Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

https://www.hrw.org/world-report/2019/country-chapters/turkey

Annual reports

Events of 2018

Women assembled in Istanbul on International Day for the Elimination of Violence against Women are blocked by police, November 25, 2018.

2018 Dilara enkaya/Bianet

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Events of 2018

Changing the Terms of Engagement with Silicon Valley

Parliamentary and presidential elections in Turkey in June 2018 saw President Recep Tayyip Erdoan re-elected president and the ruling Justice and Development Party (AKP) retain control of parliament through a coalition.

The June 2018 election campaign took place under a state of emergency imposed after the July 2016 attempted military coup and in a climate of media censorship and repression of perceived government enemies and critics that persisted throughout the year, with many journalists as well as parliamentarians and the presidential candidate from the pro-Kurdish opposition in jail.

The election broughtinto force the presidential system of governance agreed in a 2017 referendum. The system lacks sufficient checks and balances against abuse of executive power, greatly diminishes the powers of parliament and consolidates presidential control over most judicial appointments.

In January 2018, Turkey launched a military offensive on the northwest Syrian Kurdish-populated district of Afrin and at time of writing continued to control the territory (see Syria chapter for further information).

The two-year state of emergency formally lapsed in July but was replaced with new counterterrorism legislation, approved by parliament in August. The legislation contains many measures similar to the extraordinary powers the authorities enjoyed under emergency rule. They include widening already broad powers of appointed provincial governors to restrict assemblies and movement; executive authority

for three years to dismiss public officials, including judges, by administrative decision; and increased police powers including custody periods extendable for up to 12 days.

The commission reviewing the dismissal of more than 130,000 public officials over alleged association with terrorist groups continued its work. Most are alleged to be associated with the Fethullah Glen religious movement that the government and courts accuse of masterminding the coup attempt and deem a terrorist organization (FET).

At time of writing, the commission, established in 2017 following Council of Europe advice, had issued decisions in 36,000 cases, with 2,300 reinstated in their jobs or similar measures of redress, and at least another 88,660 appeals to review.

Terrorism charges continued to be widely used. As of June, almost one-fifth (48,924) of the total prison population (246,426) had been charged with or convicted of terrorism offences, according to the Ministry of Justice. Those prosecuted and convicted included journalists, civil servants, teachers, and politicians, as well as police officers and military personnel.

Of the 48,924, 34,241 were held for alleged Gulenist (FET) links, and 10,286 for alleged links to the outlawed Kurdistan Workers Party (PKK), and 1,270 for alleged links to the extremist Islamic State (ISIS) group.

Many terrorism trials in Turkey lack compelling evidence of criminal activity or acts that would reasonably be deemed terrorism, and the practice of holding individuals charged with terrorism offenses in prolonged pretrial detention raised concerns its use has become a form of summary punishment.

Trials continued of military personnel and others for involvement in the July 2016 attempted coup in which 250 people died. As of June, 2,177 defendants were convicted and 1,552 acquitted at first instance, according to the Ministry of Justice. There were no finalized verdicts at time of writing.

Turkey remained the world leader in jailing journalists. An estimated 175 journalists and media workers are in pretrial detention or serving sentences for terrorism offenses at time of writing. Hundreds more are on trial but at liberty.

Most media lack independence and promote the governments political line.

During the year courts issued verdicts in several major politically motivated trials of journalists, based on evidence consisting of writing and reporting which does not advocate violence alongside unsupported allegations of connections with terrorist organizations or the coup attempt. Most cases are now at appeal.

In February, writers and commentators Ahmet Altan, Mehmet Altan, and Nazl Ilcak were sentenced to life imprisonment without parole on trumped up coup charges. A court bailed Mehmet Altan in June, after a January Constitutional Court ruling and a March European Court of Human Rights ruling ordering his release. Ahmet Altan and Nazli Ilicak remain jailed. After the regional appeal court upheld the convictions on October 2, all defendants appealed to the Court of Cassation.

The trial of staff from *Cumhuriyet* newspaper, including journalists, executives, and the editor, ended in April. Fourteen were convicted on trumped up terrorism charges, and given sentences ranging from two to eight years, and three acquitted.

