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Home Office

Country Policy and Information Note

Turkey: Kurdistan workers party (PKK)

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 13 February 2020

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by the state because of the person's actual or perceived membership of, or association with, the Partiya Karkerên Kurdistanê (Kurdistan Workers' Party) (PKK) and/or its affiliates.

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1.2 Points to note

- 1.2.1 For the purposes of the analysis in this note, the PKK includes its various affiliated groups unless otherwise stated. The affiliated groups include:
- Koma Civakên Kurdistan (KCK) (Kurdistan Communities Union)
 - Halkların Birleşik Devrim Hareketi (HBDH) (People's United Revolutionary Movement)
 - Yekîneyên Parastina Sivîl (YPS) (Civil Defence Units)/Yurtsever Devrimci Gençlik Hareket (YDG-H) (Patriotic Revolutionary Youth Movement)
 - Teyrebazen Azadiya Kurdistan (TAK) (Kurdistan Freedom Falcons)
- (See [The PKK](#) and [Affiliates of PKK](#)).
- 1.2.2 For claims based on involvement with Kurdish political parties, see the Country Policy and Information Note on [Turkey: Kurdish political parties](#).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 The PKK and its affiliated groups have been responsible for serious human rights abuses. The PKK is banned in Turkey and designated as a terrorist organisation. It has been proscribed in the UK since March 2001 under the Terrorism Act 2000. It is also on the European Union list of terrorist organisations (see [The PKK](#)).

- 2.2.2 If the person has been involved with the PKK and/or an affiliated group, decision makers must consider whether one (or more) of the exclusion clauses is applicable. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Refugee convention reason

- 2.3.1 The person's actual or imputed political opinion.
- 2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person has a well-founded fear of persecution on account of their actual or imputed convention reason.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a) Members or sympathisers of the PKK and its affiliates

- 2.4.1 In the Country Guidance case of [IA and others \(Risk-Guidelines-Separatist\) \[2003\] UKIAT 00034, heard 12 May 2003 and promulgated 28 July 2003](#), the Upper Tribunal gave consideration of the potential risk to a person involved in 'separatist' activities on return to Turkey and found that,

'The following are the factors which inexhaustively we consider to be material in giving rise to potential suspicion in the minds of the authorities concerning a particular claimant.

'a) The level, if any, of the appellant's known or suspected involvement with a separatist organisation. Together with this must be assessed the basis upon which it is contended that the authorities knew of or might suspect such involvement.

'b) Whether the appellant has ever been arrested or detained and, if so, in what circumstances. In this context it may be relevant to note how long ago such arrests or detentions took place, if it is the case that there appears to be no causal connection between them and the claimant's departure from Turkey, but otherwise it may be a factor of no particular significance.

'c) Whether the circumstances of the appellant's past arrest(s) and detention(s) (if any) indicate that the authorities did in fact view him or her as a suspected separatist.

'd) Whether the appellant was charged or placed on reporting conditions or now faces charges.

'e) The degree of ill treatment to which the appellant was subjected in the past.

'f) Whether the appellant has family connections with a separatist organisation such as KADEK or HADEP or DEHAP [these were Kurdish political organisations which no longer exist with these names].

'g) How long a period elapsed between the appellant's last arrest and detention and his or her departure from Turkey. In this regard it may of course be relevant to consider the evidence, if any, concerning what the appellant was in fact doing between the time of the last arrest and detention and departure from Turkey. It is a factor that is only likely to be of any particular relevance if there is a reasonably lengthy period between the two events without any ongoing problems being experienced on the part of the appellant from the authorities.

'h) Whether in the period after the appellant's last arrest there is any evidence that he or she was kept under surveillance or monitored by the authorities.

'i) Kurdish ethnicity.

'j) Alevi faith.

'k) Lack of a current up-to-date Turkish passport.

'l) Whether there is any evidence that the authorities have been pursuing or otherwise expressing an interest in the appellant since he or she left Turkey.

'm) Whether the appellant became an informer or was asked to become one.

'n) Actual perceived political activities abroad in connection with a separatist organisation.

'o) If the returnee is a military draft evader there will be some logical impact on his profile to those assessing him on his immediate return. Following Sepet, of course, this alone is not a basis for a refugee or human rights claim.

'We cannot emphasise too strongly the importance of avoiding treating these factors as some kind of checklist. Assessment of the claim must be in the round, bearing in mind the matters set out above as a consequence of a careful scrutiny and assessment of the evidence. The central issue, as always, is the question of the real risk on return of ill treatment amounting to persecution or breach of a person's Article 3 rights. The existing political and human rights context overall is also a matter of significance [...]' (paragraphs 46-7).

2.4.2 While the Upper Tribunal's findings were based on evidence which is now over 16 years old, the factors it identified as relevant to assessing risk remain relevant in the current country context.

2.4.3 The aims of the PKK have changed over the years; it is reported that although the PKK originally demanded an autonomous region for Kurdish people, they now advocate for equal rights for Kurds within the Turkish state (see [Aims of the PKK](#)).

2.4.4 In July 2015, a ceasefire between the government and the PKK collapsed, resulting in an escalation of violence by the PKK and PKK-affiliated groups, primarily in south-east Turkey. In response, the government began counter-

terrorism operations using armoured vehicles, heavy artillery and bombing in 2015. Violence reached a peak in mid-2016 after the July coup attempt, when fighting took place in urban areas of the south-east for the first time. Levels of violence have abated since then, although clashes have continued at a reduced level. In May 2019, the Turkish military attacked PKK militants in northern Iraq, with the goal of ending the PKK, and they have particularly targeted high-ranking PKK militants, claiming to have killed or captured 87 such persons (although this number is disputed). On 9 October 2019, Turkish forces commenced 'Operation Peace Spring' in north-east Syria, an incursion opposed by many Turkish Kurds, who saw it as part of a broader anti-Kurdish policy (see [History](#) and [Developments in 2019](#)).

- 2.4.5 In October 2019, International Crisis Group noted that nearly 4,700 people have been killed since 2015 in government/PKK fighting; more than half were PKK militants, around a quarter were state security force members, 490 were civilians, and the remaining 223 were 'individuals of unknown affiliation.' Most of these deaths occurred between December 2015 and June 2016. 33 civilians were killed in fighting in the first 11 months of 2018. Sources estimate that there have been an average of 40 fatalities per month in 2019, mainly in the rural areas of the south-east (this figure includes soldiers and militants, as well as civilians) (see [Casualties](#)).
- 2.4.6 The PKK make use of conventional weapons, vehicle-borne devices, improvised explosive devices and targeted killings. Fighting during the past two years has moved from metropolitan areas to the rural south east where the PKK has focussed attacks on government security forces, and, occasionally, civilians. The government alleged that the PKK abduct and forcibly recruit children and young people, but the Kurdish community stated that people generally join the PKK willingly. However, some residents, journalists and politicians in the south-east stated that the PKK prevents people from denouncing them through intimidation and threats. There were reports of government human rights violations in the south-east during operations to deal with those suspected of terrorism (see [PKK-related violence](#) and Country Policy and Information Note on [Turkey: Kurds](#)).
- 2.4.7 Although the two-year state of emergency ended in July 2018, the government introduced new counter-terrorism legislation which contains many measures similar to those in place during the state of emergency; for example, the police have authority to hold individuals for up to 12 days without charge. There were reports that the counter-terrorism arrest laws were used widely to silence government opponents, including alleged PKK sympathisers, and that there was very little evidence against detainees. Some interlocutors who met with the Home Office Fact Finding Team (HO FFT) in June 2019 claimed that a person could be accused of supporting the PKK simply for posting a political tweet, or a person could be assumed to support the PKK purely by virtue of being Kurdish. In the days following Operation Peace Spring, hundreds of people were reported to have been arrested and accused of supporting the PKK due to having made comments about the military operation on social media (see [Anti-terror law](#) and [Due process](#)).

