In addition, some imams failed to follow the orders. In the following days, those imams were taken into custody.⁶⁹⁴

The same article further noted on Diyanet’s impact on Turkey’s religious landscape:

As odd as it may be while the mainstream media and most of the government elites portray the civilian resistance to the military coup attempt as a victory of democracy, neither pious Muslims nor staunch secularists agree. Both of these groups believe the reciting of sala prayers from the mosques were a call to jihad. While secularists are scared, observant Muslims and Islamists find comfort and encouragement in knowing that Diyanet is now out of the closet.

Diyanet has been a growing force in Turkey on multiple fronts, but the July 15 coup attempt has made this fact official. Diyanet’s power has resisted that of the armed forces as never before in Turkish history. The next step will be to see how those in religious garb and soldiers in uniform play out their redefined power relations.⁶⁹⁵

Reuters reported on 19 July 2016 that 492 staff, out of 100,000 personnel from the Religious Affairs Directorate, or Diyanet, were removed for suspected involvement in the attempted coup and for alleged ‘terrorism’ links.⁶⁹⁶

On 26 July 2016 Reuters reported that “Turkey’s religious affairs directorate has so far removed a total of 1,112 personnel, including preachers and instructors in the Koran, since the July 15 failed military coup”.⁶⁹⁷

⁶⁹³ Al Arabiya, [Turkey suspends 2,500 more from religion agency after coup bid](#), 9 August 2016

⁶⁹⁴ Al-Monitor, [How Erdogan used the power of the mosques against coup attempt](#), 16 July 2016

⁶⁹⁵ Al-Monitor, [How Erdogan used the power of the mosques against coup attempt](#), 16 July 2016

⁶⁹⁶ Reuters, [Turkey removes 492 state religious personnel after failed coup](#), 19 July 2016

⁶⁹⁷ Reuters, [Turkey religious affairs body says has removed 1,112 personnel since coup](#), 26 July 2016

Al Arabiya reported on 9 August 2016 that “Turkey suspended over 2,500 more staff from the powerful religious affairs state agency. [...] The religious affairs directorate, Diyanet, said in a statement that 2,560 people have been suspended in the latest wave, bringing the total dismissed to 3,672 since July 15.”⁶⁹⁸ It further noted that Diyanet had stated that “the commission created for this purpose (to find Gulen sympathisers) continued its rigorous work”.⁶⁹⁹

On 22 August 2016 Middle East Eye reported that a dual Canadian-Turkish national, Davud Hanci, an Imam and Muslim chaplain in Canada’s correctional services was arrested whilst visiting his father in Turkey, accused of being involved in the attempted coup.⁷⁰⁰

e. Staff at state ministries

Pre-coup situation & treatment

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of staff at state ministries.

Post-coup situation & treatment

Hurriyet Daily News reported on 18 July 2016 that Prime Minister Binali Yıldırım reportedly stated that “1,500 officials in the Finance Ministry and 8,777 officials in the Interior Ministry have been suspended from their duties”.⁷⁰¹ Reuters reported on 19 July 2016 that staff from the “Finance Ministry [and] the prime minister’s office” were purged, but did not specify exact numbers.⁷⁰²

On 11 August 2016 Reuters reported that Foreign Minister Mevlut Cavusoglu “has previously said around 300 members of the foreign ministry have been suspended since the coup plot, including two ambassadors”.⁷⁰³

Hurriyet Daily News reported on 2 September that following the issuance of three new decrees the previous day “A total of 28,163 personnel from the Education Ministry were dismissed, which was followed by the Health Ministry with 2,018 sacked personnel. Some 1,642 were dismissed from the Finance Ministry and related institutions. Some 733 were dismissed from the Food, Agriculture and Livestock Ministry and associated institutions, while 439 personnel were dismissed from the Family and Social Policies Ministry. In addition, a total of 369 personnel were removed from the Interior Ministry, of whom 24 were governors not currently on duty in any province and 102 deputy governors. Some 302 personnel were also dismissed from the Prime Ministry and 215 were removed from the Foreign Ministry”.⁷⁰⁴

On 22 September 2016 Reuters reported that “Labour Minister Mehmet Muezzinoglu told reporters his ministry had sacked 785 people and was investigating a further 319 over possible links to Gulen’s movement. It has also reinstated 383 people suspended after the coup, he added”.⁷⁰⁵

⁶⁹⁸ Al Arabiya, [Turkey suspends 2,500 more from religion agency after coup bid](#), 9 August 2016

⁶⁹⁹ Al Arabiya, [Turkey suspends 2,500 more from religion agency after coup bid](#), 9 August 2016

⁷⁰⁰ Middle East Eye, [Canada imam detained in Turkey post-coup roundup](#), 22 August 2016

⁷⁰¹ Hurriyet Daily News, [208 people killed by coup attempters: Turkey’s PM](#), 18 July 2016

⁷⁰² Reuters, [Turkish Education Ministry suspends 15,200 personnel after failed coup – TV](#), 19 July 2016

⁷⁰³ Reuters, [Military attaches, diplomats flee Turkey’s post-coup inquiry](#), 11 August 2016

⁷⁰⁴ Hurriyet Daily News, [Thousands of public employees sacked with latest decree in Turkey](#), 2 September 2016

⁷⁰⁵ Reuters, [Turkey labour ministry sacks 785 employees since failed coup – minister](#), 22 September 2016

i. Diplomats

Pre-coup situation & treatment

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of diplomats.

Post-coup situation & treatment

On 26 July 2016 Reuters reported that “Turkish Foreign Minister Mevlut Cavusoglu told reporters that two ambassadors, currently based in Ankara, had been removed following the coup attempt”.⁷⁰⁶ Hurriyet Daily News reported on 28 July 2016 that “A total of 88 diplomats, including two ambassadors, have been discharged from their duties in the Turkish Foreign Ministry in the aftermath of the failed July 15 coup attempt, Foreign Minister Mevlüt Çavuşoğlu has said, adding that the number will likely exceed 300 with continued crackdowns in the coming days”.⁷⁰⁷

Reuters reported on 11 August 2016 that “Two Turkish military attaches in Greece fled to Italy, others were caught overseas and some diplomats were on the run after being recalled as part of an inquiry into last month's failed military coup, Turkey's foreign minister said”.⁷⁰⁸ One day later the same source further reported that “Turkey is seeking the extradition of 32 diplomats who went on the run after they were recalled by Ankara as part of investigations into last month's failed coup attempt”.⁷⁰⁹ The same source further noted that “Foreign Minister Mevlut Cavusoglu, speaking at a news conference in Ankara with his Iranian counterpart, said a total of 208 Turkish diplomats had been recalled as part of the coup investigation, but 32 of them had fled to other countries”.⁷¹⁰

Hurriyet Daily News reported on 21 August 2016 that “Ambassador Gürcan Balık, who served as the chief adviser to former Prime Minister Ahmet Davutoğlu during the latter's time as foreign minister amid a variety of diplomatic crises, was detained Aug. 19 as part of Turkey's post-coup attempt investigation. Ahead of Balık's detention, two former Turkish ambassadors linked to FETÖ were detained Aug. 18. Tuncay Babalı, former ambassador to Canada, and Ali Fındık, former ambassador to Costa Rica, were detained in Ankara for suspected links to FETÖ, a police source said Aug. 18”.⁷¹¹

On 7th October 2016 Reuters reported that “At least three Turkish diplomats, reportedly including one military attaché, are seeking asylum in Germany in the wake of the failed military coup in Turkey, German media cited government sources as saying. The Turkish Foreign Ministry has recalled an unknown number of diplomatic passports since the coup”.⁷¹² According to the same source “The diplomats are suspected of being followers of U.S.-based cleric Fethullah Gulen, a one-time ally turned enemy of President Tayyip Erdogan [...] Erdogan blames the coup attempt on Gulen supporters”.⁷¹³

f. Governors

Pre-coup situation & treatment

⁷⁰⁶ Reuters, [Turkey religious affairs body says has removed 1,112 personnel since coup](#), 26 July 2016

⁷⁰⁷ Hurriyet Daily News, [Turkish diplomats to be discharged will exceed 300: Foreign minister](#), 28 July 2016

⁷⁰⁸ Reuters, [Military attaches, diplomats flee Turkey's post-coup inquiry](#), 11 August 2016

⁷⁰⁹ Reuters, [Turkey seeks 32 fugitive diplomats in post-coup inquiry](#), 12 August 2016

⁷¹⁰ Reuters, [Turkey seeks 32 fugitive diplomats in post-coup inquiry](#), 12 August 2016

⁷¹¹ Hurriyet Daily News, [Turkish Foreign Ministry recalls 300 diplomats in probe](#), 21 August 2016

⁷¹² Reuters, [Three Turkish diplomats seeking asylum in Germany after coup: media](#), 7 October 2016

⁷¹³ Reuters, [Three Turkish diplomats seeking asylum in Germany after coup: media](#), 7 October 2016

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of governors.

Post-coup situation & treatment

Reuters reported on 19 July 2016 that 30 governors had been dismissed in the aftermath of the attempted coup.⁷¹⁴

On 31 July 2016 Hurriyet Daily News reported that “A total of 33 people, including a number of central governors, were detained [...] as a part of the investigation into the Fethullahist Terror Organization (FETÖ)”.⁷¹⁵

On 5 August 2015 Hurriyet Daily News reported that the former governor of Istanbul, Hüseyin Avni Mutlu, was arrested over the attempted coup, together with “nine other suspects, including governors, a deputy governor and three district governors, were arrested for being members of the Gülen movement”.⁷¹⁶

On 30 August 2016 Al Jazeera reported that “A detention order was [...] issued for an unnamed governor and two unidentified district governors. Eight governors, including former Istanbul Governor Huseyin Avni Mutlu, one deputy governor and three district governors had been put under arrest earlier this month [July 2016] as part of the failed coup probe”.⁷¹⁷

Reuters reported on 6 October 2016 that “Twenty suspects including Turkish soldiers and a deputy governor were jailed pending trial on Thursday, accused of belonging to a ‘sleeper cell’ to be activated if a July military coup attempt had been successful, state-run Anadolu Agency said”.⁷¹⁸

g. Other civil servants or government officials

i. Prison staff

Pre-coup situation & treatment

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of prison staff.

Post-coup situation & treatment

Al Jazeera reported on 30 September 2016 about the suspension of 1,500 prison personnel and guards, with the Turkish Justice Minister, Bekir Bozdag, reportedly stating that these individuals were “temporarily suspended’ to remove individuals linked to the Fethullah Gulen network in Turkish prisons, but could be sacked if concrete links were found”.⁷¹⁹ The same source noted that it believed that this was the first time the prison system had been targeted.⁷²⁰

⁷¹⁴Reuters, [Turkey widens post-coup purge, demands U.S. hand over cleric](#), 19 July 2016

⁷¹⁵Hurriyet Daily News, [33, including central governors, detained in failed coup attempt probe](#), 31 July 2016

⁷¹⁶Hurriyet Daily News, [Former Istanbul governor arrested over failed coup attempt](#), 5 August 2016

⁷¹⁷Al Jazeera, [Turkey: Ex-police chief, others detained in coup probe](#), 30 August 2016

⁷¹⁸Reuters, [Turkey holds 20 alleged members of coup 'sleeper cell': agency](#), 6 October 2016

⁷¹⁹Al Jazeera, [Turkey attempted coup: 1,500 jail staff suspended](#), 30 September 2016

⁷²⁰Al Jazeera, [Turkey attempted coup: 1,500 jail staff suspended](#), 30 September 2016

ii. Health workers

Pre-coup situation & treatment

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of health workers.

Post-coup situation & treatment

Hurriyet Daily News reported on 2 August 2016 that “nearly 100 detention warrants have been issued” for GATA [Gülhane Military Hospital] personnel, including “medical officers, retirees, those suspended from the Turkish Armed Forces and suspects outside Ankara” with a total of “50 people [...] detained upon the issue of the warrants”.⁷²¹

Al Arabiya also noted in a 2 August 2016 article that “Turkey on Tuesday issued arrest warrants for 100 staff, including doctors, at the main military hospital in Ankara as part of an investigation into last month’s failed coup, a Turkish official and reports said. Police were searching the Gulhane Military Medical Academy (GATA) hospital in the capital, the private NTV television reported. It was not immediately clear if any suspects had been detained. [...] The official said that staff at the hospital were suspected of helping fast-track Gulen supporters into the military by giving them favourable medical reports”.⁷²²

The Guardian published on 19 August 2016 a chart based on information from Turkish government and media sources that showed that more than 6,000 health workers had been sacked since the attempted coup.⁷²³

iii. Staff of regulatory bodies

Pre-coup situation & treatment

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of staff of regulatory bodies.

Post-coup situation & treatment

Hurriyet Daily News reported that Turkey dismissed 196 staff at the Information and Communication Technologies Authority (BTK) over last month’s attempted military coup.⁷²⁴

Deutsche Welle reported on 19 August 2016 that “authorities on Friday also detained 29 inspectors from the Banking Regulation and Supervision Agency (BDDK) for ‘irregular inspections’. The banking investigators are suspected of making examining the accounts of a government-related foundation and of business people, some with close ties to Turkish President Recep Tayyip Erdogan”.⁷²⁵

⁷²¹Hurriyet Daily News, [Anti-Gülen operation spreads to Turkey’s largest military hospital](#), 2 August 2016

⁷²²Al-Arabiya, [Turkey issues arrest warrants for 100 staff at Ankara hospital](#), 02 August 2016

⁷²³The Guardian, [Turkey's post-coup crackdown – in figures](#), 19 August 2016

⁷²⁴Hurriyet Daily News, [Turkey dismisses more than 2,000 police officers over coup bid](#), 17 August 2016

⁷²⁵Deutsche Welle, [Prosecutors target academics, bank regulators in latest post-coup crackdown](#), 19 August 2016

iv. Presidential guards

Pre-coup situation & treatment

Amongst the sources consulted within the allocated time-frame no specific information was found on the treatment of presidential guards.

