WEATHERING THE STORM
Defending human rights in Turkey’s climate of fear
A chilling climate of fear is sweeping across Turkish society as the Turkish government continues to use the state of emergency to shrink the space for dissenting or alternative views.

Those who are defending human rights are on the front line – both as the targets of authorities’ attacks and at the heart of courageous resistance to attempts to silence all opposition.

The state of emergency, declared in July 2016 as a temporary exceptional measure in the wake of a violent attempted coup, has been repeatedly renewed and now forms an increasingly permanent feature of how Turkey is governed. The bloody coup attempt resulted in the deaths of more than 240 people. These crimes have not just targeted individuals, they have also represented an attack on human rights and freedoms.

The need to protect people from such violence is clear and those responsible for unlawful killings must be brought to justice. However, justice cannot be achieved by riding roughshod over the very rights that the government has an obligation to uphold. The consequences for civil society, human rights and the people and organizations seeking to defend those rights have been profound and devastating. Mass dismissals and the arbitrary and abusive use of the criminal justice system, including anti-terrorism laws, have affected huge swathes of the population.

Amnesty International has documented a wide range of human rights violations that have taken place under the state of emergency and during the crackdown after the coup attempt, for example on the arbitrary dismissal of numerous public sector workers in No end in sight – Purged public sector workers denied a future in Turkey as well as on the serious allegations of the use of torture in the immediate aftermath of the attempted coup, independent monitors must be allowed to access detainees amid torture allegations.

This briefing focuses in particular on the ways in which the rights to freedom of expression, assembly and association, to liberty and security and to fair trials have been eroded. Repressive measures were initially directed at those suspected of participating in the coup attempt including journalists, followed by academics, judges and prosecutors. While these attacks have continued, the net has widened to increasingly include the relatively small but vibrant independent civil society in Turkey. This includes several prominent human rights defenders like Taner Kılıç, then Chair and now Honorary Chair of Amnesty International Turkey, and Amnesty International Turkey Director, İdil Eser, arrested in June and July 2017. Almost a year later, Taner Kılıç remains imprisoned while İdil Eser has been released while their trial proceeds. This briefing places these and many other cases in the context of a deliberate and widespread attack on civil society, meant to instil a climate of fear and to shrink the space for dissent, expression and activism.

At a time of widespread human rights violations, the vital work of civil society activists, including human rights defenders, is being curtailed by the authorities’ use of arbitrary detention and prosecution, threats of violence and intimidation, the closure of organizations and the banning of public events. Articles in pro-government media and attacks on social media targeting civil society actors in smear campaigns are often a precursor for arrest or prosecution. As a result, sections of society most at risk of human rights abuses – such as women and girl survivors of sexual and gender-based violence, LGBTI people, refugees and migrants – are denied crucial support and solidarity as they struggle to defend their rights. The climate of fear that exists leads to self-censorship, with activists being afraid to speak up because they might be thrown in jail or attacked for what they said.

It is precisely because the human rights defenders in this briefing play such a crucial role in society, and their work impact so many, that the government has such an interest in curtailing their actions. Indeed, because the targeting of human rights defenders is so pernicious and its effects reach far and wide into many areas of society, that the international community has a responsibility to help protect this space for expression, dissent, protest, services and other human rights work of independent civil society and human rights defenders in Turkey.

It is time for Turkey to lift the current state of emergency and the draconian measures that came with it that go beyond legitimate measures to combat threats to national security, before there is no independent, critical civil society left in Turkey. The Turkish authorities must ensure the release of human rights defenders and other civil society actors, who have been detained and prosecuted in the absence of credible evidence, and refrain from prosecuting anyone in the future for their legitimate human rights work. The authorities must roll back the climate of fear and intimidation by positively recognizing human rights and all who stand up for them. The international community must use all its powers and influence to reverse the downward trend of human rights in Turkey.
The state of emergency, bolstered by over 30 executive decrees that bypassed parliamentary and judicial scrutiny, provides the context and legal opportunity for a worsening crackdown on civil society, an unprecedented wave of detentions and prosecutions, and the erosion of fair trial rights in Turkey. These statistics show the scale and unmistakable pattern of the crackdown.