- 2.4.8 The law prohibits arbitrary arrest and detention but there are reports that authorities do not always adhere to the law. The Ministry of Justice reported that, between July 2016 and July 2018, investigations had been opened into 612,347 persons alleged to be founders, executives, or members of armed organisations. A majority of these were reportedly detained for alleged ties to the Gulen movement or the PKK, but there are reports that there was often little due process or access to the evidence for the accusations made. A representative of the Ministry of Justice told the HO FFT that, of the 250,000 people imprisoned in Turkey, 42,000 were linked with terrorist organisations, including Daesh, the PKK and Gulenism. In January 2019, Human Rights Watch reported that 10,286 individuals were imprisoned due to suspected links with the PKK. One source told the HO FFT that authorities may arrest a key person as a warning, or to intimidate others; for example, a prominent person may be arrested from a particular village or a particular family (see [Arrest and detention](#)).
- 2.4.9 Several sources who met with the Home Office FFT suggested that Kurdish people in general may be treated worse than Turks in prison. A human rights lawyer stated that those charged with terrorism are not allowed any access to the outside world via books or other media. However, several sources noted that prisoners with the same ethnicity are not specifically kept in the same prison wings, but prisoners from the same group or party are allowed to stay together in the same prison wing if they wished to do so (see [Treatment of different groups in detention](#) and [Segregation in detention](#)).
- 2.4.10 Although the law prohibits torture, there were reports of widespread torture following the coup attempt of 2016, mainly at the time of arrest and subsequent detention in police cells or in unofficial places of detention, such as sports centres. Human rights observers stated that incidences of torture are now far fewer than in the weeks following the coup attempt, although there are occasional reports of abuse in the south-east. In February 2018 the UN special rapporteur on torture expressed concern about rising numbers of allegations of torture in police custody, with those suspected of links to the PKK or Gulenism at particular risk. Some of the interlocutors who met the HO FFT also suggested that those suspected of supporting the PKK could be at risk of torture in police custody, and the government did not release information on whether investigations were carried out into allegations of mistreatment in prisons and detention centres. In general, however, sources did not indicate a general approach to torture or ill-treatment (see [III- treatment in detention](#)).
- 2.4.11 Some of the sources who met with the HO FFT stated that medical care for prisoners can be insufficient. Some doctors are reluctant to state that a person has undergone torture (see [Medical care](#)).
- 2.4.12 Prosecutors are required by law to investigate all allegations of ill-treatment and the Public Prosecutor must follow up all complaints received. Complaints may be brought by victims, their family, a lawyer, a civil society organisation or by a monitoring institution, such as the Ombudsman. Authorities have set up a hotline for complaints. Since 2012, the Constitutional Court has been able to receive direct complaints from individuals about violations of their rights under the Constitution and the

European Court of Human Rights and its Protocols, provided no effective remedy has been given by lower courts; between 2012 and the end of 2017, the Constitutional Court received approximately 121,000 complaints in relation to torture. However, human rights groups claimed that most victims of torture are too fearful of retaliation to make a complaint and the UN special rapporteur stated that formal investigations and prosecutions were very rare, which gave the impression of impunity. The National Human Rights and Equality Association carries out monitoring of prisons; the Association visited 26 detention centres in 2018 (see [Avenues of redress in cases of torture](#) and [Monitoring](#)).

- 2.4.13 Lawyers and human rights groups reported irregular implementation of laws in relation to the right to a fair trial, particularly with regard to access to lawyers, and there were reports of government intimidation and arrest of lawyers working on terrorism cases. Lawyers may have limited access to their clients, thus hampering their ability to defend them, and terrorism trials may lack compelling evidence of criminal activity and rely instead on secret testimony or guilt by association. In addition, individuals can be held for periods of three to five years in pre-trial detention (see [Fair trial](#)).
- 2.4.14 Some of the interlocutors who met with the HO FFT suggested that some Kurdish persons are released from detention on condition that they act as informants for the authorities; the Human Rights Association believed that Kurdish students and journalists are the main groups targeted. Some interlocutors thought that a person suspected of terrorism would be monitored by the authorities on release from prison, but the representative of the Ministry of Justice stated that this was not the case, unless there were reasonable grounds to do so (see [Conditions of release from detention](#)).
- 2.4.15 A representative from the Human Rights Association told the HO FFT that there are several types of 'blacklist' record used by the authorities to check persons entering the country. If a person is wanted by the police or the security services, this will be flagged up (see [Returnees to Turkey](#)).
- 2.4.16 The Turkish government has a legitimate right to act against terrorism – including acts committed by the PKK and its affiliates – and to use all lawful and proportionate means to do so. This includes seeking to prosecute those who belong to, or profess to belong to, or invite support for, the organisation.
- 2.4.17 Those fleeing prosecution or punishment for a criminal offence are not normally refugees. However, prosecution may amount to persecution if it involves victimisation in its application by the authorities; for example, if it is the vehicle or excuse for or if only certain groups are prosecuted for a particular offence and the consequences of that discrimination are sufficiently severe. Punishment which is cruel, inhuman or degrading (including punishment which is out of all proportion to the offence committed) may also amount to persecution.
- 2.4.18 In order for the person to qualify on the basis of a breach of Article 6 of the European Convention on Human Rights (right to a fair trial), they need to demonstrate a real risk of a flagrant violation of that right. Decision makers should consider whether a person has demonstrated that the alleged treatment in the country of return would be so serious as to amount to a

flagrant violation or a flagrant denial of the protected right. For further information, see the [Asylum Instruction on Considering human rights claims](#).

- 2.4.19 In general, members of, and those associated with, or suspected of being associated with, the PKK and its affiliates are likely to face prosecution, rather than persecution, on return to Turkey on the grounds of membership of, or support for, an armed terrorist organisation, but each case must be considered with regard to its individual circumstances and it is up to a person to show that they would not be subject to due process on return.
- 2.4.20 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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b) Relatives of members or sympathisers of the PKK and its affiliates

- 2.4.21 When the HO FFT visited Turkey in June 2019, some interlocutors suggested that family members of those suspected of membership of, or support for, the PKK, may have difficulties in obtaining a job or a passport, or they may be harassed by the authorities as a way of impacting the PKK member/supporter (see [Family members of PKK members/supporters](#)).
- 2.4.22 Even when taken cumulatively, state action against family members of actual or suspected PKK members/supporters does not in general, by its nature or repetition, amount to a real risk of persecution and/or serious harm. However, decision makers must consider whether there are factors specific to the person which would place them at real risk.
- 2.4.23 Each case must be considered on its facts with the onus on the person to show that the levels of discrimination they will face would amount to a well-founded fear of persecution and/or serious harm if returned to Turkey.
- 2.4.24 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 If the person has a well-founded fear of persecution and/or serious harm from the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 If the person has a well-founded fear of persecution and/or serious harm by state actors, they will not be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 last updated: 13 February 2020

3. The PKK

3.1 Origins of the PKK

- 3.1.1 The European Asylum Support Office 'Country Focus' report on Turkey, dated November 2016 (EASO 'Country Focus' report 2016), citing various sources, stated:

'Founded by Abdullah Öcalan in 1978 as a Marxist-Leninist separatist organisation, the Kurdistan Workers' Party (Partiya Karkerên Kurdistanê, PKK), primarily composed of Turkish Kurds, launched an armed struggle against the Turkish Government in 1984 [...]. Since the start of the conflict in 1984, over 40 000 people were killed. The PKK leader, Abdullah Öcalan, has been imprisoned since 1999.

'The PKK, with other political and armed groups, belongs to a Kurdish umbrella organisation, the Kurdistan Communities Union (Koma Civakên Kurdistan – KCK).'¹

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3.2 Proscription of the PKK

- 3.2.1 In June 2019, the Home Office undertook a fact-finding mission to Turkey to explore issues concerning Kurds, Kurdish politics and the PKK. The Home Office fact-finding team (HO FFT) were informed that the PKK is an illegal organisation under Turkish law^{2,3,4,5}.
- 3.2.2 International Crisis Group (ICG) noted that the PKK is listed as a terrorist organisation by Turkey, the US and the EU⁶. The UK proscribed the PKK in March 2001; the Home Office publication of proscribed terrorist organisations includes information about what proscription involves⁷.
- 3.2.3 Al Jazeera reported in August 2019 that 'Ocalan [Abdullah Ocalan] has been held in an island prison since Turkish special forces captured him in Kenya in 1999.'⁸

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3.3 Support for the PKK

- 3.3.1 The Australian National Security website noted:

'The group draws on considerable logistical support from a large number of sympathisers among the Kurdish community in south-east Turkey, Syria and

¹ EASO, 'Country Focus' Report 2016, section 4.2.1, November 2016, [url](#)

² HO FFM report, Turkey, 2019, human rights lawyer, 17 June 2019

³ HO FFM report, Turkey, 2019, Truth, Justice and Memory Centre, 18 June 2019

⁴ HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019

⁵ HO FFM report, Turkey, 2019, Turkish Ombudsman's Office, 20 June 2019

⁶ ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [url](#)

⁷ GOV.UK, 'Proscribed Terrorist Organisations,' page 15, 22 December 2017, [url](#)

⁸ Al Jazeera, 'Jailed PKK leader Ocalan "ready for a solution" with Turkey', 9 August 2019, [url](#)

Iran. There are also thousands of PKK supporters outside the region, mostly in Germany, the Netherlands and Belgium.

'[...] Most recruitment in rural areas of Turkey occurs through personal acquaintance. The group recruits both men and women for all activities, and recent recruiting strategies have focused on youth. In urban areas and in Europe, a network of PKK members and sympathisers working in non-government organisations and pro-Kurdish political parties reportedly manage financing, propaganda and recruitment processes.'⁹

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3.4 Aims and tactics of the PKK

- 3.4.1 In February 2016, Rudaw, a media group in Iraqi Kurdistan, reported that, 'The PKK has renounced the use of terrorist tactics and Ocalan has committed to seeking a political resolution to the Kurdish issue. The PKK's armed wing claims it limits its activities to confrontations with and attacks on the Turkish military and security forces.'¹⁰
- 3.4.2 The HO FFT met Estella Schmid, a co-founder of Peace in Kurdistan, who stated, 'The PKK want a peaceful and democratic autonomous region for Kurds; one of their main aims is for Kurdish people to have the same rights as other ethnicities in the region.'¹¹
- 3.4.3 The HO FFT also met the Director of a Turkish organisation in the UK, who stated, 'The aims of the PKK have varied over the years. The PKK have previously desired an autonomous region for the Kurds but are now focussing on obtaining equal rights for Kurds.'¹²
- 3.4.4 An EASO report of 2016 noted, 'The PKK's original goal was to establish an independent Kurdish state in south-eastern Turkey, but in recent years it has spoken more often about autonomy within a Turkish state that guarantees Kurdish cultural and linguistic rights.'¹³
- 3.4.5 The US Central Intelligence Agency (CIA) World Factbook noted that the primary targets of the PKK include government, military and security personnel facilities¹⁴.