Post-coup situation & treatment

Al Jazeera reported on 24 July 2016, that “Turkey has disbanded the presidential guard after already detaining nearly 300 unit members suspected of plotting against President Recep Tayyip Erdogan”.⁷²⁶

7. Change in situation of or treatment of minorities since the attempted Coup d’état

a. Kurds

i. Overview

Pre-coup situation & treatment

The US Congressional Research Service provided background information on Kurds in Turkey in a report dated 26 August 2016:

Ethnic Kurds reportedly constitute approximately 18% of Turkey’s population, though claims regarding their numbers vary. Kurds are largely concentrated in the relatively impoverished southeast, though populations are found in urban centers across the country. Kurdish reluctance to recognize Turkish state authority in various parts of the southeast—a dynamic that also exists between Kurds and national governments in Iraq, Iran, and Syria—and harsh Turkish measures to quell Kurdish identity- and rights-based claims and demands have fed tensions that have periodically worsened since the foundation of the republic in 1923. Since 1984, the Turkish military has waged an on-and-off struggle to put down a separatist insurgency and urban terrorism campaign by the Kurdistan Workers’ Party, or Partiya Karkeren Kurdistan (PKK). The initially secessionist demands of the PKK have since ostensibly evolved toward the less ambitious goal of greater cultural and political autonomy.⁷²⁷

In its annual report covering 2015 Human Rights Watch stated that “Starting in July, authorities launched a new wave of investigations into hundreds of Kurdish political party officials and activists, including mayors, detaining many on terrorism charges, including in cases where the evidence consisted of non-violent political association and involvement in peaceful protests or press conferences”.⁷²⁸

Amnesty International in its annual report covering 2015 found “Following deadly PKK attacks in September, nationalist mob attacks swept Turkey, mainly targeting Kurds and their property as well as offices of the Kurdish rooted, left-wing Peoples’ Democratic Party (HDP). The Ministry of the Interior reported on the deaths of two members of the public, injuries to 51, and damage to 69

⁷²⁶Al Jazeera, [Turkey investigates those who say coup attempt was hoax](#), 24 July 2016

⁷²⁷US Congressional Research Service, [Turkey: Background and U.S. Relations](#), 26 August 2016, *The Kurdish Issue*, p. 14

⁷²⁸Human Rights Watch, [World Report 2016: Turkey, Events of 2015](#), 27 January 2016, *Renewed Violence in the Southeast*

political party buildings and 30 homes and businesses. The HDP reported that over 400 attacks had taken place, including 126 370 Amnesty International Report 2015/16 attacks on their offices”.⁷²⁹ The same source further noted that “Prosecutions targeting Kurdish political activists for alleged membership of the Plinked Kurdistan Communities Union remained pending, following the 2014 abolition of the anti-terrorism and organized crime courts with special powers. Waves of detentions took place after the eruption of violence between the PKK and state forces in July. By late August it was estimated that more than 2,000 people had been detained for alleged links to the PKK, while over 260 were remanded in pre-trial detention”.⁷³⁰

Freedom House similarly noted in its annual report covering 2015 that “in September and October [2015] there were some 200 attacks by civilian mobs against offices of the HDP [Kurdish Peoples’ Democratic Party, which the AKP [Ruling Justice and Development Party] and nationalist parties accused of being a political wing of the PKK [Kurdistan Workers’ Party]. Over 40 HDP mayors were arrested or removed from office”.⁷³¹ The source expanded and reported that “some members of pro-Kurdish parties have been arrested for alleged links to the PKK, and the HDP was subjected to violence and intimidation during 2015, including bombings attributed to IS and hundreds of attacks on HDP offices surrounding the elections. After the cease-fire between the government and the PKK collapsed in July [2015], officials accused the HDP of being a proxy for the PKK. Erdoğan called for any HDP lawmakers with PKK ties to be prosecuted, but he stopped short of urging the closure of the party itself. Critics alleged that the AKP government was using its battle with the PKK to weaken its political opponents and reverse its June defeat. Between the June and November elections, roughly 500 HDP members and officials, including over 20 elected mayors, were taken into custody on terrorism charges”.⁷³²

Similar was reported by the U.S. Department of State in its annual report covering 2015:

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other national or ethnic minorities, including Assyrians, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to fully exercise their linguistic, religious, and cultural rights. The NGO Human Rights Joint Platform claimed that the government’s failure to recognize national minorities resulted in a failure to identify specific needs, led to discrimination, and left vulnerable populations unprotected.

Although official figures did not exist, more than 15 million citizens were estimated to be of Kurdish origin and to speak Kurdish dialects. Kurdish communities were disproportionately affected by PKK-government clashes during the second half of the year. Several communities experienced government-imposed curfews, cuts in services such as electricity or water, and inability to receive medical care, generally in connection with government security operations aimed at ridding areas of PKK fighters. As these areas were overwhelmingly Kurdish in composition, Kurdish citizens were disproportionately the victims of this increase in PKK-government violence. [...]

Although Kurdish is officially allowed in private education and in public discourse, the government did not extend permission for Kurdish-language instruction to public education. Kurdish and pro-Kurdish civil society organizations and political parties faced increased problems exercising the freedoms of assembly and association.⁷³³

⁷²⁹ Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background*, p. 369

⁷³⁰ Amnesty International, [Annual Report 2015/2016](#), 23 February 2016, *Turkey, Background*, p. 369

⁷³¹ Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *Overview*

⁷³² Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *B. Political Pluralism and Participation: 9 / 16 (-1)*

⁷³³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 6., National/Racial/Ethnic Minorities*

The Canadian Research Directorate of the Immigration and Refugee Board published in June 2016 a an information request on the situation and treatment of members of Kurdish political parties and found that:

Sources report that there were "hundreds of attacks" on HDP offices surrounding the 2015 elections (Human Rights Watch 2016; Freedom House 2016). In a November 2015 report submitted to the UN Committee on the Elimination of Racial Discrimination (CERD), the Association for Monitoring Equal Rights (AMER), an Istanbul-based NGO that monitors discrimination and promotes human rights (AMER n.d.), recorded 12 attacks against HDP stands and HDP offices between May 2015 and September 2015, which occurred in Istanbul, Canakkale, Antalya, Mersin, Adana, Kocaeli, Alanya, Tekirdag, and Ankara (AMER and Istanbul-GöçDer 2 Nov. 2015, Annex 3, 5-8). According to the same source, the attacks included bombings, assaults, mob attacks, vandalism, a lynching attempt, and arson (ibid.). In the majority of cases, there were no records of anyone being indicted for the violence (ibid.). According to a report by the Organization for Security and Co-operation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR), the HDP indicated that there were 129 attacks on HDP offices between 6 September and 9 October 2015 (OSCE 23 Oct. 2015, 5).

Some examples of violence against the HDP reported by sources include the following:

- Human Rights Watch reports that there were two bombings of HDP offices prior to the June 2015 election (Human Rights Watch 2016). AMER similarly reports that, on 18 May 2015, there were bombings of HDP election offices in Mersin and Adana, which occurred at the same time; three people were injured in Adana (AMER and Istanbul-GöçDer 2 Nov. 2015, Annex 3, 5-6).
- On 5 June 2015, there was a bombing attack on an HDP election rally in Diyarbakir that killed four people (Human Rights Watch 2016; Hurriyet 10 Oct. 2015).
- On 20 July 2015, there was an attack against "pro-HDP activists" in the predominantly Kurdish town of Suruc, which killed 30 people (AFP 10 Oct. 2015). The attack was blamed on the Islamic State (IS) (ibid.).
- AMER reports that on 8 September 2015, there was an attack on the HDP headquarters in Ankara by a mob of 500-600 people, who broke into the building and set fire to it (AMER and Istanbul-GöçDer 2 Nov. 2015, Annex 3, 7-8). The same source reports that HDP members informed the police of the threats they received, but the police were not effective in preventing the break in and arson (ibid.). One person was taken into custody for the violence (ibid.).
- On 10 October 2016, there was a bombing in Ankara that killed at least 86 people (AI 10 Oct. 2015; Hurriyet 10 Oct. 2015) or 95 people (AFP 10 Oct. 2015), including HDP members (ibid.; Hurriyet 10 Oct. 2015). The bombing targeted a peace rally, organized by multiple groups, including the HDP (AFP 10 Oct. 2015; AI 10 Oct. 2015). Demirtas criticized the government for not conducting an effective investigation (Hurriyet 10 Oct. 2015).⁷³⁴

In correspondence with the Research Directorate, the Jalal Talabani Chair of Kurdish Political Studies at the University of Central Florida, a position dedicated to the study of Kurdish politics, noted that "The level of persecution experienced by the BDP and HDP members generally follows the evolution of the armed conflict between the Turkish state and the PKK insurgents. In periods of truce and negotiations, BDP/HDP politicians are less likely to experience harassment, detention, arrest, and mistreatment. A series of operations (called KCK operations), started in spring 2009, targeted many BDP members who were accused of being part of a scheme (KCK) controlled by the PKK leadership. A large number of politicians and activists were detained and later arrested. With the initiation of the so-called "peace process" in early 2013, these operations came to an end and many BDP members who had been arrested were released. However, the rekindling of the armed conflict in July 2015

⁷³⁴Research Directorate, Immigration and Refugee Board of Canada, [*Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples' Democratic Party \(Halklarin Demokratik Partisi, HDP\): whether HADEP and other older acronyms are still in use \(2011-2016\)*](#), 14 June 2016, 2. Violence Against HDP Members

brought a new wave of legal operations targeting HDP/DBP members including their arrests. There were also many allegations of mistreatment by security forces".⁷³⁵

The same Canadian Information requests added the following sources with regards to treatment of Kurdish political opponents in late 2015/early-mid 2016:

The HDP indicated to OSCE/ODIHR that between 24 July and 9 October 2015, 2,308 HDP members were taken into custody and 542 were arrested (OSCE 23 Oct. 2015, 5). OSCE reports that some HDP members were charged with "defamation of public authorities, including insult of the president" (ibid.). [...]

Agence France-Presse (AFP) reports that, on 1 May 2016, the police used tear gas against HDP members who staged a protest in the Bakirkoy area of Istanbul (AFP 1 May 2016). [...]

Sources report that on 20 May 2016, the Turkish parliament voted to strip its members of parliamentary immunity from prosecution, which could lead to the prosecution of HDP members of parliament (Reuters 20 May 2016; Chair 20 May 2016; EurActiv 20 May 2016), and others who oppose Erdogan (ibid.). According to the Chair, 53 of 59 HDP members of parliament have legal cases against them and the revoking of parliamentary immunity means that they can now be subject to arrest and detention (Chair 20 May 2016).⁷³⁶

Post-coup situation & treatment

Physicians for Human Rights published a report in August 2016 on the situation in South East Turkey and noted the following:

On July 15, 2016, as the report was being finalized, a faction of the Turkish military attempted to overthrow Turkish President Recep Tayyip Erdoğan and his government. The military's failed attempt has drastically altered the human rights conditions within the country.

The imposition of a three-month, nationwide state of emergency by President Erdoğan and his government in the immediate aftermath of the failed coup is, in many ways, an expansion of a de facto state of emergency that has kept the country's Kurdish dominated southeast under intermittent siege since July 2015 and silenced any criticism of the government's tactics against the Kurds. These tactics included widespread, round-the-clock curfews which cut off entire cities and resulted in hundreds of civilian deaths.

This report details the widespread grave human rights violations committed by Turkish security forces in the southeast over the past year. The Turkish government's response to Kurdish opposition has failed to respect international human rights norms, and is a warning for political dissidents in the rest of the country. Under the state of emergency, Turkey is blatantly abdicating its human rights responsibilities in its quest to eradicate political dissent and silence critics of any kind. [...]

The implications for people living in Turkey, and particularly those in the southeast, are devastating. Since July 2015, the Turkish authorities have waged a campaign against the population of southeastern Turkey, imposing a succession of 24-hour sieges, known as curfews, which have blocked access to health care – including emergency medical treatment for life-threatening injuries or illnesses – cut off water, food, and electricity to whole cities, and resulted in thousands of deaths.

Even before the failed coup, the government punished any individuals or organizations that challenged the government's use of harsh military tactics to quell an armed uprising by Kurdish youth

⁷³⁵Research Directorate, Immigration and Refugee Board of Canada, [*Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples' Democratic Party \(Halklarin Demokratik Partisi, HDP\); whether HADEP and other older acronyms are still in use \(2011-2016\)*](#), 14 June 2016, 3. *Treatment of BDP and HDP Members by Authorities*

⁷³⁶Research Directorate, Immigration and Refugee Board of Canada, [*Turkey: Situation and treatment of members of Kurdish political parties that have succeeded the People's Democracy Party \(Halkin Demokrasi Partisi, HADEP\), including the Peace and Democracy Party \(Baris ve Demokrasi Partisi, BDP\), and the Peoples' Democratic Party \(Halklarin Demokratik Partisi, HDP\); whether HADEP and other older acronyms are still in use \(2011-2016\)*](#), 14 June 2016, 3. *Treatment of BDP and HDP Members by Authorities*

in the southeast. The sweeping post-coup purges in the education, legal, and security sectors, combined with relentless persecution of people voicing dissent – including human rights defenders and journalists – is devastating for the Kurds specifically, and the people of Turkey generally. For the Kurds, there is no longer any space for journalists or human rights activists to document persecution of the Kurdish population and demand equality and justice. The justice system, which has largely failed the Kurds over the past 30 years, has now been stripped of any vestiges of independence, causing serious concerns about access to justice or redress for the violations described in this report. For the people of Turkey generally, the message is clear: no criticism of the government will be tolerated.⁷³⁷

Following the coup, Amnesty International's researcher on Turkey wrote in an article published in August 2016 that "In the south-east of the country, where there have been clashes between members of Kurdish separatist group the PKK and security forces, the government has overseen an onslaught on Kurdish towns and neighbourhoods, which includes round-the-clock curfews and cuts to services. The military have conducted operations in residential areas resulting in hundreds of thousands being displaced and unable to return. In the febrile post-coup atmosphere, it is likely that the situation for dissenters will further deteriorate. A blurring of the distinction between culpability for the coup and being a Gülen sympathizer has already been visible. The authorities' definition of 'traitor' could be broadened further still to encompass secular, leftist or Kurdish critics".⁷³⁸

Al Jazeera reported on 9 September 2016 that:

Turkey is conducting the largest military operations in its history against Kurdish fighters in the southeast of the country, President Recep Tayyip Erdogan has said.