**WHAT IS THE STATE OF EMERGENCY?**

A BROKEN LEGAL SYSTEM

Within days of the state of emergency being declared, high-profile journalists and commentators were rounded up and subsequently prosecuted. Large numbers of experienced and trained judges, prosecutors and other state officials were detained, accused of supporting Fethullah Gülen, the self-exiled cleric blamed by the government for the coup attempt. This purge of the judiciary, as well as the prosecutions of lawyers, a disregard for constitutional court decisions and many more problems in the judiciary, has seriously undermined the ability of the criminal justice system to deliver fair and impartial processes.

The cases of academic Mehmet Altan and columnist Şahin Alpay are indicative of the extent to which the rights to redress and fair trial have been severely affected. In January 2018, first instance courts refused to implement two separate Constitutional Court rulings that the men were unlawfully detained. In February, Mehmet Altan was convicted and sentenced to life imprisonment without parole. In contrast, Şahin Alpay was released, subject to house arrest, on 16 March, following a second Constitutional Court ruling that his rights had been further violated by the trial court’s failure to implement its January ruling.

“...I immediately received messages from people saying ‘what are you thinking? You are jeopardising everyone else too.’”

The Constitutional Court has condemned the attitude that has kept me in prison for 18 months and ruled that my rights are violated. Had the Constitutional Court been my trial court, I would have been acquitted three times over.”

Mehmet Altan, addressing the court on the day of his conviction, 16 February 2018

ATTACKS ON LAWYERS

There are no official statistics about the number of lawyers being investigated, prosecuted and detained awaiting trial, but it is estimated that several hundred lawyers are facing criminal proceedings under the post-coup crackdown. Some 110 members of the Contemporary Lawyers Association (ÇHD) and Lawyers for Freedom Association (ÖHD), two associations that have been closed down by executive decree, are subject to restrictions in carrying out their duties as lawyers because they are facing criminal proceedings.

“...I am effectively not a lawyer at that point.”

Levent Pijkin, a lawyer who represented the Istanbul provincial branch of People’s Democratic Party (HDP) and the Party’s imprisoned former co-leader, Selahattin Demirtaş, together with four others, he is facing prosecution for “membership of a terrorist organisation” and “propaganda for a terrorist organisation”, March 2018.

“...After the Constitutional Court decision on Mehmet Altan...I wrote a tweet welcoming the outcome...I immediately received messages from people saying ‘what are you thinking? You are jeopardising everyone else too.’”

Urhan Kemal Cengiz, human rights lawyer who represented Mehmet Altan currently facing prosecution himself

Prominent individuals such as civil society leader Osman Kavala and Celalettin Can, a human rights defender and once advisor to the government on the peace process between the state and the armed Kurdish Workers Party (PKK), are currently in prison awaiting trial on such charges. Also among those charged under these laws are several other prominent human rights defenders, including Amnesty International’s Taner Kılıç, then Chair and now Honorary Chair of Amnesty International Turkey, and Amnesty International Turkey Director, Idil Eser, arrested in June and July 2017. Almost a year later, Taner Kılıç remains imprisoned while Idil Eser has been released while their trial proceeds. See more on their cases on page 10.
ARBITRARY DETENTION

“The aim is to maintain the climate of fear. When you are in police detention, you are very scared for your family. We are all scared… It’s arbitrary, it’s not predictable, it cannot be effectively challenged so there is impunity.”

Osman İşçi, General Secretary of the Human Rights Association, February 2018.

Human rights defenders, and indeed anybody critical of the government, fear, with justification, that at any moment they may be taken into police custody and subsequently remanded in pre-trial detention on baseless charges. Many defenders have either been detained themselves or will know someone who has.

Osman Kavala, a prominent civil society activist, has been arbitrarily detained since October 2017. Over the past three decades, Osman Kavala has provided support to many independent human rights organizations and helped establish a number of civil society organizations, including the Helsinki Citizens’ Assembly (now the Citizens’ Assembly), an NGO working to advance human rights, and Anadolu Kültür, a cultural association that promotes understanding across Turkey’s diverse communities.

On 1 November, after 13 days in detention at the Istanbul Security Directorate Headquarters, he was questioned for 12.5 hours and referred to an Istanbul court, which remanded him in prison. The preliminary charges against him were "attempting to abolish, replace or prevent the implementation of the constitutional order through use of force and violence" and "attempting, by use of force and violence, to abolish the government, or prevent it from fulfilling its duties" (Articles 309 and 312 respectively of the Penal Code). An indictment had still not been issued at the time of writing.