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3.5 Identification of PKK members

- 3.5.1 During the Home Office fact-finding mission (HO FFM), one source noted that the PKK does not issue identity documents as it would be dangerous to be caught by the authorities carrying such a document¹⁵. The Director of a Turkish organisation in the UK also noted that the PKK has no membership card or membership list, which could be checked¹⁶.

⁹ Australian Government, 'National Security, Terrorist organisations, PKK', undated, [url](#)

¹⁰ Rudaw, 'Who are the Kurdistan Freedom Hawks (TAK)?' 20 February 2016, [url](#)

¹¹ [HO FFM report, Turkey, 2019, Peace in Kurdistan, 11 June 2019](#)

¹² [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹³ EASO, 'Country Focus' Report 2016, section 4.2.1, November 2016, [url](#)

¹⁴ CIA, 'World Factbook Turkey', last updated 30 October 2019, [url](#)

¹⁵ [HO FFM report, Turkey, 2019, anonymous source, 19 June 2019](#)

¹⁶ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

3.6 Relationship with the HDP

- 3.6.1 For further information please see the country policy and information note on [Turkey: Kurdish political parties](#).

Section 4 last updated: 9 December 2019

4. Affiliates of the PKK

4.1 Koma Civakên Kurdistan (Kurdistan Communities Union) (KCK)

- 4.1.1 Ahval, a Turkish online news outlet, reported in July 2019 that ‘The KCK is an umbrella organisation that includes the Kurdistan Workers’ Party (PKK) [...]’.¹⁷
- 4.1.2 Global Rights reported in March 2018:
‘Although the Turkish media widely identified the KCK as the “PKK’s urban organization” and continues to do so, this is not exactly what the KCK stands for. The KCK is the acronym for the Koma Civakên Kurdistan, meaning the Union of Kurdistan Communities. The KCK was established through the reorganization of the PKK within the framework of the principle of “democratic confederalism” suggested by Abdullah Öcalan in his 2004 book “Bir Halkı Savunmak” [Defending A Nation]. The concept was suggested as an alternative to the nation-state and as a model to solve the problems in the Middle East. In this framework, the KCK is like an executive organ coordinating the PKK and all the parties and organizations operating in the other Kurdish regions as an extension of the PKK.’¹⁸
- 4.1.3 Further information about the KCK is available at [Kurdish Issue](#)¹⁹.

4.2 Halkların Birleşik Devrim Hareketi (People’s United Revolutionary Movement) (HBDH)

- 4.2.1 Television Radio Turkey (TRT), a state-owned broadcasting service in Turkey, reported in January 2018 that the Peoples’ United Revolutionary Movement was ‘An alliance of ten pro-PKK leftist organisations in Turkey.’²⁰
- 4.2.2 Quoting various sources, the EASO ‘Country Focus’ report 2016 stated:
‘On 12 March 2016, a PKK-led umbrella organisation, the People’s United Revolutionary Movement (Halkların Birleşik Devrim Hareketi / HBDH), comprising nine illegal leftist and proKurdish extremist groups was established, led by senior PKK leader Duran Kalkan. The HBDH was created to represent extreme leftist militancy, opposing the Turkish state and the AKP. Its mission is “to unite and strengthen Turkey’s revolutionary forces and promote armed struggle against the Turkish government”. Its means are

¹⁷ Ahval, ‘Senior KCK member killed in Turkish attack in northern Iraq’, 7 July 2019, [url](#)

¹⁸ Global Rights, ‘Kurdish communities union’, 11 March 2018, [url](#)

¹⁹ Kurdish Issue, ‘Backgrounder on the KCK’, 29 November 2011, [url](#)

²⁰ TRT world, ‘The many names of the PKK’, 25 January 2018, [url](#)

said to be propaganda and terrorist attacks through unified efforts of different groups. Its focus is on Turkey, but it could also participate in the fighting in Syria. The HBDH held its first meeting in February 2016 in Latakia, Syria.’²¹

4.2.3 ANF news reported in August 2019:

‘Peoples’ United Revolutionary Movement (HBDH) claimed responsibility for the action which targeted a factory belonging to Ercal family in Alaplı district of Zonguldak province, in the Black Sea region north of Turkey.

‘Accordingly, the factory was targeted by HBDH Nubar Ozanyan Vengeance militia on August 6 [2019]. The fire started after the strike by the mentioned HBDH unit left the factory unusable.

‘HBDH stated that the action was carried out “in memory of internationalist comrade Nubar Ozanyan who joined the fight for the freedom of Rojava peoples, trained hundreds of fighters, participated in the founding efforts of HBDH and fell a martyr for the cause of the brotherhood and freedom of all oppressed peoples on August 14 2017.”²²

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4.3 Yekîneyên Parastina Sivîl (Civil Defence Units) (YPS) & Yurtsever Devrimci Gençlik Hareket (Patriotic Revolutionary Youth Movement) (YDG-H)

4.3.1 TRT reported in January 2018 that the Patriotic Revolutionary Youth Movement was ‘The urban, militant youth wing of the Kurdistan Workers’ Party (PKK).’²³

4.3.2 Quoting various sources, the EASO ‘Country Focus’ report 2016 stated:

‘The PKK affiliate forces consist of the Civil Defense Units (YPS), the youth branch of PKK, formerly known as the Patriotic Revolutionary Youth Movement (Yurtsever Devrimci Gençlik Hareket /YDG-H). These forces, deployed by the PKK in the cities, consist of a small number of trained militants – including some who gained experience of urban warfare from fighting against ISIS during the 2014-15 siege of Kobanî – supplemented by a larger number of young, mostly relatively untrained, volunteers.

‘According to the mission conducted by EuroMed Rights and FIDH in January 2016, since the resurgence of the conflict (July 2015), “the strategy of the PKK and its affiliated forces, in particular the Patriotic Revolutionary Youth Movement (YDG-H, the youth branch of PKK), has been to occupy all or parts of cities and to ‘remove’ them from civil government rule by isolating them through trenches and barricades”. This strategy has had severe consequences for the population which has served as a de facto shield for Kurdish fighters.’²⁴

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²¹ EASO, ‘Country Focus’ Report 2016, section 4.2.1, November 2016, [url](#)

²² ANF News, ‘HBDH claims the action against factory in Alaplı, northern Turkey’, 12 August 2019, [url](#)

²³ TRT World, ‘The many names of the PKK’, 25 January 2018, [url](#)

²⁴ EASO, ‘Country Focus’ Report 2016, section 4.2.2, November 2016, [url](#)

4.4 Kurdistan Freedom Falcons or Teyrenbazen Azadiya Kuridstan (TAK)

4.4.1 TRT reported in January 2018 that the Kurdistan Freedom Hawks were 'A militant offshoot of the PKK which seeks Kurdish independence from Turkey.'²⁵

4.4.2 In February 2016, Rudaw reported:

'The Kurdistan Freedom Hawks (Teyrebazen Azadiya Kurdistan – TAK) claimed responsibility for Wednesday's suicide bombing in Ankara that killed 28 and wounding 61 others, calling it a "War Of Taking Revenge." "This was a revenge for Kurds killed and burned in Cizre by the fascist Erdogan and his gang," the group said in a statement published online on Saturday. [...]

'Little is known about TAK. It appeared on the scene in mid-2004, carrying out small, non-lethal attacks at first. However they quickly, and deliberately, began targeting and killing civilians and tourists. It appears to have been founded within the the Kurdistan Workers Party (PKK) and still claims Abdullah Ocalan, the imprisoned head of the PKK, as its leader though it severed ties with that organization, stating that they could no longer accept what they call the "passive struggle methods" of the PKK.

"We will be in more radical position... After now, our attacks will continue and become more violently [sic]. We, as an organization are not connected with or dependent on any one or anywhere. Each militants [sic] of our force is ready to sacrifice his/her life for this struggle. We have the will and force to do all kind of action. Our military training and technical opportunities are adequacy [sic] for all kind of actions," proclaimed an undated statement published on TAK's website announcing its separation from the PKK.

'TAK's aim is to oppose Turkey's repression of the Kurdish minority and to avenge the deaths of Kurds killed by Turkish authorities. "The military bureaucracy, economy and tourism are our top priority targets, while terror of state is not stopped [sic]."

'TAK's leadership and numbers are unknown but it claims on its website that its ranks have swelled three-fold and it is welcomed by the people.