His statement on Thursday came as the government [...] killed scores of PKK fighters.

Erdogan said in a speech to provincial governors in Ankara that the operations targeting civil servants with links to the PKK was a key element of the fight against the armed group. [...]

The Turkish military said on Wednesday that 186 PKK members had been killed in the operations conducted in the southeastern district of Cukurca over the past few days.⁷³⁹

The Guardian reported on 6 October 2016 that "The AKP [Adalet ve Kalkınma Partisi – Justice and Development Party] has extended the post-coup purges of Turkish society to the Kurds, not limiting the scope to followers of the US-based cleric Fethullah Gülen, whom the government blames for the coup attempt. Erdoğan argues that Gülenists and the PKK are one and the same".⁷⁴⁰

ii. Exclusion from the political sphere

This section should be read in conjunction with section [5. Treatment of perceived or actual opponents to the current government under President Recep Tayyip Erdogan since the attempted Coup d'état](#).

Al Jazeera reported on 7 August 2016 that:

A day after Turkey's failed coup attempt, all major political parties united against the "unparalleled attack on the Turkish democracy", issuing a joint declaration to condemn it. [...] President Recep Tayyip Erdogan also put aside acrimony with the leaders of two opposition parties, inviting them to the presidential palace for talks in a gesture of national unity. [...]

But the leader of the pro-Kurdish Peoples' Democratic Party (HDP), Selahattin Demirtas, was excluded from both the post-coup talks in the palace and the rally, on the grounds that his party allegedly supports the outlawed Kurdistan Workers' Party (PKK). The HDP's exclusion, however, has given rise

⁷³⁷ Physicians for Human Rights, [Southeastern Turkey: Health Care Under Siege](#), August 2016, *Executive Summary*, p. 3-4

⁷³⁸ Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

⁷³⁹ Al Jazeera, [How could failed coup affect Kurdish peace process?](#), 7 August 2016

⁷⁴⁰ The Guardian, [What about our human rights?: Kurds feel force of Turkey's crackdown](#), 6 October 2016

to concerns that Turkey is denying a large section of society representation in discussions about the nation's future. [...]

"They do not want to include the HDP in these post-coup meetings," he added, "because they do not want the Turkish public to change its negative perception of the HDP - a perception that was constructed [by the government]. We do not see any indication that the HDP's political exclusion is going to end anytime soon ... We don't have any reason to be hopeful about a peace process."

Analysts agreed that Erdogan's decision to snub Demirtas, who strongly condemned the coup attempt, at a time of perceived national solidarity shows that a renewed Kurdish peace process will not be on the cards in the near future.

"After the coup attempt, Turkish people's priority is safety," Ali Faik Demir, an expert on Turkish politics and foreign policy at Istanbul's Galatasaray University, told Al Jazeera. "It won't be possible for the government to negotiate a peace deal in this environment".⁷⁴¹

The news service DW.com reported on 25 July 2016 that:

[...] the notable absence of Selahattin Demirtas and Figen Yuksekdog, leaders of the pro-Kurdish Peoples' Democratic Party (HDP), Turkey's second-largest opposition party, undermined the meeting's message as a "call for unity" fostering concerns that the parties involved will become no more than clans of yes-men, supporting Erdogan's ambitions to remove political opponents and further consolidate power. [...]

HDP co-chair Demirtas noted in moments of crisis, nations come together to show solidarity, which is what we are seeing both in the streets and the political arena, creating conditions unfavorable to dissent. Still, Turkey is a multi-cultural nation and to join together in the name of Turkish solidarity, is a dangerous sign of events that have yet to unfold for the nation's minorities, such as Kurds, Alawites and its 2.7 million Syrian refugees.

This may serve as an explanation not only for the exclusion of HDP leaders from today's meeting, but also for the attacks on minority neighborhoods that spread across the nation following the coup attempt. Some suspect the exclusion of the HDP from unity talks may be a precursor to increased fighting in the Kurdish southeast, and the possible expulsion of HDP MPs now that immunities have been lifted.⁷⁴²

Human Rights Watch's Benjamin Ward, Deputy Director of the Europe and Central Asia Division, noted on 3 August 2016:

in response to the rising popularity of the peaceful pro-Kurdish Peoples' Democratic Party (HDP) after it won 13 percent of the vote in the June 2015 general election and seats in parliament. The government has sought to conflate the party with the armed Kurdistan Workers' Party (PKK), lifting the parliamentary immunity for Peoples' Democratic Party members and seeking to prosecute those who peacefully advocate the rights of Kurds as though they were members of a terrorist cell plotting violence.⁷⁴³

The US Congressional Research Service noted in a report dated 26 August 2016 that:

In the aftermath of the failed coup, next steps regarding the PKK and HDP and prospects for resuming Turkey-PKK negotiations are uncertain. Despite the HDP's quick condemnation of the plot, along with all other parties in parliament, Erdogan continues to exclude HDP leaders from cross-party meetings and events. Some HDP figures have voiced concern that CHP and MHP solidarity with the AKP might isolate them or leave them prone to a future government crackdown. According to August 2016 reports, prosecutors have reportedly prepared indictments against key HDP figures.⁷⁴⁴

⁷⁴¹Al Jazeera, [How could failed coup affect Kurdish peace process?](#), 7 August 2016

⁷⁴²DW.com, [The state of emergency for Turkey's opposition](#), 25 July 2016

⁷⁴³Human Rights Watch, [The Government Response to Turkey's Coup Is an Affront to Democracy](#), 3 August 2016

⁷⁴⁴US Congressional Research Service, [Turkey: Background and U.S. Relations](#), 26 August 2016, *The Kurdish Issue*, p17

iii. Purging of civil servants

This section should be read in conjunction with section [6. Change in the situation or treatment of civil servants and government officials since the attempted Coup d'état](#).

Al Monitor reported on 13 September 2016 that the purges of the Kurdish community indicate a lack of will to come to a peace settlement:

The purges [of teachers and mayors] — carried out by misusing the powers made available by the state of emergency, the original purpose of which was to fight the putschists — mesh with a short but memorable sentence that Yildirim had uttered in early September. Referring to the Kurdish problem, he declared, “There’ll be no settlement schmettlement.”

And he was right. The settlement of the Kurdish problem is not on the government’s agenda, not even as lip service. The termination of “the solution process” was the core of the bargain Erdogan struck with his nationalist and conservative Sunni base ahead of the Nov. 1, 2015, snap elections, which he called to reclaim his parliamentary majority, lost in the June 7 polls. And this deal will continue until the early elections or the referendum that Erdogan hopes for to formalize his de facto, authoritarian presidential regime with a constitutional amendment. This, in turn, means the conflict in the southeast will drag on indefinitely as no early election or a referendum has been scheduled.

With “no settlement schmettlement” on the cards and emergency-rule powers used to oust a legal Kurdish party from local administrations and teachers from schools, the repercussions in the southeast are not hard to predict. In the highly politicized Kurdish grassroots, the government’s excesses are likely to erode faith in democratic processes and stoke the propensity to violence. The perception that Kurds are purged from the public sector just for being Kurds could spread far and wide, ossifying a sense of inequality that would be difficult to mend. Finally, the government’s hard-line measures should be expected to strengthen the Kurdish separatist current that upholds violence and terrorism.⁷⁴⁵

Teachers

Al Monitor reported on the 12 September 2016 about the crackdown on Kurdish teachers:

The first signal of a clampdown on Kurdish public employees came Sept. 2 when Prime Minister Binali Yildirim said thousands of teachers would be removed from schools in the mainly Kurdish southeast and reappointed elsewhere on the grounds they worked to advance the PKK’s agenda. In an even more ominous warning two days later, he said, “They will face what FETO [Gülenist Terror Organisation] has faced, and this is not limited to teachers only. Terrorism is present within the state and local administrations as well. All public servants who rub shoulders with terrorism will be dealt with and weeded out one by one.”

His statement drew harsh reactions from top officials of both the HDP and the main opposition Republican People’s Party, which questioned how the targeted teachers were found to be PKK backers without any due legal process. Despite the outcry, the Education Ministry suspended 11,285 teachers Sept. 8, all of them members of the leftist Education and Science Laborers Union (Egitim Sen), which is popular with the Kurds.⁷⁴⁶

On 8 September 2016 Hurriyet Daily News reported that “More than 11,000 teachers have been suspended over suspected links to the outlawed Kurdistan Workers’ Party (PKK)”, with the number of suspensions expected to increase to 14,000 according to Prime Minister Binali Yildirim’s recent speech on the issue.⁷⁴⁷ According to the same source “The Education Ministry has been working on the list of suspected teachers for a year, daily Habertürk reported on Sept. 8, adding that reports and

⁷⁴⁵Al Monitor, [Turkey’s emergency rule stokes Kurdish separatism](#), 13 September 2016

⁷⁴⁶Al Monitor, [Kurds become new target of Ankara’s post-coup purges](#), 12 September 2016

⁷⁴⁷Hurriyet Daily News, [More than 11,000 teachers suspended over PKK links](#), 8 September 2016

complaints received from people in the east and southeast contributed to the preparation of the list".⁷⁴⁸

Al Jazeera noted in a reported dated 9 September 2016 that the "teachers suspended for their alleged links to the PKK will be able to receive two thirds of their salaries until the end of a formal investigation, according to the state-run Anadolu Agency".⁷⁴⁹

On 19 August 2016, The Atlantic detailed interviews with Kurds who had been suspended from their positions:

The state of emergency, Esmer [a member of Turkey's Human Rights Association] argued, has effectively legalized the intimidation of the president's long-time adversaries. "The purge has become a form of collective punishment," Esmer said. "It's not about getting coup plotters. It's about cleansing the country."

Among the rivals Erdogan may now be seeking to sideline, with or without explicit reference to the coup attempt, are members of the Kurdish minority. [...]

[...] Nihat Kiratli, a Kurdish teacher based in the city of Diyarbakir, and Fatma Yildizhan, a Kurdish health worker, were suspended after the coup attempt. Other Kurds have been implicated for attending Gülen-operated schools, which, in less-developed regions of Turkey, are often the only educational facilities available.

Both Kiratli and Yildizhan told their bosses that they had no links to the Gülen movement. Instead, they suspected they had been targeted for participating in a December 2015 protest against the Turkish military's occupation of Kurdish cities, an operation that began in mid-2015 when a two-year peace process between Erdogan's government and Kurdish militants broke down and violence erupted. Kiratli told me he hadn't taken part in other political activities, but had nevertheless been suspended from work after his boss found his name on a list of people who, according to the government, supported "terrorist activities."⁷⁵⁰

The BBC reported on 4 October 2016 that:

In the Kurdish areas, education has been hit twice this year: First by violence between security forces and PKK militants and then by the purge that followed the attempted coup.

In Diyarbakir, the biggest Kurdish city in the region, 4,000 teachers have been suspended.

Ali, a high-school student, moved to Diyarbakir to continue his education after clashes in his hometown, Sirnak, closed all the schools.

But he has been stymied here too. Since the coup attempt 19 teachers in his new school have been dismissed, meaning there is very little tuition left.

He now uses the past tense when discussing his ambitions. "Going to university," he says, "was my dream."

"I was working very hard to get a good job. But even our teachers are jobless now. What's the point?"

The schoolyards in Diyarbakir are mostly silent as school directors search desperately for new teachers.

The government says they will deploy 20,000 teachers to fill in.

But time passes by. In this region, there is little hope among students, teachers and parents that education standards can be maintained.⁷⁵¹

Mayors

Al Jazeera reported purges of Kurdish mayors on 12 September 2016:

⁷⁴⁸ Hurriyet Daily News, [More than 11,000 teachers suspended over PKK links](#), 8 September 2016

⁷⁴⁹ Al Jazeera, [Turkey conducting 'largest ever' operations against PKK](#), 9 September 2016

⁷⁵⁰ The Atlantic, [Voices of Turkey's Purged](#), 19 August 2016

⁷⁵¹ BBC, [Turkey purges 13,000 police officers over failed coup](#), 4 October 2016

Turkey has removed 24 mayors accused of links to Kurdish separatist fighters, replacing them with state-appointed trustees in a major shake-up under emergency powers enacted after a failed coup attempt.

The mayors were suspended from their posts over the past month on suspicion of links to the Kurdistan Workers' Party (PKK), a group that has been waging a deadly insurgency in the southeast since 1984, an interior ministry statement said.