Osman Kavala was taken to Silivri High Security Prison No. 9, where he remains awaiting trial. His lawyer’s objections to his imprisonment have been rejected and an application for his release to the Constitutional Court, lodged on 29 December 2017, was pending at the time of writing. Owing to a secrecy order on his file, the details of the investigation against him are not known, impeding his lawyers’ ability to prepare an effective defence.

According to publicly available information, Osman Kavala was questioned about and accused of having links with the alleged organizers of the failed coup attempt; these accusations were not substantiated and there is no publicly available credible evidence to support them. His questioning also focused on his alleged leadership role in, and financing of, the 2013 protests against the demolition of Gezi Park in Istanbul. The allegation that Osman Kavala organized or financed these very diverse protests is not credible. However, even if it were, organizing overwhelmingly peaceful protests is not a crime. In the absence of credible evidence of criminal wrongdoing, in compliance with international law and standards, Amnesty International is calling for Osman Kavala’s immediate and unconditional release.
SILENCING PEACEFUL OPPOSITION TO THE MILITARY OFFENSIVE ON AFRIN

Those who express dissenting opinions on issues of concern to Kurdish people have long been subjected to prosecution in Turkey. One of the latest examples of this is the detention and prosecution of those critical of the Turkish military operation in Afrin, Northern Syria.

On 20 January 2018, Turkey began a military offensive in Afrin directed at the People’s Protection Units (YPG), an armed group linked to the banned PKK. When individuals, including human rights defenders and journalists, expressed opposition to the military offensive, senior members of the government and the President responded by labelling them “lovers of terrorism”. Statements by officials were followed by anonymous threats and intimidation, as well as criminal investigations and the detention of hundreds of people for social media posts.

The wave of detentions then spread to the Turkish Medical Association (TTB), a professional body of 83,000 physicians, some 80% of all doctors in Turkey. On 24 January 2018, the TTB issued a statement calling for an end to the Turkish military operation in Afrin. On the morning of 30 January police raided the TTB headquarters and the homes of TTB Chair Raşit Tükel and 10 other members of the TTB Central Council. They were accused of “making propaganda for a terrorist organization” and “inciting the public to hatred and enmity”. All had been provisionally released by 5 February while the investigation continues, they are required to report to a police station once a month. Amnesty International is calling for the criminal investigations against members of the TTB to be dropped.

ABRITRARY DETENTION

Article 9 of the International Convention on Civil and Political Rights (ICCPR) prohibits arbitrary arrest, detention or imprisonment. The only evidence presented was a line short extract from the articles he had written for the public to hatred and enmity”.

Ali Erol was released on 6 February. He is subject to bail conditions and required to report weekly to a police station. He remains under criminal investigation for “making propaganda for a terrorist organization and “inciting the people to hatred and enmity”.

One stark example of this intolerance of dissent was the treatment meted out to the Turkish Medical Association (TTB), a professional body of 83,000 physicians, some 80% of all doctors in Turkey. On 24 January 2018, the TTB issued a statement calling for an end to the Turkish military operation in Afrin. On the morning of 30 January police raided the TTB headquarters and the homes of TTB Chair Raşit Tükel and 10 other members of the TTB Central Council. They were accused of “making propaganda for a terrorist organization” and “inciting the public to hatred and enmity”. All had been provisionally released by 5 February while the investigation continues, they are required to report to a police station once a month. Amnesty International is calling for the criminal investigations against members of the TTB to be dropped.

ABRITRARY DETENTION

Article 9 of the International Convention on Civil and Political Rights (ICCPR) prohibits arbitrary arrest, detention or imprisonment. When considering whether or not a detention is arbitrary, the UN Working Group on Arbitrary Detention has adopted criteria including:

- Where there is no legal basis for detention; this includes people held without charge or trial or despite a judicial order for their release or kept in prison after the expiry of their sentence.
- Where there have been grave violations of the detainee’s right to fair trial, such as the right to legal counsel.
- Where the deprivation of liberty results from the exercise of rights or freedoms guaranteed in international human rights law, such as the rights to freedom of expression or association.
- Where the law under which the person is detained is not in line with international standards, for example if it is vague, or excessively broad.

I still don’t know why I spent a whole year in prison or why I have just been released. The only explanation that I and thousands around the world can see is that I was held hostage and that neither decision was judicial but entirely political.”

Deniz Yücel
ABUSIVE PROSECUTIONS UNDER ANTI-TERRORISM LAWS

The state of emergency and the fact that Turkey considers important rights suspended, have paved the way for excessive and abusive use of certain laws to detain and prosecute human rights defenders and other critical voices in society.