'In its statement released yesterday, TAK reiterated its commitment to targeting tourists, arguing that attacking the tourism industry damages Turkey economically and is therefore justified. Tourism accounts for approximately 10% of Turkey's GDP.'²⁶

4.4.3 Quoting various sources, the EASO 'Country Focus' report 2016 stated:

'The Kurdistan Freedom Falcons (Teyrênbazê Azadiya Kurdistan, TAK) is a very secretive Kurdish separatist organisation [...].

'The TAK's goal is an independent Kurdish state in eastern and south-eastern Turkey. According to some Turkish security analysts, Bahoş Erdal is the TAK's leader, although this is not verified.

²⁵ TRT World, 'The many names of the PKK', 25 January 2018, [url](#)

²⁶ Rudaw, 'Who are the Kurdistan Freedom Hawks (TAK)?' 20 February 2016, [url](#)

‘The group started its public operations in 2005 when it exploded a bomb in a tourist location, in Kuşadası. From 2005 onwards TAK launched more deadly attacks.

‘Although acknowledging that little is known about TAK, the Jamestown Foundation indicated, in 2006, that there are important ideological differences between the PKK and the TAK. While the PKK has mainly attacked military and government targets, TAK has spread its attacks wider, claiming responsibility for strikes on civilian, police and military targets. According to the Jamestown Foundation, “the geographical spread of TAK attacks also suggests that its members live in Kurdish migrant communities in western Turkey and in Istanbul, rather than in the Kurdish heartlands of the southeast that were the focus of PKK actions”. It added that the PKK statements, striving for negotiations, are now more carefully chosen whereas the TAK’s statements are “deliberately uncompromising”.

‘In 2010 TAK carried out two attacks, one on a bus of Turkish soldiers and their families, and the other on a police vehicle. Since 2015, it seems that activities of the TAK have become more intensive. The group has claimed responsibility for a mortar attack that killed one worker at Istanbul Sabiha Gokcen Airport in December 2015. In 2016, TAK also claimed responsibility for an attack on a military convoy in Ankara (17 February) that killed 28 people, a car bomb attack in Ankara (13 March) that killed 37 people, and a car bomb (7 June) that destroyed a police vehicle in the Istanbul Vezneciler neighbourhood, killing 12 people and wounding dozens more. The group claimed that the June attack had been carried out in retaliation for Turkish Army operations in south-eastern Turkey, and it warned tourists to stay away from the country.

‘Some experts, such as Sinan Ülgen (the head of the EDAM Think tank and a former Turkish diplomat) speculated that the PKK could hide itself behind the TAK in order not to tarnish its reputation when it carried out bloody actions.’²⁷

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Section 5 last updated: 9 December 2019

5. Government/PKK conflict

5.1 Key events linked to Kurdish issues, June 2015 onwards

5.1.1 Key timeline:

June 2015	The People’s Democratic party (HDP) entered parliament and deprived the AKP party of a majority after elections ²⁸ .
July 2015	The ceasefire ended between the PKK, a Kurdish rebel group, and the Turkish government. It had been in place since 2013. Fighting recommenced ²⁹ .

²⁷ EASO, ‘Country Focus’ Report 2016, section 4.2.3, November 2016, [url](#)

²⁸ BBC, ‘Turkey profile- Timeline’, 24 June 2019, [url](#)

²⁹ BBC, ‘Turkey profile- Timeline’, 24 June 2019, [url](#)

November 2015	Governing AKP party regained parliamentary majority in snap elections, but had insufficient votes for referendum to boost President Erdogan's powers ³⁰ .
February 2016	38 people killed in a bomb attack in Ankara. Kurdistan Freedom Hawks (TAK), a breakaway group from the PKK, claimed responsibility ³¹ .
May 2016	Immunity from prosecution removed for HDP and some other MPs on 20 May ³² .
July 2016	Coup attempt on 15 July ³³ . President Erdogan declared a state of emergency on 20 July ³⁴ .
November 2016	Selahattin Demirtas and Figen Yuksekdag, co-Chairs of the HDP, were imprisoned, charged with failing to co-operate with a counter-terrorism investigation ³⁵ .
Late 2016	Dozens of elected HDP mayors removed from their posts in the southeast, accused of links to the PKK, and replaced with government-appointed trustees ³⁶ .
April 2017	Presidential referendum won by the AKP party and Erdogan's powers were extended ³⁷ . Turkey launched air strikes on US Kurdish allies in Syria and Iraq ³⁸ .
January 2018	Turkey launched its 'Olive Branch' land and air operation in north-western Syria, seizing large areas from Kurdish control, including the town of Afrin ³⁹ . Turkey wished to counter People's Protection Units (YPG), which it considered a terrorist group and an extension of the PKK ⁴⁰ .
February 2018	Curfews imposed on 176 towns and villages in the southeastern province of Diyarbakir, following the launch of Operation Olive Branch ⁴¹ .
June 2018	Erdogan wins another term in the June 2018 elections ⁴² .

³⁰ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

³¹ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

³² BBC, 'Turkey HDP: Blast after pro-Kurdish leaders Demirtas and [...]', 4 November 2016, [url](#)

³³ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

³⁴ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

³⁵ CNN, 'Kurdish People Fast Facts', 8 May 2019, [url](#)

³⁶ BBC, 'Turkey must free Selahattin Demirtas, European rights court says', 20 November 2018, [url](#)

³⁷ The New Arab, 'Turkey removes elected pro-Kurdish mayors, accused of [...]', 19 August 2019, [url](#)

³⁸ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

³⁹ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

⁴⁰ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

⁴¹ BBC, 'Turkey targets Kurdish forces in Afrin: The short, medium [...]', 22 January 2018, [url](#)

⁴² Hurriyet Daily, 'Turkish authorities impose 176 new curfews on villages, [...]', 14 February 2018, [url](#)

⁴³ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

July 2018	End of state emergency ⁴³ .
September 2018	Selahattin Demirtas was sentenced to four years and eight months in jail for making and spreading terrorist propaganda ⁴⁴ .
November 2018	The European Court of Human Rights ordered Turkey to release Selahattin Demirtas from prison. President Erdogan stated that the ruling was not binding ⁴⁵ .
January 2019	Having been refused visits since September 2016, Abdullah Ocalan was allowed to see his brother, Mehmet. Ocalan has been in a high-security prison since 1999 ⁴⁶ .
May 2019	Abdullah Ocalan was allowed a visit from his lawyers for the first time in eight years. He called on activists around the world to end their hunger strikes which were in protest at his being kept in isolation ⁴⁷ .
June 2019	The AKP party conceded Istanbul to the CHP party in mayoral elections. Erdogan had insisted on a re-run of the poll when the CHP won narrowly in March ⁴⁸ .
August 2019	Three elected HDP mayors were removed from their posts in Diyarbakir, Mardin and Van, in the southeast, accused of links with terrorism. They were replaced with government-appointed trustees. In addition, more than 400 people were detained, accused of links to the PKK ⁴⁹ .
October 2019	On 9 October, Turkish forces commenced 'Operation Peace Spring' in north-east Syria. Many Turkish Kurds opposed this, seeing it as part of a broader anti-Kurdish policy ^{50,51} .
November 2019	The total number of HDP mayors removed from their posts due to alleged links to terrorism since the local elections of March 2019 reached 24 ⁵² .

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5.2 1984 to 2015

5.2.1 Quoting various sources, the EASO 'Country Focus' report 2016 stated:

'The conflict has undergone several phases of hostilities followed by various attempts at peace talks and ceasefires. From August 1984, date of the first

⁴³ Reuters, 'Turkey's emergency rule expires as Erdogan's powers expand', 18 July 2018, [url](#)

⁴⁴ BBC, 'Turkey HDP: Court jails pro-Kurdish leader Demirtas,' 7 September 2018, [url](#)

⁴⁵ BBC, 'Turkey must free Selahattin Demirtas, European rights court says,' 20 November 2018, [url](#)

⁴⁶ BBC, 'Leyla Guven: MP on hunger strike for 77 days in Turkey,' 23 January 2019, [url](#)

⁴⁷ BBC, 'Welsh hunger striker calls off Kurdish protest,' 26 May 2019, [url](#)

⁴⁸ BBC, 'Turkey profile- Timeline', 24 June 2019, [url](#)

⁴⁹ The New Arab, 'Turkey removes elected pro-Kurdish mayors, accused of [...],' 19 August 2019, [url](#)

⁵⁰ Reuters, 'Syria offensive feeds disenchantment among Turkey's Kurds,' 23 October 2019, [url](#)

⁵¹ Sputnik News, 'Live Updates: Turkey Continues "Operation Peace [...]"', 17 October 2019, [url](#)

⁵² Ahval News, 'Turkey removes four more HDP mayors in southeast,' 16 November 2019, [url](#)

PKK armed attack, until 1999, armed struggle opposed the state and PKK rebel groups. Several months after Abdullah Öcalan's arrest, in February 1999, the PKK leader called on the insurgent group to abandon the armed struggle.