Another four mayors were removed on suspicion of links to the US-based cleric Fethullah Gulen, a former ally of President Recep Tayyip Erdogan who is now blamed for the July 15 failed coup attempt. All 28 mayors were replaced on Sunday with state-appointed trustees.⁷⁵²

The Guardian noted further that "Since then, more elected mayors in the region have been removed from their posts. Ankara accuses local politicians of supporting the PKK [Partiya Karkerên Kurdistanê – Kurdistan Workers' Party]. Süleyman Soylu, the interior minister since September, said the government could not allow 'terrorists' to hold municipal office. The pro-Kurdish People's Democratic party (HDP) spoke of a 'coup'".⁷⁵³

People in the judiciary

The Wall Street Journal, reporting on the crackdown on 26 September 2016, noted that:

A post-coup crackdown in Turkey has expanded into the restive Kurdish minority's heartland, exacerbating tensions after a rare show of solidarity by Kurdish lawmakers with the democratically elected government. [...]

President Recep Tayyip Erdogan says the moves are part of a campaign against Kurdish terror groups, billing it as the biggest operation yet against the PKK. But the fresh crackdown worries some in Turkey and its Western allies that the policies are stoking ethnic rivalries, rather than capitalizing on a brief sense of national unity to negotiate an end to the PKK's three-decade uprising. [...]

Prosecutors have pressed on with PKK-related terrorism charges against dozens of lawmakers from the pro-Kurdish People's Democratic Party, or HDP, while Mr. Erdogan dropped some 1,500 charges against other opposition lawmakers for insulting the president.

"There is a systematic embargo against us," said Figen Yuksekdag, co-chair of the HDP. "If the HDP is ostracized, that will raise the risk of a coup and civil war."⁷⁵⁴

iv. Restrictions on freedom of expression

This section should be read in conjunction with section [3.a. Freedom of speech, expression and assembly](#).

Amnesty International released a statement on 19 August 2016 regarding the detention of employees of the newspaper Ozgur Gundem:

Amnesty International calls on the authorities to lift the temporary closure of Kurdish daily newspaper Özgür Gündem. The newspaper was closed for an indefinite period on 16 August 2016 on the decision of the judge of the Istanbul 8th Criminal Court of Peace. [...] Police detained 24 people, including journalists, from the newspaper offices. Twenty two were detained for resisting police officers, while two editors, İnan Kızılkaya and Bilir Kaya were detained on suspicion of the terrorism offences cited in the decision to close the newspaper. [...]

The closure of Özgür Gündem and the detention of 25 people on 16 August is a heavy blow to freedom of expression at a time when many in Turkey are afraid to speak out against the government.

The state of emergency has seen a clampdown of extraordinary proportions, with almost daily reports

⁷⁵² Al Jazeera, [Turkey removes 24 mayors over 'PKK links'](#), 12 September 2016

⁷⁵³ The Guardian, ['What about our human rights?': Kurds feel force of Turkey's crackdown](#), 6 October 2016

⁷⁵⁴ The Wall Street Journal, [Turkey's Post-Coup Crackdown Hits Kurds](#), 26 September 2016

of journalists being detained and 131 media outlets shut by decree, accused of links to Fethullah Gülen, who the authorities believe masterminded the coup attempt. Özgür Gündem is not accused of such links; rather, it is known as one of only a few press outlets reporting critically on counter-terrorism operations in the south-east and reporting statements made by the PKK. It has faced continuous judicial harassment since its inception, including closure by courts in 1994 and, more recently, the pre-trial detention of three of its guest editors.⁷⁵⁵

Minority Rights Group reported on 19 August 2016 that following the detention of Ozgur Gundem employees, "Twenty-two of them were released on 18 August and some declared that they had been ill-treated during police custody".⁷⁵⁶

The Committee to Protect Journalists (CPJ) reported on 23 August 2016 that "An Istanbul court last night arraigned Bilir Kaya and İnan Kızılkaya, editor and news editor of Özgür Gündem, respectively, on charges of "being a member of a [terrorist] organization," the pro-Kurdish newspaper reported on its website. The two were sent to Istanbul's Metris Prison, pending trial".⁷⁵⁷

On 29 September 2016, the CPJ drew attention to Kurdish and Alevi broadcasters whose stations were shut down:

The government used emergency powers to order the stations closed last night, and police raided and sealed the offices of at least two of the broadcasters today, according to press reports. [...]

The broadcasters included pro-Kurdish and leftist radio stations, alongside a Kurdish-language channel for children and a channel that played Kurdish folk music. Also among the closed broadcasters is TV 10, which catered to an audience from Turkey's Alevi sect of Islam, the country's largest religious minority. The channel described the action as intended to "silence the Alevis' voice," according to reports.

"After silencing much of the critical press, Turkey is now targeting a wide swath of cultural and political expression by shuttering minority broadcasters," CPJ Deputy Executive Director Robert Mahoney said. "When the government sees even children's programming as a threat to national security, it is clearly abusing its emergency powers."⁷⁵⁸

The CPJ reported on 29 August 2016 that newspapers employees had been detained, noting that the authorities have persistently harassed workers of the *Welat* weekly papers since its founding in 1992:

Turkish authorities should immediately release 23 employees of the Kurdish-language daily newspaper *Azadiya Welat* detained yesterday in a police raid of the newspaper's office, the Committee to Protect Journalists said today.[...]

It was not immediately clear whether those detained were charged with a crime, but according to a report from the pro-Kurdish Dicle News Agency (DİHA), police told *Azadiya Welat* staff that the reason for the raid was a tip from a caller who was suspicious of the number of people coming into and out of the newspaper's office and believed terrorists were meeting there.⁷⁵⁹

Al Monitor reported on 3 October 2016 that even Kurdish cartoon channels had been shut down:

⁷⁵⁵ Amnesty International, [Turkey: Temporary closure of Ozgür Gündem latest blow to freedom of expression](#), 19 August 2016, EUR 44/4697/2016

⁷⁵⁶ Minority Rights Group, [MRG calls on Turkey government to end pressure on pro-Kurdish institutions and urges renewed dialogue with PKK for peaceful solution to current conflict](#), 19 August 2016

⁷⁵⁷ Committee to Protect Journalists, [Turkish court arraigns newspaper editors, columnist on terrorism charges](#), 23 August 2016

⁷⁵⁸ Committee to Protect Journalists, [Turkey closes at least 20 TV, radio stations](#), 29 September 2016

⁷⁵⁹ Committee to Protect Journalists, [Turkish police raid newspaper office, detain at least 23 employees](#), 29 August 2016

The closed channels include the music-only Govend TV and Turkey's first Kurdish-language cartoon channel for children, Zarok TV. Zarok's chief broadcast coordinator, Dilek Demiral, expressed dismay at the move to Al-Monitor. "We are a cartoon channel. We broadcast cartoons from the Cartoon Network and similar channels after dubbing them into Kurdish and Zazaki. Those include the Smurfs, Garfield and SpongeBob. How could we possibly engage in separatist and subversive activities?" she said.

The moment the channel was taken off the air, it was broadcasting a puppet show called "The Rooster and the Cow," Demiral said. "Our only objective was to make sure that Kurdish children can watch cartoons in their mother tongue. We sought to provide some remedy for Kurdish children unable to speak and learn their mother tongue. So, the closure decision inflicts an injury on Kurdish children."

The other Kurdish-language TV channels the prime minister's office targeted had news programming in their broadcasts. Judging by the scope of the decision, it seems the only Kurdish channels that were spared were those that broadcast solely music videos.⁷⁶⁰

Minority Rights Group published a report on 5 October 2016 regarding the closure of IMC TV and other channels:

IMC TV, an independent TV station described as pro-Kurdish, was shut down by the Turkish authorities, and all its property confiscated on 4 October 2016. Aside from its coverage of Kurdish issues, it was the only TV station in Turkey that broadcasted programmes on and by other minorities, such as Armenians and Circassians.

The ban on broadcast follows a spate of closures of other minority focussed media outlets after the failed coup attempt in July 2016.

On 28 September 2016, 12 TV and 11 radio stations were closed down. Zarok TV, a station broadcasting cartoons dubbed in Kurdish, such as the Smurfs, Garfield and Sponge Bob, was among those shut down. Zarok TV was the only station broadcasting programmes in Kurdish for children, and played an important role in teaching the Kurdish language. TV 10, a pro-Alevi TV channel, was also among the banned stations.

IMC TV's general coordinator [sic], Eyüp Burç, says, 'The government is trying to create a mono-voice and a mono-media, and IMC TV was an obstacle to this aim. We were the only media outlet that broadcasted objective news related to the Kurdish, Armenian and other minority rights issues.'

Eyüp Burç says that he and some other IMC TV staff have received death threats, and that he is also specifically targeted for being Ezidi, one of the most marginalised minorities in Turkey.⁷⁶¹

Human Rights Watch reported on 7 October 2016 that following the coup and the imposed state of emergency, the government closed down 131 media, publishing, and distribution outlets. Among these were Kurdish media:

Over the past few days, RTÜK officials accompanied by police also forcibly closed down five news channels partly broadcasting in Kurdish: Özgür Gün TV, Azadi TV, Jiyan TV, Van TV, and Denge TV, and the children's Kurdish-language channel Zarok TV. On October 5, İMC TV announced that the authorities had initiated steps to seize the broadcasting equipment and property belonging to the station and hand it over to the state broadcaster TRT. TRT announced that it had been appointed as the receiver handling the seizure after the closure of İMC TV.⁷⁶²

v. Torture and other ill-treatment and abuse

This section should be read in conjunction with [3.h. Torture and other ill-treatment and abuse](#).

⁷⁶⁰ Al Monitor, [Why is the Turkish government now targeting cartoons?](#), 3 October 2016

⁷⁶¹ Minority Rights Group, [MRG deplores closure of legitimate minority TV stations by Turkish government for alleged 'terror propaganda'](#), 5 October 2016

⁷⁶² Human Rights Watch, [Turkey: Independent TV News Silenced](#), 7 October 2016

Human Rights Watch provided some background to the torture of Kurds in a September 2015 report:

Torture and extrajudicial killings were serious problems in the predominantly Kurdish southeast during the height of the conflict between the Turkish state and the Kurdistan Workers' Party (PKK) in the 1990s. Despite legal reforms since 2005 aimed at improving safeguards against ill-treatment and legal representation for those in detention, Human Rights Watch has repeatedly documented police violence and the lack of accountability for police officers committing such abuses.

Renewed conflict between Turkish security forces and Kurdish militia has risen to worrying levels. The Turkish government, in a response to attacks attributed to the extremist group Islamic State (also known as ISIS) and the PKK near the border with Syria, has conducted massive counterterrorism raids across the country, blocking websites, and banning and dispersing protests.⁷⁶³

In April 2016 Human Rights Watch made a submission to the UN Committee against Torture:

Human Rights Watch is concerned to report an increase in allegations of police torture or ill-treatment of detainees, including children, in southeast Turkey over the past nine months, and over the past five years a pattern of widespread police ill-treatment of demonstrators and excessive use of force to disperse protests. [...]

The renewed violence has provided the context too for numerous arrests of political activists and alleged armed youth on terrorism charges and ill-treatment of detainees.

The increase in allegations of ill-treatment and torture of detainees includes reports of ill-treatment at the moment of apprehension as well as in transit to and in formal places of detention. The increase in reports mainly concern individuals detained during or after security operations against PKK-affiliated groups or following armed clashes.⁷⁶⁴

Amnesty International noted concerns in a report dated 30 June 2016:

Security operations in south-east Turkey in recent months are being carried out beyond the reach and protections of the law, as indicated by growing evidence of severe human rights violations, including torture and impunity for human rights abuses. During the 1990s, at the height of the conflict between the Turkish authorities and armed Kurdistan Workers' Party (PKK), Amnesty International documented systematic torture, widespread enforced disappearances and near total impunity for human rights abuses committed by members of the security forces. The Turkish authorities must not allow the clock to be turned back to this low point in Turkey's human rights record.

Recent legislative changes make a return to this grim era more likely. Measures passed by Turkey's Parliament on 23 June reduce judicial oversight of security operations and erect barriers to the effective investigation of military officials, who are already protected by an overwhelming culture of impunity for human rights abuses. [...]

The latest changes to the law are especially worrying in light of recent human rights violations during anti-terrorism operations. [...]

Amnesty International maintains that 24 hour round the clock curfews and accompanying restrictions are disproportionate limitations on the rights of residents in areas under curfew, and amount to collective punishment.⁷⁶⁵

On 11 August, 2016, The Clarion Project reported the torture and ill treatment of members of the group, The Kurdish Peace Mothers:

On August 7, millions of people gathered at a meeting venue in Istanbul's Yenikapi area for a joint demonstration called the "Democracy and Martyrs Rally" to protest the July 15 coup attempt. [...]

⁷⁶³ Human Rights Watch, [Turkey: Beaten, Threatened With Death by Police](#), 2 September 2015

⁷⁶⁴ Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016, *57th Session of the Committee against Torture*

⁷⁶⁵ Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

Yet, as millions of Turks allegedly “stood for democracy,” Kurdish mothers were being tortured by Turkish police. In fact, many Kurds across Turkey are almost daily exposed to murders, arbitrary arrests, lynching attempts or torture.

The day of the rally, the Peace Mothers Assembly of Amed (Diyarbakir) went to visit the Peace Mothers Assembly of Siirt. The Peace Mothers Assembly is a Kurdish women's initiative which began in 1996 with the stated aim of “resolving the Kurdish issue through peaceful means.”

On the way back from the visit, they were sexually tortured by police officers. Nezahat Teke and Havva Kiran, members of the Peace Mothers Assembly of Amed, reported what happened to them in a press conference. [...]

“Female police officers forcibly undressed and frisked us. They stripped us bare-naked. But even that was not enough. They harassed us and told us to sit down and stand up repeatedly. We are their mothers’ age but they did unacceptable things to us.”