In particular the vaguely worded anti-terrorism laws are used to silence, harass and intimidate dissenting voices in Turkey. The definition of terrorism in Turkish law is not in line with the proposed model definition by the UN Special Rapporteur on Human Rights and Counter Terrorism. For example it does not limit acts defined as terrorism to lethal or serious physical violence against members of the general population. Clarity of definition is crucial because people need to be able to know what is and isn’t illegal, and because it leaves space open, as in cases against human rights defenders or other critical actors, for politically motivated prosecutions.

Article 7/2 of the Anti-Terrorism Law criminalizing speech deemed to be “making propaganda for an armed terrorist organization” has been used extensively to target journalists, academics, political activists and others for their writings and social media posts. For example, some 1,128 academics who signed a peace appeal in January 2016 were investigated under Article 7/2, with 265 prosecuted as of 1 April 2018. While these laws were used before in this way, the state of emergency has led to an increase in the abusive use of certain laws to detain and prosecute human rights defenders and other critical voices in society.

The main accusation against Taner Kılıç, a lifelong human rights defender, a refugee rights lawyer and a prominent figure in Turkey’s civil society, sent shock waves across the country and beyond. However, calls for his immediate release from within Turkey and abroad have been ignored.

The main accusation against Taner Kılıç is that he allegedly downloaded and used the encrypted messaging application ByLock, which the authorities allege was used by the Gülen movement. Following forensic examinations of his mobile phone and telephone records, four independent experts have shown that the allegation is baseless. The state has not presented any credible evidence to support the allegation. And in any case, the presence of a messaging application cannot be considered as evidence of a “terrorist” offence.

Taner Kılıç remains in pre-trial detention at the time of writing, despite an initial ruling on 31 January 2018 by the trial court that he be released from pre-trial detention. Shockingly, the same court overturned its own ruling the next day, without any explanation or further justification, a volte-face that raises serious questions of political interference in the court’s decision making.

The group of human rights defenders known as the Istanbul 10 were arrested on 5 July 2017 from a human rights workshop in Büyükada, an island close to Istanbul.

They included İdil Eser, Director of Amnesty International Turkey; Nejat Taştan, co-ordinator of the Equal Rights Monitoring Association; Şeyhmus Özakca, a human rights lawyer; Nalan Erkmen, a lawyer and member of Citizens’ Assembly; and Veli Acu from the Human Rights Agenda Association. Two workshop facilitators, IT strategy consultant Ali Gharavi, a Swedish national, and non-violence and wellbeing trainer, Peter Steudtner, a German national were also detained.

On 18 July, after almost two weeks in police detention, Nejat Taştan and Şeyhmus Özakca were conditionally released and the remaining eight defenders were remanded in prison pending trial, where they remained until their conditional release at the first hearing in their trial on 25 October 2017. The case of the Istanbul 10 was fully merged with the case of Taner Kılıç and the next hearing in the case is scheduled for 21 June 2018.

The targeting of İdil Eser and Taner Kılıç is the first time in Amnesty International’s history that two of its leaders in a country have been detained and prosecuted at the same time. The state’s actions against a well-known human rights organization with such seemingly politically motivated and baseless allegations intends to send a clear message to human rights defenders in Turkey: criticism of rights violations will not be tolerated.

On 20 June 2017 and no further appeal is possible. On 14 August 2017, Murat Çelikkan presented himself at Kırklareli Prison, where he remained until his conditional release on 21 October 2017.

Murat Çelikkan, speaking to Amnesty International, February 2018

Journalist and human rights defender Murat Çelikkan has been involved in various human rights organizations, including the Human Rights Association, Amnesty International Turkey and the Citizens’ Assembly, since their inception. He is a founding member and co-director of the Truth Justice Memory Centre (Hafıza Merkezi), established in 2011 to build a comprehensive database of enforced disappearances, and an advocate of a peaceful solution to the Kurdish question. In February 2018, he received the Civil Defender of the Year award from the Stockholm-based organization Civil Rights Defenders, which aims to highlight the situation of defenders at risk.

Murat Çelikkan was among 100 journalists and prominent individuals who participated in the solidarity campaign for the now closed Kurdish daily newspaper Özgür Gündem in 2016. Murat Çelikkan became its symbolic editor-in-chief for one day on 24 May 2016 to protest against the judicial harassment of the newspaper’s journalists. Of those who took part in the solidarity campaign, 50 have been subject to criminal investigation and 38, including Murat Çelikkan, have been prosecuted for articles published in the paper on the days they were taking part in the campaign.