'From 1999 to 2004, security conditions gradually improved. In 2002, Turkey lifted the state of emergency which was in place in several provinces in the south-east. In 2004, however, the PKK announced the end of the ceasefire, and violence resumed, until a new ceasefire was declared in August 2010, and lasted until June 2011.

'In 2009, the Turkish Government launched the Kurdish Opening, a multi-tiered policy intended to resolve the longstanding conflict between the Turkish Government and the Kurdish population. In general, the proposal included larger cultural rights for Kurds, some form of local autonomy, and incentives to PKK's fighters to disarm. The Kurdish Opening suffered numerous political, judicial and organisational setbacks and failed within a year.

'On 11 December 2009 the Constitutional Court banned the pro-Kurdish DTP [Democratic Society Party] due to its close association with the PKK. This was the moment of no return for the entire Kurdish Opening. Over 1 000 Kurdish notables were arrested for alleged support to PKK.

'After the failure of the Kurdish Opening, the dialogue between the Turkish Government and the PKK was resumed in the secret and unconfirmed "Oslo process", between 2010 and 2011. While a potential protocol of understanding was being discussed, fighting led to the death of 14 Turkish soldiers in June 2011 and, six months later, to the death of 34 Kurdish smugglers, apparently mistaken for militants. These events hampered the dialogue and "what was discussed in Oslo, stayed in Oslo".

'At the end of 2012, peace negotiations between the PKK and the government were initiated which led, in March 2013, to a new ceasefire. On 11 June 2014, the Turkish Parliament adopted a law aiming at a solution of the Kurdish issue. The law encompasses measures to eliminate terrorism, strengthen social inclusion, reintegrate those who leave the PKK and lay down their arms, and prepare the public opinion for the return of former fighters. The law, welcomed by the PKK leader and pro-Kurdish parties, entered into force on 1 October 2014.

'Despite the ceasefire (March 2013-July 2015), International Crisis Group (ICG) reports that scattered violence continued. The two-year ceasefire collapsed in July 2015 after the Suroç attack, a suicide bombing that killed 33 Kurdish and Turkish student activists and injured more than 100. Since then, the conflict has spread to Turkey's predominantly Kurdish cities and developed into urban warfare.'⁵³

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5.3 2015 to 2019

5.3.1 In July 2017 ICG published an article which stated:

⁵³ EASO, 'Country Focus' Report 2016, section 4.2.1, November 2016, [url](#)

'Since violence resumed in July 2015, the 33-year conflict with the PKK [...] has devastated neighbourhoods and livelihoods across urban districts of the majority-Kurdish south east. [...] Turkish security forces conducted hundreds of operations in urban and rural areas of the south east, while the PKK - after a period of intense clashes in urban centres and attacks with improvised explosive devices (IEDs) also in western cities of Turkey - returned to fighting in rural areas in June 2016.'⁵⁴

5.3.2 ICG further stated:

'Violence peaked between February and May 2016 when fighting erupted in some urban districts of south-eastern Turkey for the first time in the conflict's 33-year history. The PKK had built up an armed presence in the region during the 2012-2015 peace process. Around one third of all deaths occurred in Hakkari province's Yüksekova district, Şırnak province's Cizre and Silopi districts, Şırnak's provincial centre, Mardin province's Nusaybin district and Diyarbakır province's Sur district. In June 2016, the conflict moved back to its traditional rural arena. Since then, around 90 per cent of all deaths, as tracked by Crisis Group, occurred in rural south-eastern districts.

'The PKK or its affiliates have not carried out any major attack in the country's urban centres and the west of Turkey since December [2016]. U.S. pressure, intense operations by the Turkish military and PKK's strategic considerations appear to have contained its attacks.'⁵⁵

5.3.3 The US Department of State's Country Report on Human Rights Practices 2017, released 20 April 2018 and covering events of 2017 (USSD HR Report 2017), stated, 'Clashes between security forces and the PKK terrorist organization and its affiliates continued throughout the year, although at a reduced level from 2016, and resulted in the injury or deaths of security forces, PKK terrorists, and an unknown number of civilians.'⁵⁶

5.3.4 Jane's Sentinel published information dated May 2018, which stated:

'Fighting between the Partiya Karkerên Kurdistan (PKK) and the government in the country's southeast has now abated following the peak intensity of incidents in mid-2016, when the overall level of violence had reached levels unprecedented in the 30-year history of the PKK insurgency. This is partly a result of the government's increasingly effective usage of technological solutions, such as unmanned aerial vehicle (UAV) patrols. [...]

'Separately, there is a continued, albeit mitigated, risk of VBIED and shooting attacks by PKK affiliates in western Turkey. Besides characteristic targets such as police stations and buses carrying security forces personnel, the PKK's target set also includes government bureaucrats, as demonstrated by the 5 January 2017 VBIED attack on the Izmir courthouse. Between 2015 and 2017, the PKK conducted 10 attacks in western Turkish cities, with approximately 133 people killed in the assaults. However, the January 2017 attack was the last such assault by the PKK, despite the continuation of its

⁵⁴ ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

⁵⁵ ICG, 'Turkey's PKK Conflict Kills almost 3,000 in Two Years,' 20 July 2017, [URL](#)

⁵⁶ USSD HR Report 2017, Executive Summary, 20 April 2018, [URL](#)

insurgency in the country's southeast. This can be partly explained as the group deliberately withholding attacks, given its desire to retain a “moral high ground” and to focus on its international public relations gains from the leading role that it played in the war against the Islamic State in Syria.’⁵⁷

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5.4 Developments in 2019

5.4.1 In October 2019, ICG noted:

‘With the stated goal of “ending the PKK”, the Turkish military launched air and ground offensives against the militants in northern Iraq (dubbed Operation Claw) on 27 May 2019. In a first since 2008, Turkish ground forces penetrated around 20km deep into Iraqi territory to clear out militants, cut off logistical routes and destroy ammunition depots. The Turkish military also created new security outposts. As of 4 October, Crisis Group could confirm the deaths of 57 PKK militants and nine Turkish soldiers in northern Iraq since Operation Claw began.’

5.4.2 The ICG report further stated:

‘An important component of Ankara’s campaign in the last year has been the targeting of seasoned PKK operatives. The exact number killed is disputed. The Turkish interior minister, Süleyman Soylu, said on 7 August [2019] that the army had “neutralised” (which could mean killed or captured) 87 “high-ranking” PKK militants in the first seven months of 2019. Turkish media outlets reported the deaths of twenty in the same period. The PKK has so far only confirmed ten of these militants dead, nine in Turkey and one in northern Iraq.’⁵⁸

5.4.3 The same report noted, ‘While the impact in Turkey itself of Ankara’s military incursion into north east Syria against the SDF/YPG that began on 9 October [2019] remains unclear, it could fuel the PKK’s insurgency against Turkey.’⁵⁹

5.4.4 For information about government human rights violations in the course of dealing with the PKK, see the Country Policy and Information Note on [Turkey: Kurds](#).

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5.5 Casualties

5.5.1 In October 2019, ICG noted:

‘Crisis Group’s data shows that 4,686 individuals have been killed since July 2015. Of those individuals, more than half are PKK militants (2,758), 22.4 per cent of whom are female. Around a quarter (1,215) consist of State Security Force members (including soldiers, police and village guards). There have been 490 civilians confirmed dead (the remaining 223 are “individuals of unknown affiliation”, a category Crisis Group uses for those

⁵⁷ Jane's Sentinel, Turkey, Security, 28 May 2017, subscription source

⁵⁸ ICG, ‘Assessing the Fatalities in Turkey’s PKK Conflict,’ 22 October 2019, [url](#)

⁵⁹ ICG, ‘Assessing the Fatalities in Turkey’s PKK Conflict,’ 22 October 2019, [url](#)

killed in urban centres – almost all between December 2015 and June 2016 – about whom it is not known if they are civilians or PKK militants).

[...]

‘The militant-to-state security force member fatality ratio provides some indication of the Turkish campaign’s impact. Since fighting shifted back into rural areas in July 2016 (after a deadly urban phase between December 2015 and June 2016), the Turkish military has been on the offensive. In the first year, 1.65 PKK militants were killed for each soldier, police officer or village guard; this figure rose to 2.22 in the second year and then to 3.22 in the third. In the last year, from July 2018 to July 2019, 3.36 PKK militants were killed for each state security force member.’⁶⁰

- 5.5.2 The United States Country Report on Human Rights Practices for 2018 (USSD HR Report 2018) noted that ‘According to the Human Rights Foundation of Turkey (HRFT), in the first 11 months of the year, 33 civilians, 185 security force members, and 311 PKK militants were killed in eastern and southeastern provinces in PKK-related clashes. According to the Ministry of Interior, as of October 30 [2018], security forces had killed 1,451 PKK members.’⁶¹

- 5.5.3 Freedom House reported in February 2019: ‘The intensity of the conflict between security forces and the PKK, which has killed more than 4,000 people since 2015, also decreased in 2018, but more than 300 people were killed in fighting within Turkey’s borders during the year.’⁶²

- 5.5.4 The USSD HR Report 2018 gave the following information, gleaned from various sources:

‘Estimates of casualties from government-PKK clashes varied considerably and remained a topic of debate at year’s end.