“They made us wait without water for hours,” Teke continued. “We, the peace mothers, have requested peace for years. We have not had any other slogan or request. Do they also consider this a crime?”

“If there is a coup, we are against the coup, as well. We are against killings but we are also against such unlawfulness. We take to the streets so that no one will die [due to the war]. We are against even their deaths. But what do they do? They strip us naked and harass us. I later noticed that my 200 liras [\$65] were not in my wallet. This is not an issue of money, but this shows their ugliness.”⁷⁶⁶

On 19 August, the Atlantic published an article, citing reports of parents whose sons had been detained and subject to interrogations, overcrowding, and abusive conditions following the coup for suspected participation in the coup. The report noted that:

Yet as detentions continue, human-rights advocates I spoke to aren’t just concerned about the treatment of inmates supposedly linked to the coup. They also fear the purge is widening in scope beyond suspected Gülen supporters, targeting the political opposition at large. [...]

Under the state of emergency, all detainees can be held up to 30 days without charge; many spend the first five without access to an attorney. When detainees do get to meet with a lawyer, a government official is present to monitor their conversation and record everything using a video camera, Esmer [a member of Turkey’s Human Rights Association] said. Phone calls, he added, are out of the question (his friend, the judge, managed to call him between detentions).

The state of emergency, Esmer [a member of Turkey’s Human Rights Association] argued, has effectively legalized the intimidation of the president’s long-time adversaries. “The purge has become a form of collective punishment,” Esmer said. “It’s not about getting coup plotters. It’s about cleansing the country.”

Among the rivals Erdogan may now be seeking to sideline, with or without explicit reference to the coup attempt, are members of the Kurdish minority. The pro-Kurdish People’s Democratic Party (HDP) came out publicly against the attempt, and opposes the spread of Gülenist influence in the country; Turkish Kurds generally share few, if any, beliefs with Gülen, who urged Erdogan to be more aggressive in Turkey’s decades-long battle with Kurdish separatists.⁷⁶⁷

In October 2016, Human Rights Watch published a report detailing how the weakening of safeguards through decrees adopted under the state of emergency has negatively affected police detention conditions and the rights of detainees. The report recounts 13 cases of torture and ill-treatment after the coup attempt, with varying degrees of severity [emphasis added]:

Turkish police have tortured and otherwise ill-treated individuals in their custody after emergency decrees removed crucial safeguards in the wake of a failed coup attempt in July, 2016, Human Rights Watch said in a report released today. [...]

[...] the emergency decrees remove crucial safeguards that protect detainees from ill-treatment and torture [...]

⁷⁶⁶The Clarion Project, [Turkey: Kurdish Mothers Tortured for Requesting Peace](#), 11 August 2016

⁷⁶⁷The Atlantic, [Voices of Turkey’s Purged](#), 19 August 2016

Law enforcement officers have applied these provisions not only to those accused of involvement with the coup attempt, but also to detainees accused of links with armed Kurdish and leftist groups, also depriving them of important safeguards against ill-treatment and unfair prosecution.⁷⁶⁸

The Human Rights Watch report detailed one incident affecting “a group allegedly linked to the Kurdistan Workers’ Party (PKK) [involving] 19 Kurdish men and women of ages ranging from 18 to 35 were detained on August 11 and held in police custody for 17 days”.⁷⁶⁹ The report noted:

Three Istanbul-based lawyers told Human Rights Watch that in the context of a wider operation against a group allegedly linked to the Kurdistan Workers’ Party (PKK), 19 Kurdish men and women of ages ranging from 18 to 35 were detained on August 11 and held in police custody for 17 days. They were detained on suspicion of being PKK members. [...]

One lawyer told Human Rights Watch that he had seen seven of those held in the Atışalın Police Station on the sixth day of their detention. They had reported to him that a team of police officers from the special forces had beaten them, sworn at and threatened them and that they had been given little food for the first three days of their detention. Held in overcrowded cells without beds, the detainees reported that they were sleeping in rotation on blankets on the floor. The lawyer said that on a second visit to his clients, they reported the beatings had stopped. [...]

A second lawyer [...said five detainees] reported to him that they had been beaten repeatedly, individually taken to a darkened room and stripped naked, beaten on the testicles with a baton and threatened with rape with a baton. They said the police made the threats to get them to break their silence and give statements. As a result of the threats and fear of repercussions if they did not give statements to the police, the five had decided to give statements to the police in the presence of the lawyer. [...]

Detainee F.P. reported similar treatment, describing at length being beaten and having his throat squeezed, being taunted and threatened with rape with a baton by a police officer. [...]

All detainees complained before the court where they were brought on August 28 that police officers had tortured and otherwise ill-treated them during detention.⁷⁷⁰

b. Other minorities

i. Overview

According to the Council of Europe report dated 4 October 2016:

At the beginning of 2016 the total population of Turkey was 78 million, the majority being Sunni Muslim. In the absence of official data about the composition of the population, there are no clear figures demonstrating the size of the minority communities in the country. Estimates differ widely. It is estimated that between 10% and 23% of the population are Kurdish (approximately 8 to 18 million) and that 7-12% belong to other ethnic minorities. Estimates of the number of Alevi even vary between 10% and 40% (8 to 23 million). The size of other minority groups is variously estimated at 500 000 to 5 million Roma, 40 000 to 90 000 Armenians, 20 000 Jews and 3 000 to 4 000 Greeks.⁷⁷¹

Minority Rights Group (MRG) listed the following groups as being minorities in Turkey

- Alevi
- Armenians

⁷⁶⁸ Human Rights Watch, [Turkey: Emergency Decrees Facilitate Torture](#), 25 October 2016

⁷⁶⁹ Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, IV. *Allegations of Ill-treatment and Torture, Incident 13*, p. 41

⁷⁷⁰ Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, IV. *Allegations of Ill-treatment and Torture, Incident 13*, pp. 41 - 43

⁷⁷¹ Council of Europe, [ECRI report on Turkey](#), 4 October 2016, 5th monitoring cycle, paragraph 60

- Assyrians
- Caferis
- Caucasians
- Jews
- Kurds
- Laz
- Reformist Christians
- Roma
- Rum Orthodox Christians
- (Y)ezidies⁷⁷²

Pre-coup situation & treatment

The U.S. Department of State in its annual human rights report covering 2015 reported that:

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Orthodox Christians, Jews, and Greek Orthodox Christians. Other national or ethnic minorities, including Assyrians, Caferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to fully exercise their linguistic, religious, and cultural rights. The NGO Human Rights Joint Platform claimed that the government's failure to recognize national minorities resulted in a failure to identify specific needs, led to discrimination, and left vulnerable populations unprotected. [...]

Public gatherings on April 24 to commemorate events relating to the Armenian issue and the tragic events of 1915 were peaceful and received police protection where necessary.

In the period leading up to the June parliamentary elections, President Erdogan used disparaging rhetoric targeting a variety of minorities, including Armenians. [...]

Observers estimated there were more than two million Roma in the country. Romani communities reported being subject to disproportionate police violence and continued housing loss due to urban transformation projects that extended into their traditional areas of residence. The Romani community also continued to face problems with access to education, health care, and housing. Roma reported that their ability to take advantage of government offers to subsidize rent on new apartments was impinged due to discriminatory rental practices. Roma reported workplace discrimination and asserted their children often were singled out in the classroom, leading to high dropout rates. Early marriage also remained a problem in the Romani community; 67 percent of Romani youth ages 13 to 17 were married. The government has implemented financial support for weddings for couples older than the legal marriage age in an effort to curtail this traditional practice.

In 2014 the government drafted an action plan to improve life for Romani citizens that included increased vocational training, business incentives, temporary municipal employment, educational incentives, and the organization of Romani committees to monitor these actions. Implementation of the plan was in its initial stages during the year, with the formation of an all-Romani marching band and an educational initiative to train Romani children as hafiz (reciters of the Quran).

According to the HRF, as of November [2015] two persons had lost their lives and six were injured in hate crimes directed towards Kurds, Alevis, Roma, Armenians, Jews, and transgender individuals.⁷⁷³

The US State Department's report on International Religious Freedom, covering events in 2015 in Turkey, published 10 August 2016 noted:

The government continued to interpret the 1923 Lausanne Treaty, which refers broadly to "non-Muslim minorities," as granting special legal minority status exclusively to three recognized groups: Armenian Apostolic Orthodox Christians, Jews, and Greek Orthodox Christians. The government did not recognize the leadership or administrative structures of non-Muslim minorities (e.g., the

⁷⁷² Minority Rights Group International, [Turkey](#), Undated

⁷⁷³ U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), Section 6., National/Racial/Ethnic Minorities

patriarchates and chief rabbinate) as legal entities, leaving them unable to buy or hold title to property or to press claims in court. [...]

The government continued to consider Alevism a heterodox Muslim sect and did not financially support religious worship for Alevi Muslims. Alevi leaders said the government failed to meet their demands for religious reforms and expressed concerns about security. Sufi and other religious-social orders (tarikats) and lodges (cemaats), banned officially since 1925, remained active and widespread as the government did not enforce the ban.

Non-Sunni Muslims did not receive the same protections as recognized non-Muslim minorities.⁷⁷⁴

The same US State Department's 2015 report on International Religious Freedom in Turkey further noted:

[...] Christians and non-Sunni Muslims faced threats of violence and vandalism of property. Anti-Semitic propaganda continued to target the Jewish community. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.⁷⁷⁵

MRG noted in their State of the World's Minorities and Indigenous Peoples 2016 report on Turkey, published on 12 July 2016:

The year 2015 saw some signs of progress for minorities in Turkey, reflected in the election of a number of new members of parliament (MPs) from minority backgrounds, including the country's Armenian, Roma, Syriac and Yezidi communities, in general elections in June and November. However, significant challenges remain in terms of minority rights [... such as] the continued discrimination against minorities in education [...]

Land and property rights remain a significant barrier for religious minorities, a situation that has seen many important cultural heritage sites destroyed, appropriated or neglected.⁷⁷⁶

ii. Hate speech and violent attacks

According to a Council of Europe report dated 4 October 2016:

Hate speech is on the rise and its increasing use by officials, including senior representatives of the state, is of major concern. The huge negative impact of such mediated hate speech has damaged social cohesion. There is no strong official reaction to such rhetoric and most hate speech goes unpunished. There is even reason to conclude that hate speech legislation is used to silence vulnerable groups. Numerous media do not comply with ethical standards and also spread hate speech.⁷⁷⁷

The Globalist noted in a report dated 22 August 2016 that:

The day after the abortive coup, the religious leaders of the Jewish, Armenian, Greek-Orthodox, and Syriac communities denounced it in a joint declaration, joined later by representatives of the Alevi and Shiite faiths.

These gestures, however, did not suffice to shield them from the rising anti-minority sentiment of government supporters. On August 7, in a demonstration of solidarity, Turkey's Jewish and Christian

⁷⁷⁴United States Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Section II. Status of Government Respect for Religious Freedom: Government Practices*

⁷⁷⁵United States Department of State, [2015 Report on International Religious Freedom - Turkey](#), 10 August 2016, *Section III. Status of Societal Respect for Religious Freedom*

⁷⁷⁶Minority Rights Group International, [State of the World's Minorities and Indigenous Peoples 2016 - Turkey](#), 12 July 2016, p. 180

⁷⁷⁷Council of Europe, [ECRI report on Turkey](#), 4 October 2016, 5th monitoring cycle, *Executive Summary*, p.9

religious leaders joined the “Democracy and Martyrs” rally, the government’s million-strong anti-coup demonstration in Istanbul.

In denouncing the coup plotters, however, three of the speakers insulted religious minorities by tarring the plotters as “seeds of Byzantium,” “crusaders,” and as a “flock of infidels.”

Indeed, there is an alarming trend among pro-government media to connect the coup plot to minorities. A pro-government journalist insisted two days after the abortive coup that Fethullah Gulen – a U.S.-based Sunni cleric whom Erdogan accuses of being the coup mastermind – has a Jewish mother and an Armenian father, and is a member of the Catholic clerical hierarchy.

Another pro-government columnist claimed that the plotters may be hiding in churches. Unsurprisingly, it was not long before incitement led to physical attacks against minorities.

Churches in the Black Sea city of Trabzon and Anatolian city of Malatya – the scenes of lethal attacks against Christians a decade ago – were the first to be attacked after the coup. Later, an Armenian high school in Istanbul was vandalized. An Alevi worship hall there and homes in Malatya were next, and Christian tourists were harassed in Gaziantep.

These crimes point to an alarming trend of scapegoating Turkey’s minorities. The country already knows the effects of such scapegoating: The anti-Jewish, anti-Christian, and anti-Alevi pogroms of the 1930s, 1950s, 1970s, and 1990s together cost the lives of hundreds of innocent people.⁷⁷⁸

Voice of America noted on 19 July 2016:

An attack late Sunday by Erdogan supporters on members of the Alevi religious minority in Malatya, in eastern Turkey, raises fear among rights activists, dissidents, Kurds and religious minorities of widening polarization after the failed coup. News reports said pro-Erdogan demonstrators in Malatya also attacked a Protestant church and a Catholic church in the northern Black Sea city of Trabzon.⁷⁷⁹

Bloomberg News also noted concerns from the Alevi community on the same day:

Alevis, a Shia-related religious minority that accounts for almost a quarter of the population, have been skirmishing with Erdogan’s mainly Sunni supporters since Friday night.

While there’s no immediate prospect of a Syria-style sectarian conflict, concerns among Alevis -- a sect closely related to Syria’s Alawites -- are growing at the government’s continued calls for its supporters to take to the streets. [...]