They were charged under Article 7/2 of the Anti-Terrorism Law with “making propaganda for an armed terrorist organization” (Article 7/2a) and “printing or publishing statements with such seemingly politically motivated and baseless allegations intends to send a clear message to human rights defenders in Turkey: criticism of rights violations will not be tolerated.”

“Every time the woman who looks after my elderly mother calls me, I think she is going to tell me that the police have arrived. I try to express my views freely but I am also acutely aware of thinking twice before speaking or writing.”

Murat Çelikkan, lawyer, prominent member of the Human Rights Association and founder of the Legal Aid Bureau against Sexual Harassment and Rape in Detention, February 2018

Eren Keskin is facing over 140 separate prosecutions for articles published when she was symbolic editor-in-chief of Özgür Gündem. In one of the cases, she was found guilty of “insulting the President” for a headline that appeared in the aftermath of the bombing of a peace rally in Ankara on 10 October 2015 in which over 100 people were killed. The article headline read: “Tens of thousands return to the square where peace was massacred to shout: ‘Murderer Erdoğan’”. If convicted in all cases, she estimates the fines could total 800,000 Turkish Lira (approximately €170,000).
On 16 January 2018, in a separate prosecution, another five journalists from the Özgür Gündem solidarity campaign were given prison terms from the Court of Appeals at the time of writing. They are currently pending on appeal.

EMERGENCY RULE USED TO SHUT DOWN NON-GOVERNMENTAL ORGANIZATIONS

Orhan Kemal Cengiz
Orhan Kemal Cengiz, a human rights lawyer and founder and former President of the Human Rights Agenda Association, was detained in July 2016 and subsequently charged with “attempting to overthrow the constitutional order”, and “attempting to overthrow the Parliament and the government or to prevent them from carrying out their work” and “membership of an armed terrorist organization”, charges punishable by life imprisonment without the possibility of parole.

Before it was closed down, Zaman newspaper, which was linked to the Gülen movement, was taken over by state appointed trustees in March 2016. Orhan Kemal Cengiz challenged the seizure of the paper in the Constitutional Court. He also took the case of writer and former newspaper editor Ahmet Altan and his brother Mehmet Altan, an academic, to the European Court of Human Rights.

When the indictment against Zaman writers and journalists was published 10 months after his detention, Orhan Kemal Cengiz was shocked to see his name listed at the end as a defendant, as there is not a single specific allegation about him in the 64-page court document, and he was not a writer for the paper. Amnesty International believes that the charges against Orhan Kemal Cengiz are unfounded and that he is being targeted for his human rights work as a lawyer representing Zaman newspaper and the Altan brothers.

Orhan Kemal Cengiz

Dr Ömer Faruk Gergerlioğlu
Dr Ömer Faruk Gergerlioğlu is the former head the human rights organization Mazlum-Der and one of the victims of the mass dismissals that have affected whole swathes of the population. He worked as a physician in the western province of Kocaeli until he was suspended by the provincial Governor on 13 October 2016 and then permanently dismissed by executive decree No. 679 a year later in October 2017. He is facing an ongoing prosecution for “insult” for an open letter he wrote to Kocaeli Governor protesting at his suspension.

On 21 February 2018, in a separate case, Dr Ömer Faruk Gergerlioğlu was convicted of “making propaganda for a terrorist organization” and sentenced to 2.5 years in prison. The charges related to a news article he shared on Twitter on 20 August 2016, the article was published on the internet-based news portal T24 and was entitled “PKK, if the state takes the initiative, peace can be achieved within a month” and reproduced the PKK’s statement. A photograph accompanying the article depicted three men holding AK-47 rifles and was cited as “evidence” that Dr Gergerlioğlu was “making the PKK’s propaganda by displaying the armed members of the terrorist organization in a way that is complimentary and enticing”.

The court decision states that Dr Gergerlioğlu is the author of the article, which is not the case. To date, the news site T24 has not been prosecuted for the article that Dr Gergerlioğlu’s shared.

Özgür Gündem

Dr Ömer Faruk Gergerlioğlu (© Private)

Over 1,300 NGOs have been permanently closed down by executive decree under the state of emergency for unspecified links to “terrorist” organizations. The organizations that have been closed down have been unable to effectively challenge the decisions in administrative courts. Without their legal association status, it is very difficult for them to operate and carry out their vital work.