‘According to the International Crisis Group, from mid-2015 to the end of July, at least 1,098 security force members, 2,218 PKK terrorists, 457 civilians, and 223 youth of unknown affiliation died in PKK-related fighting.

‘The HRA [Human Rights Association] claimed that in the first 11 months of the year, 185 security officers, 33 civilians, and 311 PKK affiliates were killed during clashes; 323 security officers and 111 civilians were reportedly injured.

‘The HRA asserted that security officers killed 14 civilians, including seven killed due to armored vehicle crashes and injured in arbitrary killings throughout the country during the same period, including at government checkpoints and in government-PKK violence. Government data on casualty tolls was unavailable.’⁶³

- 5.5.5 For information about government human rights violations in the course of dealing with the PKK, see the Country Policy and Information Note on [Turkey: Kurds](#).

⁶⁰ ICG, ‘Assessing the Fatalities in Turkey’s PKK Conflict,’ 22 October 2019, [url](#)

⁶¹ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

⁶² Freedom House, ‘Freedom in the World 2019,’ 4 February 2019, [url](#)

⁶³ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

5.6 PKK-related violence

5.6.1 In an article dated October 2019, ICG stated:

'[...] fighting has moved out of the cities. Over the last two years, neither the PKK nor its affiliate the Kurdistan Freedom Hawks has carried out attacks in metropolitan areas. Fatalities – Crisis Group could confirm an average of 40 per month in 2019 – have been concentrated in the rural areas of Turkey's Kurdish-majority south east. Over the past year, the death rate among PKK militants, and particularly in northern Iraq, has risen. Ankara's stepped-up operations, involving curfews, drone strikes and more state security forces, have killed higher numbers of seasoned PKK figures in 2019 than in any of the previous three years of escalation. Killing more PKK militants, however, is not translating into victory for Ankara as the PKK draws on fighters from outside Turkey and capitalises on pent up anti-state resentment among some Kurds.'⁶⁴

5.6.2 The USSD HR Report 2018 stated, 'Clashes between security forces and the Kurdistan Workers' Party (PKK) terrorist organization and its affiliates continued throughout the year, although at a reduced level compared with previous years, and resulted in the injury or death of security forces, PKK terrorists, and an unknown number of civilians.'⁶⁵

5.6.3 The USSD HR Report 2018 further stated:

'The PKK continued its nationwide campaign of attacks on government security forces and, in some cases, civilians. On March 19 [2018], for example, PKK terrorists killed a villager and injured four others in Bitlis Province. On July 31 [2018], the wife and infant son of a Turkish soldier were killed in a roadside improvised explosive device (IED) attack in Hakkari Province. On October 4 [2018], eight Turkish soldiers were killed in an IED attack that represented the largest single loss of life in one PKK attack in at least two years.'⁶⁶

5.6.4 In July 2019, Haberler.com, a Turkish news portal, reported:

'The PKK terrorists have martyred at least nine civilians, including children, this year in Turkey, according to the information gathered by Anadolu Agency.

'The terror group killed at least one civilian and injured seven others as it detonated an improvised explosive device on roadside in Turkey's eastern Agri province on June 1 [2019].

'On June 10 [2019], the PKK terrorists again targeted road construction workers, who were building a road in the Yuksekova district of eastern Hakkari province. At least two workers were slain by the terrorists.

'Also in June [2019], a 53-year-old shepherd was kidnapped by the PKK terrorists in eastern Kars province. Suleyman Guldere was abducted while he was herding his cattle in Yankipinar village. Guldere's body was found

⁶⁴ ICG, 'Assessing the Fatalities in Turkey's PKK Conflict,' 22 October 2019, [url](#)

⁶⁵ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

⁶⁶ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

dead from a gunshot wound in a tent nearby Cemce neighborhood, which is considered a critical area in terms of terror incidents.

'The terrorists continued to target shepherds in early July [2019]. Two more shepherds were found dead after being abducted by the PKK in southeastern Sirnak province. Abdulhakim Demir and Vali Cevik were kidnapped while herding their flocks in Gecitboyu village. Their bodies were later found dead from gunshot wounds.

'On Monday, another road construction worker, Syrian national Valid Youssef, was killed in a roadside bombing also in Sirnak province. The bloody attack injured two others, including one in critical condition.

'The PKK terrorist organization's latest attack involved children on Monday. Two siblings in eastern Tunceli province were killed by an explosive planted beforehand by the terrorists. Ayaz Guloglu, 8, lost his life at the scene after stepping on the explosive, while his sister Nupelda Guloglu, 4, lost her life at an Elazig hospital after being rushed there by a military helicopter.'⁶⁷

5.6.5 The USSD HR Report 2018 further stated:

'PKK tactics included assault with conventional weapons, vehicle-borne bombs, IEDs, and targeted killings. At times IEDs or unexploded ordnance, usually attributed to the PKK, killed or maimed civilians and security forces. For example, on April 3 [2018], in Diyarbakir province, a PKK attack left one village guard dead and another six wounded.

'PKK attacks claimed the lives of noncombatant civilians, including through kidnappings. In June [2018] the PKK kidnapped and later killed a father and son in Diyarbakir. According to the Diyarbakir governor, a note left by the PKK claiming they had shot and killed the father and son was found on their bodies.

'The PKK abducted or attempted to abduct both officials and civilians. According to media reports, the PKK abducted at least one security officer and ambulance personnel in Diyarbakir.

'Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast.'⁶⁸

5.6.6 The Australian Department of Foreign Affairs and Trade (DFAT) report of October 2018, which used a wide range of sources, stated, 'International human rights observers claim the PKK abducted 20 officials and civilians in 2017.'⁶⁹

5.6.7 The USSD HR Report 2018 also mentioned the alleged recruitment of children:

'The government alleged the PKK recruited and forcibly abducted children for conscription, while many in the country's Kurdish community asserted that youth generally joined the terrorist group voluntarily. State-run media outlet, Anadolu Agency, reported in October on several cases of alleged PKK recruitment of children. The report stated that one victim told authorities

⁶⁷ Haberler.com, 'Turkey: PKK Terrorists Kill At Least 9 Civilians In 2019,' 15 July 2019, [url](#)

⁶⁸ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

⁶⁹ DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

he was forced to join the group at age 13 and that children as young as 11 were lured by promises of monetary compensation and were taken to PKK training camps in Iraq. Authoritative data on PKK youth recruitment remained unavailable as of year's end.⁷⁰

- 5.6.8 For further information about the alleged recruitment of children and young people by the PKK, see the Country Policy and Information Note on [Turkey: Kurdish political parties](#).
- 5.6.9 The USSD HR Report 2018 further noted, 'The PKK used a variety of pressure tactics that limited freedom of speech and other constitutional rights in the southeast. In the aftermath of curfews first enacted in 2016 in response to PKK violence, some journalists, political party representatives, and residents of the southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces.'⁷¹
- 5.6.10 For information about curfews, internally displaced persons and government human rights violations, see the Country Policy and Information Note on [Turkey: Kurds](#).

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5.7 Enforced disappearance

- 5.7.1 Quoting various sources, the DFAT report of October 2018 noted:

'In September 2017, the UN Working Group on Enforced and Involuntary Disappearances was investigating 94 outstanding cases of enforced disappearance in Turkey. Most of these cases relate to disappearances between 1992 and 1996 in south-eastern Turkey in the context of clashes between the PKK [...] and government security forces.

'The UN Working Group expressed concern over the resurgence of clashes in south-east Turkey since July 2015, describing the situation there as similar to that described in its 1998 report, which detailed human rights violations.

'In its February 2017 report on the human rights situation in south-east Turkey, OHCHR noted claims of the enforced disappearances of three men from south-eastern Turkey in separate incidents in August 2016 in Istanbul, Sanliurfa and Lice. OHCHR also reported the disappearance in Ankara in November 2016 of a member of the pro-Kurdish Democratic Regions Party from Diyarbakir.

'The UN Working Group conducted an official visit to Turkey in March 2016. Following the visit, the UN Working Group reported difficulties in assessing the dimension of the problem of enforced or involuntary disappearances in Turkey or to obtain accurate figures as the government had done very little to address the issue.

'The UN Working Group noted the absence in Turkish law of a separate criminal offence of causing enforced disappearance: authorities investigate and prosecute cases as murder, torture or arbitrary deprivation of liberty. Consequently, even when enforced disappearance has obviously occurred,

⁷⁰ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

⁷¹ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

if the “parent” crime cannot be established, the case either terminates or ends in acquittal. This legislative lacuna contributes to public distrust in the criminal justice system, and to a perception of impunity for the perpetrators of enforced disappearances. The UN Working Group’s report noted that only two cases of enforced disappearance had resulted in the sentencing of perpetrators.

‘International and domestic human rights groups have expressed concern about an increase in enforced disappearances following the July 2016 attempted coup, including in foreign countries. In August 2017, HRW wrote to the Minister for Justice to request an urgent investigation into the abduction and possible enforced disappearance of at least four men in Ankara since March 2017. One of the men, a former teacher, was found in police custody 42 days later. The location of the other three, who disappeared in similar circumstances, remains unclear.’⁷²

- 5.7.2 For information about government human rights violations in the course of dealing with the PKK, see the Country Policy and Information Note on [Turkey: Kurds](#).