In Istanbul’s Sultangazi district, the local muhtar, a district leader, described how each day since the coup attempt, groups of Sunni, flag-waving supporters of the government had tried to march through his predominantly Alevi area. [...]

"These are the same people killing Alevis (Alawites) in Syria," said Ahmet Turan, a 36-year-old local photographer. "They didn’t accuse us of supporting the coup. They just chanted ‘Allahu Akbar’. They’re trying to show us they are strong and have more support now."

Similar clashes have been taking place in Alevi districts in Malatya, eastern Turkey, as well as in Ankara, the capital, said Ali Haydar Hakverdi, an Alevi legislator in the national parliament.

"This is our biggest concern," said Hakverdi. Calls delivered from the country’s mosques to come out into the street on Friday had drawn a relatively small group of hardcore Islamists who were deliberately stoking religious tensions between Alevis and Sunnis, he said. So long as the government keeps crowds in the streets there is a risk that sectarian violence will grow and spread, he added.⁷⁸⁰

Al Jazeera reported on 21 July 2016 that:

Clashes between Erdogan's supporters and Alevi communities across the country have flared since Saturday. According to Ertugrul Kurkcu, a national parliamentarian and leading member of the HDP- the socialist, Pro-Kurdish party, minority communities across the country have started establishing volunteer neighbourhood protection groups.

⁷⁷⁸The Globalist, [After the Coup: Backlash Against Turkey’s Minorities](#), 22 August 2016

⁷⁷⁹Voice of America News, [Turkey Crackdown Grows as Erdogan Encourages Protests](#), 19 July 2016

⁷⁸⁰Bloomberg, [Sectarian Tension Builds in Turkey as Erdogan Crackdown Widens](#), 19 July 2016

"People are now setting up self-defence units to protect against AKP mobs," he says, referring to supporters of the ruling party. "The most vulnerable groups are women, Alevis and Kurds," he adds.⁷⁸¹

Following the attack on the church in Malatya, the Daily Express reported on 1 August 2016 that:

Nor was Malatya [Malatya] alone. In the Black Sea city of Trabzon others attacked the Santa Maria church, smashing windows and using hammers to break down its door.[...]

"There's no doubt that the government uses the mosques to get its message across to its grassroots supporters," said Mr Kabakci [a pastor in Istanbul]. "There's is an atmosphere in Turkey right now that anyone who isn't Sunni is a threat to the stability of the nation" he added.

"Even the educated classes here don't associate personally with Jews or Christians. It's more than suspicion. It's a case of 'let's get rid of anyone who isn't Sunni'"⁷⁸².

Global Research also noted reports of violence against minorities following the coup in a report dated 1 August 2016:

On July 16, pro-Erdoğan mobs beheaded and beat to death captured soldiers – many of whom were conscripts who were unaware they were taking part in a coup, having been told by their commanders that they were responding to a terrorism alert in Istanbul. Since then these mobs have, with support from the police, attacked neighbourhoods that are populated by Kurds, the Alevi religious minority, other minorities and leftists in Istanbul, Ankara and other cities.⁷⁸³

Al Monitor published a report on 9 September 2016 detailing concerns from the Alevi community:

On the night of the July 15 coup attempt, a friend called from Nurtepe, a predominantly Alevi neighborhood of Istanbul. She was concerned about the hundreds of men marching on her street with sticks in their hands chanting Allahu akbar (God is Great). Turkish President Recep Tayyip Erdogan had called upon the people to come out on the streets and some saw it as an opportunity to intimidate Alevi neighborhoods. [...]

Al-Monitor interviewed over 100 Alevis from different parts of the country to discuss this issue, which Turkey's mainstream media does not cover.

Erdal Dogan, a prominent human rights attorney, told Al-Monitor, "Any sort of military coup or intervention is a political situation almost all Alevis would refuse and resist; that was the first reaction of the Alevi community on July 15. Yet, the coordinated lynching attempts in heavily Alevi neighborhoods confirmed Alevi fears about security." Indeed, my friend's observations in Nurtepe were not isolated, several other Alevi districts were attacked in Hatay, Istanbul, Ankara and particularly Malatya.

Dogan said, "Alevis were worried about the putschists as much as they are worried about the jihadi tone that the democracy rallies took."

Even if Alevis are the biggest victims and one of the most distant groups to the Gulen movement, pro-government media outlets published articles trying to generate conspiracy theories about Alevis collaborating with coup plotters. For example, daily *Turkiye* posted on its first page that "Alevi muhtar [elected head of a village or neighborhood] was ordered to massacre Sunnis." The allegations had no concrete evidence, no names of the muhtar, towns or other officials — just that it was in Hatay province on the border with Syria. Alevi leaders all around the country promptly issued a solidarity message against the coup attempt before tensions escalated any further.

A prominent sociologist from Istanbul [...] is concerned about the impact of the state of emergency law on Alevi communities of eastern Turkey. He said, "One of my colleagues in Dersim, an Alevi of about 60 years of age, told me, 'People of Istanbul or Izmir do not know what emergency law means, but for us, all of our life will be altered.' Now the city faces a double-edged sword with multiple areas

⁷⁸¹ Al Jazeera, [Turkey: United against a coup, divided on the future](#), 21 July 2016

⁷⁸² Daily Express, [Turkey's backlash: Christians pay price as extreme Islam surges after attempted coup](#), 1 August 2016

⁷⁸³ Global Research, [Turkey's "Democratic Dictatorship": After Failed Coup, Erdoğan Cracks Down](#), 1 August 2016

announced as 'special sections' where your freedom of movement is significantly curtailed. Particularly people who are engaged in farming or raising livestock are quite bitter because their livelihood is directly affected by these regulations. [...] Streets are deserted, people are scared to hold gatherings."

There are several issues that deeply worry the Alevis community. Alevis are not a homogenous group. While most are Turkish and some are quite nationalistic, there are those who are ethnic Kurds. But all are secular, so the intensification of Islamic rhetoric since July 15 scares Alevis.⁷⁸⁴

Voice of America (VOA) reported on 25 September 2016:

Threatened by Islamic extremism, Christian and Jewish groups in Turkey are growing more fearful amid increasing terror attacks and the government's state of emergency following a failed coup attempt, representatives of the minority communities told VOA.

Christian and Jews represent about two-tenths of one percent of Turkey's mostly Muslim population of 79 million. But pro-government media outlets as well as some government officials have accused them of playing a role in the July coup attempt and have stepped up the rhetoric against Christians and Jews.

At a "Democracy and Martyrs" rally in August, a pro-government, million-strong anti-coup demonstration in Istanbul, three of the speakers linked religious minorities to coup plotters, calling them "seeds of Byzantium," "crusaders," and a "flock of infidels." [...]

Turkish human rights lawyer Orhan Kemal Cengiz told VOA pro-government media have "embraced an alarming narrative of scapegoating Turkey's religious minorities and connecting the coup plot to them."

"Particularly pro-government media outlets have taken an anti-U.S. and anti-EU attitude, which I can call a xenophobic attitude, in which they attempt to demonize the West and accuse it of the coup attempt," he said. "And this narrative targets and harms non-Muslims in Turkey."

Scholar Rifat Bali, who has written several books on Turkish Jews, says that even though the report of minority ties to the coup have no foundation, Christians and Jews are being targeted.⁷⁸⁵

The news publication, Your Middle East, noted concerns following the coup from the Armenian community in a report dated 31 July 2016:

Increasingly, the AK Party has promoted a new form of nationalism, rooted in Sunni Muslim identity. In the wake of the coup, religious conservatives and nationalists have dominated the demonstrations. Under the banner of Recep Tayyip Erdoğan, the two movements have gathered together to form a grass-root alliance.

Having emerged stronger from these events, there is concern the president will pursue an Islamist-nationalist agenda more forcefully. At odds with such a platform, minorities fear for their future. [...] Kurds are not the only ones worried by what lies ahead. The rampant nationalism that ensued from the coup has struck a similar note for Turkey's Armenian community. [...] An age-old problem, Talar [a worker at the Armenia rights group, Hrant Dink Foundation] says he has recently experienced an upsurge in anti-Armenian resentment. He expects it to "double" in the aftermath of the coup [...]

Though he is more scared by the crowds than the state itself, Talar says a more assertive Erdoğan will not bode well for his community. "In a society where Islamism and nationalism are gaining ground, us non-Turkic Christians cannot live peacefully. Being Armenian in Turkey was always difficult, but the fallout from the coup was a blow to our courage." For the past few days, his family have urged him to stay at home and avoid the squares. He says this has never happened in the past.⁷⁸⁶

8. Change in situation of or treatment of IDPs since the attempted Coup d'état

⁷⁸⁴ Al Monitor, [How will Turkey's Alevis react to Syrian gambit?](#), 9 September 2016

⁷⁸⁵ Voice of America News, [Christians, Jews in Turkey Growing More Fearful of Islamic Extremism](#), 25 September 2016

⁷⁸⁶ Your Middle East, [As failed coup sets Turkey on a new path, minorities fear for their future](#), 31 July 2016

Background to the conflict in south east Turkey and the implications for IDPs

According to an Internal Displacement Monitoring Centre (IDMC) report published in December 2013:

There were estimated to be more than 954,000 IDPs in Turkey as of the end of 2013. Most fled their homes between 1986 and 1995 during the armed conflict between the Kurdistan Workers' Party (PKK) and the security forces in the south-east of the country. Displacement was also due to village raids and forced evacuations in the same area and around the same period by the authorities.

[...] Turkey's internal displacement figures are outdated and disputed. Commissioned by the government in 2006, Hacettepe University in Ankara found that between 954,000 and 1.2 million people were forced to flee their homes between 1986 and 2005, the vast majority of them Kurdish. The results of the only survey of its kind have yet to be fully endorsed by the government, which previously put the number of IDPs at 378,000. NGOs have reported between one and three million. Most IDPs have been left to fend for themselves. Two decades after their displacement, around half were still living in cities close to their places of origin such as Batman, Diyarbakir, Hakkari and Van. The remainder live mainly in urban areas of western and northern Turkey. Many lived in substandard, illegally built housing and are at risk of eviction.

Many IDPs benefitted from a green card system that provided free health care to the poorest members of the population, but a lack of broader government support has hampered their local integration. Poverty has forced IDPs' children to work rather than going to school, and some women have resorted to negative coping mechanisms including prostitution to get by.⁷⁸⁷

The 2016 Global Overview report published by the Internal Displacement Monitoring Centre confirms that the total number of IDPs as of 31 December 2015 was 954,000.⁷⁸⁸ This number was last updated in 2014 through research and academia.

The US State Department noted in its annual report covering events in 2015 that:

The renewal of conflict in the Southeast displaced an estimated 100,000 to 200,000 persons. The Ministry of Interior reported that during the conflict between security forces and the PKK from 1984 to the early 2000s, 386,360 persons had been displaced, of whom 190,000 eventually returned to their homes.⁷⁸⁹

A report published by the Norwegian Refugee Council and the IDMC in May 2015 noted that "The authorities in [...] Turkey [...] failed to pay IDPs enough attention or respond to their needs".⁷⁹⁰

With regards to the background of the recent spike in violence, Human Rights Watch noted that "With the collapse of a peace process between the Turkish state and the imprisoned leader of the armed Kurdistan Workers' Party (PKK) in summer 2015, conflict in the mainly Kurdish southeast resumed".⁷⁹¹ In their 'Submission to the UN Committee against Torture on Turkey' on 22 April 2016, Human Rights Watch further noted that:

⁷⁸⁷ Internal Displacement Monitoring Centre, [Turkey: Internal displacement in brief](#), 31 December 2013

⁷⁸⁸ Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), [Global Report on internal displacement](#), May 2016, *Tables*, Table 3: Conflict-related displacement in 2015, p. 103

⁷⁸⁹ US State Department, [Country Report on Human Rights Practices for 2015](#), updated 14 June 2016, Turkey, Section 2d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

⁷⁹⁰ Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), [Global Overview 2015: People internally displaced by conflict and violence - Europe, The Caucasus and central Asia](#), 6 May 2015, *Europe, the Caucasus and central Asia, National and international response*, p. 47

⁷⁹¹ Human Rights Watch, [A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture](#), 24 October 2016, I. Background, Torture in Turkey, p. 14

The breakdown in 2015 of the government-initiated peace process with Abdullah Öcalan, the imprisoned leader of the armed Kurdistan Workers' Party (PKK), has been accompanied by an increase in violent attacks, armed clashes, and serious human rights violations since summer 2015. The latter includes violations of the right to life and mass displacement of residents in eight southeastern towns where the security forces and PKK-affiliated youth groups have engaged in armed clashes, as well as denial of access to basic services including healthcare, food and education for residents placed under blanket curfew conditions for extended periods and in some cases months at a time.⁷⁹²

The International Crisis Group produced a report in March 2016 detailing the human cost of the PKK conflict in Turkey shedding light on the how the authorities are assisting IDPs:

Since 1 January 2016, the state has introduced compensation measures to aid the displaced, such as rent-support. Diyarbakır's governor told Crisis Group during a visit to the province: "[As of late January] we have spent 3,857 million TL [around \$1.34 billion] in cash. Each family is getting 1,000 TL [some \$350] per month since November. [...] Displaced Sur residents largely verified state assistance claims, though as of late January many were unaware the support was readily available or had increased from 300 TL to 1,000 TL (\$105 to \$350). [...]"