Among those targeted are Turkey’s leading child rights NGO, Güvendi Çocuk; 11 women’s rights organizations; lawyers’ organizations such as the Contemporary Lawyers’ Association (ÇHD) and Lawyers for Freedom Association (ÔHD); and organizations providing humanitarian support to displaced people and refugees.

Güvendi Çocuk

Güvendi Çocuk was established in 2005 and bases its work on the UN Convention on the Rights of the Child. It published reports on a wide range of rights violations and provided legal support and representation in sexual abuse and child death cases.

It was among 370 NGOs whose activities were suspended for three months on 11 November 2016 under the State of Emergency Law on grounds of “general security and public order” and no individual reasoning was given. Their offices were sealed by order of the Governor of Ankara. Nine days later, before Güvendi Çocuk’s lawyers could effectively challenge the suspension, it was permanently closed down under an executive decree.

The association challenged their closure in an administrative court, but this was rejected as outside the court’s mandate under the state of emergency. At the time of writing, an appeal was before the special commission established to examine appeals by those dismissed from public service and organizations closed down under the state of emergency.

Güvendi Çocuk was one of a number of human rights organizations that joined a delegation to the southeastern town of Cizre in March 2016. The aim of the delegation was to document and report rights violations in the context of the round-the-clock indefinite curfew imposed on the town between 14 December 2015 and 2 March 2016 during clashes between the Turkish armed forces and the PKK. Those active in the association believe it was Güvendi Çocuk’s involvement in the publication of the report on the visit to Cizre that is behind the decision to close it down, but no specific reason was given officially.

THE VAN WOMEN’S ASSOCIATION (VAKAD)

“The Van women’s association VAKAD was closed down under executive decree on 22 November 2016, five days after its activities were suspended by the Van governorate, in eastern Turkey. VAKAD’s advice centre provided services to around 300 women every year, worked in schools to raise children’s awareness of sexual abuse and provided training in leadership and financial literacy for women.

At the time of VAKAD’s closure, its leadership was about to sign a contract with the European Union on a three-year project on preventing violence against women to work with up to 8,000 women in 92 villages, focusing on hard-to-reach communities.

All these activities, as well as a language project VAKAD was carrying out with the UN High Commissioner for Refugees, ceased with the closure of the organization.

Today, no one is doing this vital, life-saving work in the region.

Dr Ömer Faruk Gergerlioğlu (© Private)

VAKAD was closed down under executive decree on 22 November 2016, five days after its activities were suspended by the Van governorate, in eastern Turkey. VAKAD’s advice centre provided services to around 300 women every year, worked in schools to raise children’s awareness of sexual abuse and provided training in leadership and financial literacy for women. At the time of VAKAD’s closure, its leadership was about to sign a contract with the European Union on a three-year project on preventing violence against women to work with up to 8,000 women in 92 villages, focusing on hard-to-reach communities.

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Zozan Öğökçe (© Private)

Zozan Öğökçe, founding member and spokesperson for VAKAD

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All these activities, as well as a language project VAKAD was carrying out with the UN High Commissioner for Refugees, ceased with the closure of the organization. Today, no one is doing this vital, life-saving work in the region.
While not a new phenomenon, the vilification of human rights defenders to intimidate them and undermine their work has intensified under the state of emergency.

There are many examples of high-profile government representatives publicly (and falsely) accusing defenders of, among other things, being “terrorists”, “defenders of the coup”, “unpatriotic”, “foreign agents”, “fifth columnists”, “spies”, “enemies of the state” or of opposing national or moral values.

These words have impact in Turkey: not only do they label people for life, they incite violence against human rights defenders, putting them at greater risk of attack – including physical assault and killings – by pro-government groups or other non-state actors.

“There have been reports of threats to police and judicial officials, prosecutors and other state actors who support human rights and have alleged that they are responsible for the security situation in the region,” said Dr Ömer Faruk Gergerlioğlu, the former head of Mazlum-Der, speaking to Amnesty International, March 2018.

But for many, paying a personal price of fear is simply part of the job. Speaking out for the human rights of Kurdish people has always been a perilous enterprise in Turkey.