In a separate case, the Court of Cassation in September upheld a prison sentence against serving Republican Peoples Party (CHP) parliamentarian Enis Berberolu for providing video footage that *Cumhuriyet* published showing weapons Turkey allegedly supplied to Syrian opposition groups, but also ordered his release after 16 months in pretrial detention.

Verdicts in trials on terrorism charges of 31 journalists and media workers from the shuttered *Zaman* newspaper concluded in July with writers Ahmet Turan Alkan, ahin Alpay, and Ali Bula who spent up to two years in pretrial detention but were at liberty at time of writing, receiving eight-year-nine-month sentences and Mustafa nal and Mmtazer Trkne, who remain jailed, receiving 10-year-6-month sentences.

Journalists working for Kurdish media in Turkey continued to be arrested and jailed repeatedly, obstructing critical reporting from the southeast of the country.

After a police raid in March on the pro-Kurdish newspaper *Free Democracy* (*zgrlk Demokrasi*), its journalists and other workers were detained and its printing works and assets turned over to the state. The newspaper was closed by decree in July, and 21 printworkers and 14 journalists are being prosecuted in separate trials. A total of 13 printworkers and journalists were being held in pretrial detention at time of writing.

The blocking of websites and removal of online content continued, and thousands of people in Turkey faced criminal investigations and prosecutions for their social media posts. Wikipedia remained blocked in Turkey.

In 2018 there was an increase in arbitrary bans on public assemblies, particularly evident after the end of emergency rule when governors assumed greater powers to restrict assemblies.

Police detained students from leading universities for peaceful protests on campus against Turkeys offensive on Afrin and for holding up banners critical of the president. At least 18 students were held in pretrial detention for such protests and many more prosecuted for crimes such as spreading terrorist propaganda and insulting the president.

In August, the Interior Minister banned the long-running peaceful weekly vigil at a central location in Istanbul by the Saturday Mothers, relatives of victims of enforced disappearances seeking accountability. Police violently dispersed and briefly detained 27 of the organizers. The ban on holding the vigil at the traditional location remained in effect at this writing. A Saturday Mothers vigil in Diyarbakir was also banned, as were all public assemblies organized by the Diyarbakir branch of the Human Rights Association from September onwards.

On September 15, police detained hundreds of construction workers who protested poor work and living conditions on the building site of the third airport in Istanbul. Courts ordered 37, including trade union officials, into pretrial detention, with six later released. Many more are under criminal investigation accused of offenses such as staging an unauthorized protest and resisting dispersal.

After more than 13 months behind bars, in August an Izmir court released Amnesty International Turkeys honorary chair Taner Kl from prison. He remains on trial on bogus terrorism membership charges, together with eight other prominent defenders from Turkey and two foreign nationals working on human rights arrested in July 2017 and later bailed.

Osman Kavala, a businessman and well-known figure in civil society in Turkey, has been held in pretrial detention since November 2017. At time of writing Kavala had not been indicted for any crime but the prosecutors investigation widened in November 2018 with the detention of 13 individuals, including some connected with the nongovernmental organization Kavala runs, and a focus on their activities after the 2013 Gezi Park mass protests in Istanbul. Twelve were promptly released but at time of writing human rights defender Yiit Aksakolu was jailed pending trial.

A related media smear campaign, and public comments by Turkeys president, also targeted US-based philanthropist George Soros. Soross Open Society Foundation announced in November that it would dissolve its Turkish foundation and cease operations in the country.

Human rights lawyers are among over 1,500 lawyers on trial on terrorism charges at time of writing. Their cases underscore the dramatic erosion of defendants rights and due process in Turkey. In September, an Istanbul court released on bail 17 lawyers who had spent up to a year in pretrial detention for membership of an armed leftist group, but reversed its own decision a day later, ordering the rearrest of 12 of them. At time of writing their case was ongoing.

A November 2017 ban on public events by lesbian, gay, bisexual, and transgender (LGBT) rights groups by the Ankara governor was enforced throughout 2018, and inspired bans of assemblies and events in other cities and revealed Turkeys increasingly repressive approach to LGBT groups. In July, the Istanbul governor banned the citys annual Pride march for a fourth year, citing security and public order concerns.