To address interruption of education and health access of the displaced families, the state enabled these services to be provided wherever families moved. Though the government provided remedial courses in theory, access remained limited. Crisis Group interviews with displaced families showed some remained unaware the state was providing remedial courses in other districts and did not know where they needed to apply to sign up their children.⁷⁹³

Amnesty International noted in June 2016 that the Turkish authorities have not granted access to the South East region to international organisations:

Human rights violations during anti-terrorism operations [in South East Turkey] are occurring with almost no oversight from outside observers. The Turkish authorities have denied access to international organisations, creating what amounts to a black-out zone over areas under curfew.⁷⁹⁴

In June 2016, the Council of Europe provided some background information regarding the displacement of people in Turkey associated with the escalating conflict.⁷⁹⁵ The Council noted "the extent and consequences of these security operations on civilians affected by the curfews (1.6 million people) or who had to leave the areas under curfew (355 000 people). Those who remained were subject to restrictions in access to water, electricity, education and health care, including emergency medical care, which proved fatal for many residents".⁷⁹⁶ The Council further noted the following:

Security operations have dramatically intensified in south-east Turkey since August 2015. The Assembly is very worried about the human consequences of the lengthy, round-the clock curfews imposed in 22 districts, including Sur, Silvan (province of Diyarbakır), Nusaybin, Dargeait (province of Mardin), Sirnak Center, Cizre, Silopi, Idil (province of Sirnak) and Yüksekova (province of Hakkari). These curfews are affecting 1.6 million people and have resulted in the displacement of 355 000 people and in restrictions in access to water, electricity, education and health care, including emergency medical care, which has proved fatal for many residents [...]

⁷⁹² Human Rights Watch, [Submission to the United Nations Committee against Torture on Turkey](#), 22 April 2016, 57th Session of the Committee against Torture

⁷⁹³ International Crisis Group, [The Human Cost of the PKK Conflict in Turkey, The Case of Sur](#), 17 March 2016, C. Remedying Loss of Home, Public Services, and Businesses, p. 10

⁷⁹⁴ Amnesty International, [Turkey: Security operations in south-east Turkey risk return to widespread human rights violations seen in the 1990s](#), 30 June 2016

⁷⁹⁵ See Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016

⁷⁹⁶ Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, p. 24

Despite efforts deployed by the Turkish authorities to provide the displaced persons with food and accommodation, temporary jobs in State agencies and social aid, including compensation for lost income, the future of the displaced persons is uncertain. It seems that large parts of the areas under curfew were destroyed during and after the curfews, and during the subsequent clearance operations to remove buried explosive devices[...]

According to the figures gathered by the Human Rights Foundation of Turkey, there were 65 officially confirmed, open-ended and round-the-clock [all day] curfews in at least 22 districts of seven cities in southeast Turkey between 16 August 2015 and 20 April 2016. Some 1.6 million people have been affected by these curfews, which resulted in 355 000 displaced persons. [...]The Commissioner for Human Rights, Mr Niels Muižnieks, also questioned the very weak basis (namely an administrative decision based on a law that does not even mention the word “curfew”) on which to impose such drastic restrictions of basic human rights, for a huge population and for months on end. For Amnesty International, these daily 24-hour curfews lasting for over 90 days (at the time of our committee hearing) amounted to a form of collective punishment, forbidden by international law.⁷⁹⁷

The June 2016 Council of Europe report also detailed information relating to the expropriation of property:

The adoption by the government of an emergency decree on expropriation on 21 March 2016 related to Sur (Diyarbakır) has raised concern among displaced persons. The lack of information about legal procedures, future urban construction projects and the right of displaced persons to return to live in their neighbourhoods poses many questions. Lack of transparent information fuels fears and insecurity among those concerned [...]

The adoption by the Council of Ministers of an emergency decree on expropriation on 21 March 2016 raised many concerns among displaced persons. It concerned notably Sur (Diyarbakır), enabling the expropriation of 6292 plots of land (out of 7714 plots – that is to say 82%). The remaining 18% belonged either to the Housing Development Administration of Turkey (TOKİ30) or were already owned by the State Treasury. Overall, at the end of this process, every plot of land in Suriçi would be turned into public property. We were informed by the Governor that this decree had been adopted to accelerate the reconstruction process and allow the return of the displaced families, and that the expropriated owners would receive one third of the value of their property on a bank account, and that the ownership title would be transferred to the State Treasury. This expropriation process was however challenged by a platform of local NGOs, which lodged a complaint in court. In the meantime, they feared that reconstruction work had already begun.⁷⁹⁸

The June 2016 Council of Europe report also noted the lack of support and lack of information about whether displaced people will be able to return home:

The displaced population, who fled the clashes and lost everything they had overnight, are still prevented from approaching the area. The emergency expropriation decree that was adopted on 21 March 2016 for the Sur area, was also challenged by the residents. In Sur, we met some displaced persons who were in need of information, help and support, and felt insecure about the future. Impunity was another source of concern; as was effective investigations into alleged abuses by security forces [...]

The lack of information about legal procedures, future urban construction projects and the right of displaced persons to return to live in their neighbourhoods raise many questions and lack of transparent information fuels fears and insecurity among those concerned.⁷⁹⁹

The Internal Displacement Monitoring Centre (IDMC) noted provisional estimates for 2016, citing 355,000 new people were displaced in Turkey by conflict and violence, bringing the total internally displaced to 1.3 million persons.⁸⁰⁰

⁷⁹⁷ Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 10, 12 and 21

⁷⁹⁸ Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 15 and 26

⁷⁹⁹ Council of Europe, [The functioning of democratic institutions in Turkey](#), 6 June 2016, paragraphs 29 and 30

The IDMC reported in September 2016 that:

Significant new displacement has been registered in southeastern Kurdish areas since the start of 2016, the result of renewed hostilities between the government and the Kurdistan Workers' Party (PKK). IDMC is aware of at least 355,000 people displaced between January and March [...] The figure does not include the thousands of people displaced in the aftermath of an attempted coup on 15 July, or those evacuated in relation to hostilities with ISIL that took place during August.⁸⁰¹

Post-coup situation & treatment

TeleSUR reported on 30 July 2016 that:

While Turkey's President Recep Tayyip Erdogan is jailing and firing thousands of academics, journalists and politicians for alleged affiliation with the coup attempt of July 15, his government's operation against the Kurdistan Workers' Party, or PKK, guerrilla insurgency in the southeast has continued unabated – with an estimated 80 percent of one Kurdish city forcibly displaced. Nusaybin, a district of Mardin, has had over 70,000 of its civilians forcibly displaced, with about half of its population—or 45,000 people—unable to return to their homes because of damage, according to a Migrants' Association report published Friday.⁸⁰²

In an August 2016 article Amnesty International reported that “In the south-east of the country, where there have been clashes between members of Kurdish separatist group the PKK and security forces [...] The military have conducted operations in residential areas resulting in hundreds of thousands being displaced and unable to return”.⁸⁰³

Al Monitor reported on an event close to an IDP camp near the Turkish Syrian border on 15 August 2016:

An Aug[ust] 15 attack on a bus carrying fighters from FSA [Turkish Army and Free Syrian Army] factions occurred just as they were about to cross the border near the Atmeh camp for the internally displaced into Turkey's Hatay region. Dozens were killed in the attack, for which IS claimed responsibility.⁸⁰⁴

The Guardian reported on 23 August 2016, that the border town of Karamis in Gaziantep in Turkey, which hosts large numbers of refugees and IDPs⁸⁰⁵, was ordered, to evacuate.⁸⁰⁶ The report noted that “Turkish authorities have ordered residents to evacuate the border town of Karkamış after it was hit by mortar rounds fired from an area of Syria controlled by Islamic State”.⁸⁰⁷

On 13 September 2016, the UN High Commissioner for Human Rights noted ongoing concerns for IDPs in south-east Turkey, requesting cooperation from the Turkish authorities to grant the organization access:

⁸⁰⁰ Internal Displacement Monitoring Centre, [Turkey](#), undated

⁸⁰¹ Internal Displacement Monitoring Centre, [Internal Displacement Update, January – August 2016](#), 16 September 2016, [Turkey](#)

⁸⁰² TeleSUR, [Erdogan Onslaught Displaces 80% of Residents in Kurdish City](#), 30 July 2016

⁸⁰³ Amnesty International, [Turkey's many shades of fear](#), 15 August 2016

⁸⁰⁴ Al Monitor, [How Kurdish-Arab strife is hindering work of Syria's 'White Helmets'](#), 9 September 2016

⁸⁰⁵ Al Jazeera, ['Gaziantep is as safe as Germany and the US'](#), 25 September 2016

⁸⁰⁶ The Guardian, [Turkey tells border town to evacuate due to skirmish with Isis](#), 23 August 2016

⁸⁰⁷ The Guardian, [Turkey tells border town to evacuate due to skirmish with Isis](#), 23 August 2016

My concerns regarding the rights of people living in south-east Turkey remain acute. We have received repeated and serious allegations of on-going violations of international law as well as human rights concerns, including civilian deaths, extrajudicial killings and massive displacement. We continue to receive reports of destruction and demolition of towns and villages in the south-east. Due consideration must be given to the humanitarian and protection needs of thousands of displaced and otherwise affected people. I have requested access to this area for a comprehensive independent assessment by my staff. But despite our on-going cooperation with the Turkish authorities across a number of other topics, that access has not been granted. We have therefore set up a temporary monitoring capacity based in Geneva, and we will continue to inform this Council of our concerns.⁸⁰⁸

ACAPS, a non-profit consortium of NGOs, reported on Turkey in October 2016 that “IDPs in the southeast face urgent protection, shelter, and health needs.”⁸⁰⁹

9. Change in the situation of or treatment of diverse individuals of sexual orientation and gender identity since the attempted Coup d'état

Pre-coup situation & treatment

Same sex sexual acts are legal in Turkey.⁸¹⁰ However, Radio Free Europe noted that “rights groups say hate crimes against the LGBT community are common”⁸¹¹ and The Guardian observed that “reports of harassment and abuse are common”.⁸¹²

Freedom House noted in its annual report covering 2015 that “Same-sex sexual activity is not explicitly prohibited, but LGBT people are subject to widespread discrimination, police harassment, and occasional violence. There is no legislation to protect people from discrimination based on sexual orientation or gender identity”.⁸¹³

A working paper published by the German Stiftung Wissenschaft und Politik noted that “even the most recent changes to the Turkish Criminal Code in March 2014 failed to incorporate the terms ‘ethnic affiliation’ or ‘sexual orientation and identity’ into the catalogue of criteria. Because of this, it is only with difficulty that Roma, Kurdish, and LGBTI persons can plead for their rights in the face of discrimination or hate crimes”.⁸¹⁴

Similar was reported by the U.S. Department of State in its annual report covering 2015:

While the law does not explicitly discriminate against LGBTI individuals, legal references to “offenses against public morality,” “protection of the family,” and “unnatural sexual behavior” sometimes served as a basis for discrimination by employers and abuse by police. LGBTI prostitutes reported police detained them to extract payoffs. LGBTI advocates accused courts and prosecutors of creating an environment of impunity for attacks on transgender persons involved in prostitution. [...]

KAOS-GL, a domestic NGO focused on LGBTI rights, maintained that due to this failure to acknowledge the existence of LGBTI individuals, authorities withheld social protection from LGBTI individuals. KAOS-GL reported that neither the Ministry of Family and Social Policies nor the Ministry of Labor and

⁸⁰⁸ UN Human Rights Office of the High Commissioner, [Zeid's Global Human Rights Update](#), 13 September 2016

⁸⁰⁹ ACAPS, [Turkey](#), last updated 14 October 2016, *Overview: Key Priorities*

⁸¹⁰ ILGA, [State Sponsored Homophobia 2016](#), June 2016, *Global Legislation, Overview*, p36

⁸¹¹ Radio Free Europe/Radio Liberty, [Turkey: Murder of LGBT activist prompts protest in Istanbul](#), 2016

⁸¹² The Guardian, [What's it like being LGBT in Turkey?](#), 22 August 2016

⁸¹³ Freedom House, [Freedom in the World 2016: Turkey](#), 27 January 2016, *F. Rule of Law: 6 / 16 (-1)*

⁸¹⁴ Zülfi Kar Çetin, [The Dynamics of the Queer Movement in Turkey before and during the Conservative AKP Government](#), Working Paper, Research Group EU/Europe 2016/01, Stiftung Wissenschaft und Politik, January 2016, 2.1. *Reforming the Criminal Code, Articles 3 and 122*, p. 16

Social Security would engage with LGBTI groups or consider the rights of LGBTI persons or their need for services and protection.

During the year LGBTI individuals continued to experience discrimination, intimidation, and violent crimes.

Human rights attorneys reported police and prosecutors frequently failed to pursue aggressively cases of violence against transgender persons. They often did not arrest suspects or hold them in pretrial detention, as was common with other defendants. When arrests were made, defendants could claim “unjustifiable provocation” under the penal code and request a reduced sentence. That provision states punishment “will be reduced if the perpetrator commits a crime under the influence of rage or strong, sudden passion caused by a wrongful act.” Judges routinely applied the law to reduce the sentences of those who killed LGBTI individuals. Courts of appeal upheld these verdicts based, in part, on the “immoral nature” of the victim. [...]

LGBTI individuals faced discrimination in employment.⁸¹⁵

International Lesbian, Gay, Bisexual Trans and Intersex Association (ILGA) reported in its annual review covering 2015 that “Violence was a common thread linking many of the major events involving LGBTI people in 2015 ... Of particular concern was the consistent hate speech from leading political figures and the fact that such actions were not publicly condemned”.⁸¹⁶

The UN Human Rights Council’s Special Rapporteur noted in a report in May 2015 that:

The Special Rapporteur highlighted the vulnerability of lesbian, gay, bisexual and transgender persons in Turkey. The Special Rapporteur recommended that Turkey enact comprehensive and specific legislation on hate crimes in accordance with international standards and review legislation to include language sensitive to gender identity and sexual orientation.