Over the past three decades armed clashes between state forces and the PKK have claimed countless lives and resulted in the displacement of hundreds of thousands of people. In 2013, the announcement of a ceasefire and the subsequent peace process gave hope to millions in the region and across the country. The collapse of this fragile process in the summer of 2015 marked a return to a period of intense difficulties for human rights defenders, journalists and activists in the southeast. The following months saw round-the-clock curfews, intense fighting in densely populated urban areas which, according to the UN High Commissioner for Human Rights, claimed around 2,000 lives, including 800 security personnel, and mass displacements of people living in towns such as Sur, Cizre and Nusaybin.

Today, under the state of emergency and in light of the severe crackdown on civil society in general, the few remaining independent voices advocating for human rights in the region live with an even more severe, ever-present threat of detention and prosecution.

“I believe that people from all backgrounds and political persuasions coming to the courthouse on the day of my appearance played a role in my release from police custody. It showed I am not alone.”

Human rights defender and journalist Nurcan Baysal speaking to Amnesty International in February 2018

Nurcan Baysal was detained on 22 January 2018. She was released on 24 January after being questioned about five tweets criticizing the military operation in Afrin. She was later charged with “incitement of the public to hatred and enmity” for the tweets. The first hearing in the case is set for 17 May 2018.
WEATHERING THE STORM  
DEFENDING HUMAN RIGHTS IN TURKEY’S CLIMATE OF FEAR

The killing on 28 November 2015 of Tahir Elçi, a prominent human rights defender and President of Diyarbakır Bar Association, brings into sharp focus the dangers faced by human rights defenders in the region. Two and a half years later, an investigation into his fatal shooting continues without significant progress.

For the last 30 years, Elçi was a leading human rights lawyer and outspoken advocate for peace, human rights and justice in Turkey. (© Berk Ozkan/Anadolu Agency/Getty Images)

Raci Bilici, Deputy Chair of the Human Rights Association and Chair of its Diyarbakır branch, was suspended from his post as a mathematics teacher in a secondary school in September 2016; his wife, also a teacher, was also suspended. Following his suspension, he was targeted in the pro-government Akit newspaper and began to receive death threats by phone. In February 2017, he decided to resign from his teaching post for his and his family’s safety.

He has been charged with “membership of a terrorist organization” for alleged activities on behalf of the Democratic Society Congress (DTP), one of the organizations that had been in communication with the state authorities during the peace process. If convicted, he could face up to 15 years in prison. The third hearing in the trial will take place in July 2018.

“I have now received a letter from the authorities in which they say my phone had been tapped for two years. A court authorized the wiretap every month, each time stating they had not found anything! And the other leaders of the Human Rights Association are being prosecuted so that the public stops taking us seriously.”

Raci Bilici, speaking to Amnesty International in February 2018

Zehra Doğan, artist and editor of the Women’s News Agency (JINHA), is serving a prison sentence of two years, nine months and 22 days for “making propaganda for a terrorist organization”. The charge relates to her journalism and her painting of the aftermath of a military operation in the town of Nusaybin, Mardin province.

JINHA, which is exclusively run by women, was established to focus specifically on news relating to women and to make their voices heard. It was closed in October 2016 by state of emergency decree. Şûjin, a new women-only news agency set up in its place, was also closed down by emergency decree in August 2017. Undeterred, the women established Jin News, which continues to provide news from a Kurdish women’s perspective.

The killing on 28 November 2015 of Tahir Elçi, a prominent human rights defender and President of Diyarbakır Bar Association, brings into sharp focus the dangers faced by human rights defenders in the region. Two and a half years later, an investigation into his fatal shooting continues without significant progress.

For the last 30 years, Elçi was a leading human rights lawyer and outspoken advocate for peace, human rights and justice in Turkey. (© Berk Ozkan/Anadolu Agency/Getty Images)
Over the last five years, unfair restrictions on the right to freedom of assembly and the use of excessive force to repress protests have become routine. The state of emergency and the repeated use of blanket bans on public gatherings in several cities have severely restricted the ability of organizations to hold peaceful public assemblies. For example, in Diyarbakır, the ban on all public demonstrations imposed in August 2016 remains in place.

**BANS ON LGBTI EVENTS**

“In Izmir in Istanbul and Ankara we can still meet each other but it is getting very hard. We used to have about 30 associations around the country, most of them are now closed and not functioning.”

Woman LGBTI activist and organizer of Istanbul Pride

In the last three years, several Pride events have been banned in Istanbul and Ankara.

On 18 November 2017, the Ankara Governorate used the State of Emergency Law to announce an indefinite ban on all public events by LGBTI organizations in the city, citing “social sensitivities”, “public safety”, “safeguarding general health and morals” and “safeguarding the rights and freedoms of others.