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5.8 Family members of PKK members/supporters

- 5.8.1 One source told the HO FFT that it could be difficult for family members of PKK members/supporters to get a job or even a passport⁷³.
- 5.8.2 When the HO FFT met the Director of a Turkish organisation in the UK he said, ‘Family members will inevitably be affected, especially if the suspected PKK supporter is a guerrilla fighter.’⁷⁴
- 5.8.3 Speaking about people critical of the government in general, a human rights lawyer told the HO FFT, ‘Members of families of people who are critical of the government will be targeted; if the police cannot find the person they are looking for, they will take another family member. This was very common during the emergency. Families were threatened by phone and their houses were raided.’⁷⁵

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5.9 Impunity

- 5.9.1 The USSD HR Report 2018 stated, ‘The government did not release information on efforts to investigate or prosecute personnel for any wrongful or inadvertent deaths of civilians linked to counter-PKK security operations.’⁷⁶
- 5.9.2 An OHCHR report of February 2017 into the human rights situation in south-east Turkey mentioned:

⁷² DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

⁷³ [HO FFM report, Turkey, 2019, anonymous source, 19 June 2019](#)

⁷⁴ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

⁷⁵ [HO FFM report, Turkey, 2019, human rights lawyer, 17 June 2019](#)

⁷⁶ USSD, ‘HR Report 2018, Turkey’, 13 March 2019, [url](#)

‘[...] the reported lack of a single investigation into the alleged unlawful killing of hundreds of people over a period of 13 months between late July 2015 and the end of August of 2016. According to the information received from family members and lawyers representing the victims, local prosecutors have consistently refused to open investigations into the reported killings, in violation of constitutional and international human rights law obligations.’⁷⁷

5.9.3 The DFAT report noted:

‘In his May 2015 report, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions noted that only a handful of trials had proceeded in relation to thousands of unresolved killings, deaths in custody, and enforced disappearances that both state officials and PKK members are suspected to have committed in south-east Turkey during the 1990s. The Special Rapporteur expressed concern over the discovery of mass graves believed to contain the remains of victims of enforced disappearances and members of illegal militant organisations dating back to the 1980s. He further noted the lack of a comprehensive approach to the right of remedy and reparation for victims of human rights abuses during that period.’⁷⁸

5.9.4 The USSD HR Report 2018 further stated:

‘The Jandarma [paramilitary force under Interior Ministry control] supervised the “security guards” (formerly known as “village guards”), a civilian militia that provide additional local security in the southeast, largely in response to the terrorist threat from the PKK. The MIT [National Intelligence Organisation] reports to the presidency and is responsible for collecting intelligence on existing and potential threats.

‘Civilian authorities maintained effective control over the National Police, the Jandarma, the military, and the MIT, but government mechanisms to investigate and punish alleged abuse and corruption by state security officials remained inadequate, and impunity remained a problem. MIT members are immune from prosecution. The law grants other security officials involved in fighting terror immunity from prosecution and makes it harder for prosecutors to investigate human rights abuses by requiring that they obtain permission from both military and civilian leadership prior to pursuing prosecution.’⁷⁹

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Section 6 last updated: 9 December 2019

6. Anti-terror law

6.1 Law on counter-terrorism

6.1.1 DFAT published a report in October 2018, which noted:

‘The Law on the Fight against Terrorism (the Counter-Terrorism Law 1991, last amended 2010) and relevant articles of the Criminal Code are the main domestic legislation relating to terrorism and terrorist offences. Critics of the Counter-Terrorism Law note its definitions of “terrorism” (Article 1) and

⁷⁷ OHCHR, ‘Report on the human rights situation in South-East Turkey, [...]’, February 2017, [url](#)

⁷⁸ DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

⁷⁹ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

“terrorist offender” (Article 2) are broad and vague. Before the failed coup of July 2016, human rights groups raised concerns that the Counter-Terrorism Law could be used against political opponents, human rights defenders, and journalists, in particular for alleged “membership of a terrorist organisation”.⁸⁰

- 6.1.2 The United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment published a report in December 2017 on his mission to Turkey and noted:

‘The Special Rapporteur is particularly concerned by a new law that was published on 14 July 2016 (Law No. 6722), which grants counter-terrorism forces a perceived, albeit overturnable, de facto immunity from prosecution for acts carried out in the course of their operations in the south-east. More specifically, under the new law, which applies retroactively, the executive authorities must give permission before any soldiers or civilians taking part in counter-terrorism operations can be prosecuted for any offences committed while carrying out their duties, thus rendering investigations into allegations of torture or ill-treatment by the security forces involved more difficult, if not impossible.’⁸¹

- 6.1.3 In the World Report 2019, Human Rights Watch noted:

‘The two-year state of emergency formally lapsed in July [2018] but was replaced with new counterterrorism legislation, approved by parliament in August [2018]. 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.’⁸²

- 6.1.4 In a report dated May 2019, the European Commission noted, ‘With the ending of the state of emergency, Turkey has withdrawn its derogations from the European Convention on Human Rights and from the International Covenant on Civil and Political Rights (ICCPR). However, the full monitoring procedure that the Parliamentary Assembly of the Council of Europe reopened in April 2017 remains in place.’⁸³

- 6.1.5 In a report issued on 1 November 2019 Amnesty International stated:

‘On 9 October 2019, Turkey’s president Recep Tayyip Erdoğan announced that the Turkish Armed Forces had started an offensive named “Operation Peace Spring” in northeast Syria. [...] it was accompanied by a draconian crackdown on dissent and censorship of the media with investigations under anti-terrorism laws, as well as police custody and pre-trial detention, targeting those criticizing or questioning the military operation. Hundreds of people have been detained in Turkey in the days following the launch of the military offensive. These include members of the Kurdish-rooted leftist

⁸⁰ DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

⁸¹ UN, ‘Report of the Special Rapporteur on torture and other cruel, [...]’, 18 December 2017, [url](#)

⁸² HRW, ‘World Report 2019,’ Turkey, 17 January 2019, [url](#)

⁸³ European Commission, Turkey 2019 report, 29 May 2019, [url](#)

opposition People's Democratic Party (HDP), including members of Parliament, party activists and local government representatives, as well as journalists and others. [...]

'Cracking down on people who express dissenting opinions on issues of Kurdish rights and politics as well as opposing a military operation by Turkey is not new. [...]

'Lawyers in the southeastern province of Diyarbakır informed Amnesty International that at least four individuals were detained on 13 October [2019] by the police due to content of their social media accounts in relation to the military offensive in northeast Syria. Prosecutors referred them to courts requesting that they be remanded in pre-trial detention on the allegation of "propaganda for a terrorist organization". According to lawyers, courts released them with judicial control measures involving regularly reporting at their local police station as well as overseas travel bans. Amnesty International has seen the contents of one of these files, where the detainee was accused of "propaganda for PKK/KCK terrorist organization" based on three retweets allegedly made by them. These retweets read: "...Rojava [the name given by the Kurdish population for the autonomous area they are attempting to create in northern Syria] will win, No to War," "AKP-MHP fascist coalition ... is trying to reinvent its politics through hatred against the Kurds. This dirty war against Rojava will not bring anything but death to the peoples of the Middle East" and "...Raise your voice against fascism. #GiveVoicetoRojavaforPeace..." Although none of these come remotely close to constituting evidence of an internationally recognizable crime, the prosecutor considered them sufficient evidence of "propaganda for a terrorist organization" to merit the request from the court a decision to remand the person in pre-trial detention.'⁸⁴

- 6.1.6 See [Numbers investigated under anti-terror law](#) for further information on this subject. For further information about Operation Peace Spring, see the Country Policy and Information Note on [Turkey: Kurdish political parties](#).

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6.2 Numbers investigated under anti-terror law

- 6.2.1 The HO FFT met with Andrew Gardner of Amnesty International in June 2019, who put the number of persons having been investigated on terror-related crimes since 2015 at tens of thousands of people, describing a 'surge in people being arrested and charged with terrorist propaganda' when the Turkish-Kurdish peace process broke down in 2015⁸⁵.
- 6.2.2 Murat Celikkan, Director of Hafiza Merkezi, told the HO FFT, '500,000 people last year [2018] were investigated for being a member of a terrorist organisation. It is easy to assume/suspect that they are members/supportive of terrorist organisations under the anti-terror law.'⁸⁶

⁸⁴ Amnesty International, "We can't complain", 1 November 2019, [url](#)

⁸⁵ [HO FFM report, Turkey, 2019, Amnesty International, 18 June 2019](#)

⁸⁶ [HO FFM report, Turkey, 2019, Truth, Justice and Memory Centre, 18 June 2019](#)

6.2.3 In a report issued on 1 November 2019 Amnesty International noted that hundreds of people had been detained in Turkey in the days following the launch of Operation Peace Spring. This included persons who were accused of supporting the PKK due to comments made on social media⁸⁷.