The challenges relating to the protection of lesbian, gay, bisexual and transgender persons are exacerbated by the attitude of some family members of such individuals, as well as the trend observed by the Special Rapporteur during his visit, whereby law enforcement officials and the judiciary seem to take a lenient attitude towards crimes committed against such individuals.⁸¹⁷

According to the NGO, Trans Respect, Turkey has the highest rate of reported murders of transgender persons in Europe, and the ninth highest rate of reported murder of transgender persons in the world.⁸¹⁸

In April 2016 Transparency International Turkey issued its National Integrity System Assessment, which found in relation to civil society organisations (CSOs) that “Concepts of ‘general morality’, ‘Turkish family structure’, ‘national security’, and ‘public order’ are also widely used to hinder freedom of speech and association. LGBT rights organizations have faced court orders to close down of [sic] their Internet sites based on the ‘general morality’ concept”.⁸¹⁹

With regards to the annual Pride march, which was cancelled in 2016, OBC Transeuropa reported that:

⁸¹⁵ U.S. Department of State, [Country Reports on Human Rights Practices for 2015: Turkey](#), 13 April 2016 (last updated: 14 June 2016), *Section 6., Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity*

⁸¹⁶ ILGA, [Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People - 2016](#), 4 May 2016,

⁸¹⁷ UN Human Rights Council, [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum Follow-up to country recommendations: Turkey](#), 6 May 2015, *C. Killings of lesbian, gay, bisexual and transgender individuals, paragraphs 42 – 46*

⁸¹⁸ Trans Respect, [TMM IDAHOT 2016 Update](#), 12 May 2016

⁸¹⁹ Transparency International Turkey, [National Integrity System Assessment Turkey](#), April 2016, *13 Civil Society*, p. 225

For the first time this year, after thirteen years, the Pride was banned. The justification was so as “not to offend the religious sensibilities of the citizens”, the reason being that the event would have taken place during Ramadan, the Muslim sacred month. Yet the overlapping with Ramadan occurred [sic] also in previous years, and it was never invoked as a reason to ban the Pride.

With the 2016 event, new “sensibilities” appeared of an ultranationalistic character. A group called Anatolia Muslim Youth (Müslüman Anadolu Gençliği) launched an appeal for a counter-manifestation to stop “these perverts without any pride”. And the members of the Alperen Ocakları, the youth section of the ultranationalist BBP, declared they were ready to stop the Pride “at any cost” because “they mock us, ignoring our values during our sacred month”.⁸²⁰

Amnesty International reported that “On the day of the banned Istanbul Pride march on 26 June, police used tear gas and plastic bullets against small groups of LGBTI activists and their allies who were in various locations around the Beyoğlu district of Istanbul. Twenty-nine activists were detained and were all eventually released on the same day. Istanbul Pride organizers were also prevented from reading a statement about the ban of the march for the second year”.⁸²¹

The Council of Europe noted in its October 2016 report that:

Turkey does not collect data on racist and homo/transphobic violence. Civil society reports point to a high number of such hate crimes. Many LGBT, in particular transgender persons, but also members of other minority groups have been killed in recent years [...] Very few LGBT victims report hate crime to the authorities and many have suffered violence and sexual abuse from the police. ... Concerning many alleged hate crimes there is no information about adequate investigation and sentencing and the number of disciplinary measures and verdicts against law enforcement officers remains limited.... Prejudice against LGBT persons is widespread and the political mainstream is not sympathetic to them. As a result, LGBT persons tend to stay invisible and neither the Criminal Code nor the draft anti-discrimination law provide them with basic protection.⁸²²

More detailed information regarding the legal discrimination faced by LGBTI person under the criminal and civil code, labour law and the military conscription law can be found in the following working paper published by the German ‘Stiftung Wissenschaft und Politik’:

- ❖ Zülfükar Çetin, [The Dynamics of the Queer Movement in Turkey before and during the Conservative AKP Government](#), Working Paper, Research Group EU/Europe 2016/01, Stiftung Wissenschaft und Politik, January 2016

Post-coup situation & treatment

Washington Post reported at the end of July 2016 that following the coup attempt, room for dissent is further under threat, including for LGBT persons:

[...] in the wake of the failed military coup, the space in which political opponents could criticize the government has all but disappeared....

Onur Fidanguş is the president of a gay rights organization and was also active at the demonstrations at Gezi Park.... But since then, the government has lost what little tolerance it had for dissent. It has pursued Gezi Park activists with court cases and rejected permits for gay-pride parades. Journalists have been arrested for tweets, and others for “insulting” Erdogan.

“I’m very concerned about being targeted right now. So many people have already died” or lost their jobs, the 25-year-old Fidanguş said after the failed coup.

⁸²⁰ OBC Transeuropa, [Turkey: LGBT, state of emergency](#), 19 September 2016

⁸²¹ Amnesty International, [Urgent Action: Pride ban enforced by excessive use of force](#), 6 July 2016

⁸²² Council of Europe, [ECRI Report on Turkey](#), 4 October 2016, Summary, p.10

"All the high-level politicians are hateful toward LGBT people," he said. "I'm afraid that the threats toward us will increase".⁸²³

Since the coup attempt, there have been at least six reported attacks and two suicides of LGBT persons.⁸²⁴ The most prolific murders are of the transgender activist Hande Kader and the Gay Syrian Wisam Sankari, which received widespread media coverage.

Pink News reported on the murder of Wisam Sankari:

A gay Syrian man has been found decapitated after being kidnapped and raped in Istanbul, local media has reported. The victim, Wisam Sankari, a Syrian refugee in Istanbul, was so badly mutilated that his friends had to identify him by the trousers he was wearing.

According to various local news sources, Sankari left his home on 23 July and was found dead on 25 July. Another report names the date he was found dead as Sunday 31 July.

Found in Yenikapi, he had been stabbed multiple times and had been decapitated. He arrived in Istanbul a year ago as a refugee.

But all reports say he had previously been kidnapped and raped by a crowd of men, and that he had attempted to leave Turkey as his life was in danger there. Rayan, Diya and Gorkem, Sankari's friends, spoke to KaosGL.org after his murder to say they had complained to authorities but that no action was taken.... Sankari and his other friends had been threatened with knives several times, and that they had also been faced with threats of rape from male groups".⁸²⁵

Gay Star News reported some weeks later the murder of Hande Kader:

The burned remains of a transgender woman have been found near the Zekeriyaköy, a district in Istanbul, reports LGBTI News Turkey.

Hande Kader worked as a sex worker. Her friends and lover, who identifies only as D, reported her missing about a week ago.

.... This is the second known murder of a Turkish trans woman this year. In January, Hande Öncü, was found murdered in Vienna. She had left Turkey in an effort to escape transphobic discrimination.

... Transgender people face widespread discrimination in Turkey. Earlier this summer, local police used tear gas and rubber bullets to break up a Trans Pride march in Istanbul, while the annual LGBT Pride march was refused permission by authorities to take place.⁸²⁶

Following the murder of Hande Kader, Radio Free Europe noted that "More than 200 people have taken part in a protest in central Istanbul calling for justice over the murder of a transgender woman and LGBT activist".⁸²⁷ Reporting on the same demonstration the German Federal Office for Migration and Refugees noted further that "Activists say that about 40 transgender persons have been murdered since 2008. Although homosexuality is legal, human rights groups say that time and again so-called hate crimes are committed against LGBT people".⁸²⁸

Hurriyet Daily News also reported on the rally and campaign that ensued:

Turkey's cultural and political circles were finally mobilized against the brutal murder of Hande Kader, a transgender sex worker, on Aug. 17 with a social media campaign titled #speakoutforhandekader

⁸²³ Washington Post, [In quest to punish coup plotters, Turkey squeezes out room for dissent](#), 25 July 2016

⁸²⁴ For a list of these events, see reports from the news portal site [LGBTI News Turkey](#)

⁸²⁵ Pink News, [Gay Syrian man kidnapped, raped and decapitated in Istanbul, local media reports](#), 3 August 2016

⁸²⁶ Gay Star News, [Burned remains of missing transgender woman found in Turkey](#), 15 August 2016

⁸²⁷ Radio Free Europe/Radio Liberty, [Turkey: Murder of LGBT activist prompts protest in Istanbul](#), 22 August 2016

⁸²⁸ BAMF - Federal Office for Migration and Refugees (Germany), [Briefing Notes vom 22.08.2016](#), 22 August 2016

and a statement delivered in parliament.... The case, just the latest link in a chain of violence against homosexuals and transgender people, has become a cause for human right activists who say Turkey's police and justice system turn a blind eye to aggression against transgender prostitutes. A large rally is to take place in Tünel, in downtown Istanbul, on the evening of Aug. 21. [...]

A meeting in parliament between various activists and representatives of the CHP [Republican People's Party] and the Peoples' Democratic Party (HDP) was more precise about what needs to be done. A joint statement read out at parliament said LGBT groups should have more access to the justice system and firm punishments should be given to the aggressors. "So far, most aggressors charged with violence against transgender sex workers have been able to go scot free," said the statement. [...]

Kader is just the latest in a long list of cases of harassment, violence and murder against transsexuals in Turkey. According to findings of the Red Umbrella Sexual Health and Human Rights Association (Kırmızı Şemsiye), an NGO that advocates the legal, political and social rights of transsexual sex workers, at least 40 transsexuals have been killed in Turkey between 2008 and 2016. According to Red Umbrella, 267 cases of human rights violations against transgender people were reported between November 2014 and June 2016. Seven of these 267 cases resulted in murder.

Kemal Ördek, the founder and chair of Red Umbrella and the writer of a book called "Being Trans in Turkey," says these figures are likely too low. "There is widespread trans-phobia and what I call whore-phobia. The moment a transgender sex worker reports abuse, they are subject to abuse throughout the whole process - from the police to the justice system. This is a horrible situation, access to justice mechanisms is almost nonexistent," Ördek said in a telephone interview with the Hürriyet Daily News.⁸²⁹

The murders have sparked fear amongst LGBT persons according to various sources. For example, a Turkish LGBT organization called KAOS GL interviewed friends of the late Wisam Sankari:

Diya [the victim's friend] says they live in fear and with the thought of "who is next" following Wisam's death and says they are afraid to go out on the street:

"I am so scared. I feel like everyone is staring at me on the street. I was kidnapped twice before. They let me go in Cerkezkoy and I barely got home one time. I went to the UN for my identification but they did not even respond to that. No one cares about us. They just talk. I get threats over the phone. I speak calmly so something does not happen. It does not matter if you are Syrian or Turkish, if you are gay you are everyone's target. They want sex from you and when you don't they just tag along. I don't have identification, who would protect me? Who is next?"⁸³⁰

The Guardian reported that three flatmates of Wisam Sankari "fear they face a similar fate, after receiving death threats in the days since his murder [...] There have been people in the street and people on the phone, who said: 'He will get you next,' said one of Sankari's friends, a chef who, like his flatmates, asked to remain anonymous for safety reasons. 'There was also a voice message on Facebook'" ⁸³¹.

France 24 reported at the end of August 2016 that following the attempted coup, LGBT rights are at greater risk:

After last month's failed coup in which the government instituted a state of emergency, the rights of minorities including gay, women and LGBT members have been whittled away.

While the Turkish capital has been a safe haven for many fleeing persecution and war in neighbouring Syria and Iraq, hate crimes against LGBT people have increased.

"Since the coup-attempt, a number of my transgender friends have called me and talked about how they were discriminated against because of their ID Cards and appearance," Deniz Çelebi said [the director of SPoD, a national LGBT organisation based in Istanbul].

⁸²⁹ Hurriyet Daily News, [Murder of transgender woman shines dark light on rights issues in Turkey](#), 20 August 2016

⁸³⁰ KAOS GL, [Syrian gay refugee killed in Istanbul](#), 4 August 2016

⁸³¹ The Guardian, [Flatmates of gay Syrian refugee beheaded in Turkey fear they will be next](#), 7 August 2016

Turkish lawyer and LGBT rights advocate Levent Pişkin said Erdogan's rampant purges have exacerbated the fears of minorities.

"Actually, LGBT people in Turkey have never had legal rights," said Pişkin.

"But we knew there were judicial mechanisms to support us. Nowadays, most people feel more vulnerable."

...Although homosexuality is not a crime in Turkey as it is in many other Muslim countries, homophobia remains widespread. Almost 80 percent of Turks believe homosexuality is "morally unacceptable" according to a 2013 study by the US think tank PEW Research Center.

Pişkin said Kader's death is symptomatic of a country shifting away from secularism.

"An Islamic tendency has gradually been getting stronger," said Pişkin.

"The government has preferred war over strengthening our democracy. Therefore, our democratic rights and one's right to life hang by a thread."⁸³²

LGBT News in Turkey reported at the end of September 2016 that since the state of emergency an association providing social support to trans people group has been targeted:

The property owner of Istanbul LGBTI Solidarity Association's office on Beyoğlu's Öğüt Street has asked the organization to vacate on the grounds that they do not condone their activities....

...Kıvılcım Arat, association board member, said that they would not leave their flat, which they had newly renovated. Arat said the following:

"I link this situation [relates] to recent events. We have been using the same office since the day we were founded. Since the state of emergency [declared after the July 15 failed coup attempt] institutions doing alternative projects have been experiencing pressure. There is an attempt to remove us from the place [where] we have not experienced any problems in for seven years, with conservatism being used as an excuse".⁸³³

⁸³² France 24, [Turkey transgender activist's death highlights rise in hate crimes](#), 19 August 2016

⁸³³ LGBT News in Turkey, ["Conservatism" Eviction for Istanbul LGBTI Office](#), 29 September 2016