A further ban was imposed on Pink Life’s march and demonstration in Istanbul on 24 November 2017. The reasons given for the ban by the governorship of the central Beyoğlu district, Istanbul, were the lack of notification, “general morals” and “a clear and present danger to public order”. The organizers faced further bans and restrictions when they proposed alternative dates and venues.

The current clampdown on the activities of LGBTI organizations marks a stark departure from recent years which saw increasing participation in Istanbul Pride events, with tens of thousands attending the last Pride March in June 2014. The blanket bans on activities threaten the very existence of these organizations and reverse these recent progressive steps to counter prevailing homophobia and transphobia.

**UNFAIR RESTRICTIONS TO THE RIGHT TO FREEDOM OF ASSEMBLY**

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The human rights landscape during the 21 months of the state of emergency in Turkey is a desolate one characterized by mass detentions, prosecutions, intimidation and the silencing of independent civil society. Those who continue to speak out and stand up for human rights are paying a heavy price.

The impact of the repression of civil society, including human rights defenders, is immense and it is deliberate. Once vibrant and expanding LGBTI organizations feel they are being pushed underground once again. Speaking and writing to express dissenting opinions are now dangerous activities. And when human rights defenders are targeted, imprisoned, gagged and silenced, those who are at greatest risk of human rights violations – such as LGBTI people, women survivors of violence, children and refugees and migrants – are deprived of those who support them in their struggle to defend their rights.

By shutting down dissent and targeting civil society in the ways described here, Turkey is flouting its obligations under international human rights law. Turkish civil society need to know they are not alone in their struggle for survival, that governments around the world value their crucial work and that they will be protected against unjust prosecutions, detention and attacks.
TO THE TURKISH AUTHORITIES:

- Immediately and unconditionally release Taner Kılıç and other human rights defenders and civil society actors held under anti-terrorism laws and without credible evidence of any criminal wrongdoing.

- Refrain from prosecuting human rights defenders and other civil society actors for their legitimate human rights work.

- Ensure threats and intimidation of human rights defenders and other civil society actors are investigated and those responsible are brought to justice in line with international law and standards.

- Refrain from using language that vilifies and discriminates against human rights defenders and other civil society actors.

- Publicly acknowledge the work of human rights defenders and other actors in civil society and recognize the legitimacy of their work.

- Lift the current state of emergency and repeal executive decrees that go beyond legitimate measures to combat threats to national security.

- Ensure that human rights organizations arbitrarily closed down under the state of emergency are reopened and their confiscated assets restored.

TO THE INTERNATIONAL COMMUNITY:

- Regarding the EU and its member states: Ensure that all political dialogues and bilateral discussions are used to raise concern regarding the crackdown on civil society; ensure that these discussions and human rights clauses where applicable are enforced when developing bilateral relations with Turkey, including the upgrading of the EU-Turkey Customs Union; ensure that the Instrument for Pre-Accession funding (IPA) does not contribute to human rights violations, including by suspending projects managed by the Turkish Ministry of Justice.

- Regarding the Council of Europe: Ensure that the Committee of Ministers uses all tools at its disposal including urgent debates as well as ensuring the execution of judgments of the ECtHR to address the crackdown on civil society. The enhanced monitoring adopted by Parliamentary Assembly of the Council of Europe in April 2017 should be implemented in practice, with frequent visits and reports. The Secretary General should raise these concerns forcefully though high level political dialogue.

- Regarding the United Nations Human Rights Mandate Holders: Continue and expand monitoring including visits to Turkey, reporting, and communications regarding the situation in Turkey, in particular regarding the state of emergency and civil society.

- Regarding States on the Human Rights Council: Continue and expand action, including collective action, under the agenda of the Human Rights Council, in particular Items Three (Promotion and Protection of all Human Rights) and Four (Human Rights Situations that Require the Council’s Attention).

- Regarding individual states: raise individual cases as well as the broader concerns outlined in this briefing clearly and forcefully in their bilateral relations with Turkey.

Riot police block protesters demonstrating in support of two hunger-strikers who were taken into custody in May, in Ankara on June 8, 2017. On May 24, 2017 a Turkish court has placed under arrest on terror charges an academic Nuriye Gulmen and a teacher Semih Ozakca who have been on a long hunger strike to protest against their dismissal in a purge after last year's failed coup, reports said. (© ADEM ALTAN/AFP/Getty Images)