Continued allegations of torture, ill-treatment, and cruel and inhuman or degrading treatment in police custody and prison and the lack of any meaningful investigation into them remained a deep concern. These issues were raised by the UN special rapporteur on torture in a February statement.

There have been no effective investigations into the 2017 abductions allegedly by state agents of at least six men who were held in undisclosed places of detention before their release months later in circumstances that amount to possible enforced disappearance.

The Turkish authorities continued to seek the extradition of alleged Glen supporters, many of them teachers, from countries around the world. Without adhering to legal due process, security services in countries including Kosovo and Moldova cooperated with Turkish agents during the year to apprehend and transfer Turkish citizens to Turkey where they were detained and prosecuted.

Armed clashes between the military and the armed Kurdistan Workers Party (PKK) in the southeast continued through 2018, mainly in rural areas. The government continued its repressive measures against elected parliamentarians, mayors and municipalities from pro-Kurdish parties, although the Peoples Democratic Party (HDP) secured 67 parliamentary seats (11.9 percent of the vote) in the June election.

Serving HDP deputy Leyla Gven and nine former HDP parliamentarians remained in prolonged pretrial detention on politically motivated terrorism charges, including former party co-leader and presidential candidate Selahattin Demirta. Eleven deputies were stripped of their parliamentary seats in the period before the June election and were barred from standing again as candidates.

In the southeast, the suspension of local democracy continued as the government maintained control of 94 municipalities won in the 2014 local elections by the HDPs sister party, the Democratic Regions Party (DBP). At time of writing, 50 co-mayors remained jailed on politically motivated terrorism charges after their removal from elected office and the assignment of government appointees to their positions.

Turkey continued to host the worlds largest number of refugees, around 3.5 million from Syria. Turkey also hosts asylum seekers from Afghanistan, Iraq, and other countries. A migration deal with the EU that offers aid in exchange for preventing onward migration to the EU continued. The border with Syria is effectively closed to new asylum seekers. Border guards intercepted and deported thousands of newly arrived Syrians during the year and sometimes shot at those trying to cross. Since November 2017, 10 provinces have suspended registration of Syrians who manage to get passed the border guards and reach Turkeys cities. There remained high rates of child labor and large numbers of child refugees and asylum seekers not attending school. In September, Turkey assumed full responsibility for deciding refugee claims. But authorities do not grant refugee status and third-country resettlement is available only to a fraction of those determined to be refugees.

Following extensive international coverage of gross human rights violations of Uyghurs and other Turkic Muslims in China, in October Turkey admitted 11 Uyghurs who had fled repression after Malaysia declined to return them to China and released them from custody.

EU-Turkey relations remained poor and accession negotiations stalled. The EU External Action Service spoke out on some rights issues, including detention of human rights defenders, journalists, parliamentarians and academics, but continuing the migration deal remained the EUs paramount objective.

The United States government in October secured the release of US pastor Andrew Brunson detained for over two years on terrorism charges but did not speak out forcefully about the wider misuse of terrorism laws against Ankaras perceived enemies and critics. Relations were also marked by tensions over the US conviction of a Turkish banker for US sanctions violations, the application between August and November of sanctions against Turkeys interior and justice ministers over the detention of Brunson, the presence on US soil of Turkish cleric Fethullah Glen, and US support for PKK- associated Kurdish forces in northern Syria.

President Erdoans September state visit to Germany was intended to re-establish links between the countries after deep tensions over the arbitrary detention in 2017 of German nationals, including journalist Deniz Ycel who was released in February. Germanys chancellor and president both made clear reference to the arbitrary detention of Turkeys own citizens as well as German nationals.

During Erdoans January visit to Paris, Frances President Emmanuel Macron spoke out on human rights in Turkey and asserted that there was no prospect of Turkey joining the EU at present.

In March, the Office of the UN High Commissioner for Human Rights published a report on violations under the state of emergency, describing the detention of an estimated 600 women and their babies or young children in connection with their husbands alleged association with terrorist organizations as an alarming pattern.

In November, the European Court of Human Rights ruled that Turkeys repeated prolonging of the pre-trial detention of opposition politician Selahattin Demirta violated his rights and had the ulterior purpose of stifling pluralism and limiting freedom of political debate, which is at the very core of the concept of a democratic society. The court ordered his release.

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