6.2.4 See [Law on counter-terrorism](#) for further information on this subject.

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6.3 Use of anti-terror law

6.3.1 The USSD HR Report 2018 stated:

‘Under antiterror legislation adopted by parliament on July 26 [2018], the government may detain without charge (or appearance before a judge) a suspect for 48 hours for “individual” offenses and 96 hours for “collective” offenses. These periods may be extended twice with the approval of a judge, amounting to six days for “individual” and 12 days for “collective” offenses. Under the previous state of emergency law, authorities could detain persons without charge for up to 14 days. Human rights organizations raised concerns that police authority to hold individuals for up to 12 days without charge increased the risk of torture. There were numerous accounts of persons, including foreign citizens, waiting beyond 12 days to be formally charged.

‘The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported that detainees occasionally had difficulty gaining immediate access to lawyers, both because government decrees restricted lawyers’ access to detainees and prisons—especially those not provided by the state—and because many lawyers were reluctant to defend individuals the government accused of ties to the 2016 coup attempt. The Human Rights Joint Platform (HRJP) reported that the renewed 24-hour attorney access restriction was arbitrarily applied. The HRA reported that in terrorism-related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as stipulated by law. It also reported that attorneys’ access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients.’⁸⁸

6.3.2 The same report stated:

‘Authorities used antiterror laws broadly against many human rights activists, media outlets, suspected PKK sympathizers, and alleged Gulen movement members, among others. Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling AKP, particularly the HDP or its partner party, the DBP. Authorities used both antiterror laws and state of emergency powers to detain individuals and seize assets, including those of media companies, charities, businesses, pro-Kurdish groups accused of

⁸⁷ Amnesty International, “We can’t complain”, 1 November 2019, [url](#)

⁸⁸ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

supporting the PKK, and individuals alleged to be associated with the Gulen movement.’⁸⁹

- 6.3.3 In June 2019, the HO FFT met with Andrew Gardner of Amnesty International, who stated, ‘The definition of terrorism in Turkey has gone beyond what it is. It defines it as being within political aims/scope rather than violent methods. For example, anyone who speaks out against the government on issues of Kurdish rights could be argued in the current context to be supporting the PKK, or anyone criticizing the post-coup cases, to be supporting FETO [the Gulen movement].’⁹⁰
- 6.3.4 The HO FFT also met with the Director of a Turkish organisation in the UK who claimed that ‘A person can be in prison for 6 months or so for sending a political tweet; they are accused of having links with the PKK, and a person does not have to be well-known to receive such treatment.’⁹¹
- 6.3.5 The HO FFT met with a representative of the Ombudsman Institution (the purpose of the Institution is to establish an independent and efficient complaint mechanism regarding the delivery of public services and investigate, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviours of the administration with law and fairness under the respect for human rights) in June 2019. He stated that supporting any political party or criticising them is not a crime in Turkey; it is when people post online praising the PKK attacks or joining protests organised by them that police will intervene. However, praising terror attacks or organisations is a crime⁹². The HO FFT also met Murat Celikkan, Director of Hafiza Merkezi, who said that, ‘...it is not easy to be a member of [the PKK]. You can be arrested for supporting the PKK.’⁹³
- 6.3.6 When the HO FFT asked what would bring a suspected PKK member/supporter to the attention of the authorities, the Director of a Turkish organisation in the UK opined:
- ‘Any political activity would attract the attention of the authorities.
 - ‘Kurds are assumed to be PKK members/supporters.
 - ‘Even low-level activities, such as leafleting, rallies, and use of social media to make political statements could attract the attention of the authorities, as would any criticism of the government.’⁹⁴
- 6.3.7 The DFAT report of October 2018 stated, ‘According to human rights defenders, pro-Kurdish activists who made comments on social media that authorities found offensive were now likely to be identified as PKK supporters and faced much harsher punishments than in the past: instead of one to two months in prison, activists now faced years’ long charges on

⁸⁹ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

⁹⁰ [HO FFM report, Turkey, 2019, Amnesty International, 18 June 2019](#)

⁹¹ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

⁹² [HO FFM report, Turkey, 2019, Turkish Ombudsman's Office, 20 June 2019](#)

⁹³ [HO FFM report, Turkey, 2019, Truth, Justice and Memory Centre, 18 June 2019](#)

⁹⁴ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

broad terror offences, and family members were also likely to come under official scrutiny.⁹⁵

- 6.3.8 In the World Report 2019, Human Rights Watch stated, '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.'⁹⁶
- 6.3.9 In the 'Freedom in the World 2019' report, Freedom House stated, 'Antiterrorism charges brought since the coup attempt often rely on the weakest of circumstantial evidence, secret testimony, or an ever-expanding web of guilt by association.'⁹⁷
- 6.3.10 The same report stated, 'Academic freedom, never well respected in Turkey, was weakened further by the postcoup purge. [...] thousands of academics have been summarily dismissed for perceived leftist, Gülenist, or PKK sympathies.'⁹⁸

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Section 7 last updated: 9 December 2019

7. Arrest, detention and judicial processes

7.1 Arrest and detention

7.1.1 The USSD HR Report 2018 stated:

'The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government generally did not observe these requirements. The Ministry of Justice reported in September that since July 15, 2016, more than 600,000 persons had been subjected to some type of "criminal procedure" (e.g., questioning, investigation, detention, arrest, judicial control, or a ban on travel). According to media reports, more than 80,000 persons had been detained or arrested under the state of emergency and following its expiration. The Ministry of Justice also reported that, between July 2016 and July 2018, "investigations have been opened into 612,347 persons alleged to be founders, executives, or members of armed organizations." A majority of these were reportedly detained for alleged ties to the Gulen movement or the PKK, often with little due process or access to the evidence underlying the accusations against them.'⁹⁹

- 7.1.2 The same report noted that an exact number of alleged members or supporters of the PKK in detention was not available at the end of 2018¹⁰⁰. The representative from the Ministry of Justice told the HO FFT that there are currently 250,000 people in prison in Turkey; of these, 42,000 are linked to groups considered as terrorist, such as Daesh, PKK and Gulen¹⁰¹.

⁹⁵ DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

⁹⁶ Human Rights Watch, 'World Report 2019,' Turkey, 17 January 2019, [url](#)

⁹⁷ Freedom House, 'Freedom in the World 2019', 4 February 2019, [url](#)

⁹⁸ Freedom House, 'Freedom in the World 2019', 4 February 2019, [url](#)

⁹⁹ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹⁰⁰ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹⁰¹ [HO FFM report, Turkey, 2019, Ministry of Justice, 21 June 2019](#)

7.1.3 Human Rights Watch reported in January 2019:

'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 (FETÖ) 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.'¹⁰²

7.1.4 When the HO FFT asked the Director of a Turkish organisation what would lead to the arrest of a suspected PKK member/supporter, he responded, 'The PKK has no membership card or membership list, which could be checked. Therefore, arrests are based purely on suspicion of PKK membership/activity.'¹⁰³ Sebnem Financi of the HRFT told the HO FFT, 'Shepherds and ordinary Kurdish people from Kurdish villages are in jail for allegedly supporting the PKK or have given shelter and food to PKK. They arrest a few prominent people from a village as an intimidation tactic.'¹⁰⁴ One source told the HO FFT that, following the killing of 34 Kurdish people from a village called Roboski by the Turkish military, who had mistaken them for PKK operatives, one of the relatives pursuing justice for those killed had been arrested; the source believed that this family member had been targeted by the authorities in order to send a warning to the rest of the family. He stated that individuals are targeted by the authorities, especially if they are well-known, in order to intimidate others¹⁰⁵.

7.1.5 The HO FFT met the Director of a Turkish organisation in the UK, who stated that PKK members/supporters are deliberately detained far from where their families live in order to make it difficult for family to visit. He further stated that a suspected supporter may be held in pre-trial detention for three to five years before sentencing. He stated that PKK members are charged with terrorism and can spend 15 to 20 years in prison¹⁰⁶.

7.1.6 The German Federal Office for Migration and Refugees reported in July 2019:

'In the evening of 27 July 2019, the Turkish Constitutional Court ruled with a slim majority that nine academics who had signed an appeal for peace in 2016 had been sentenced unlawfully on charges of terrorist propaganda for the PKK. [...] The appeal for peace had been signed by more than 2,000 academic employees in 2016 to criticize the warlike conditions in the country's south-east and as a result almost all of them lost their jobs. Since then more than 200 of the signatories received prison sentences, more than 500 cases are still pending in the courts.'¹⁰⁷

¹⁰² Human Rights Watch, 'World Report 2019,' Turkey, 17 January 2019, [url](#)

¹⁰³ HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019

¹⁰⁴ HO FFM report, Turkey, 2019, HRFT, 17 June 2019

¹⁰⁵ HO FFM report, Turkey, 2019, anonymous source, 19 June 2019

¹⁰⁶ HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019

¹⁰⁷ German Federal Office for Migration and Refugees, 'Briefing notes', 29 July 2019, [url](#)

7.2 Due process

7.2.1 In the 'Freedom in the World 2019' report, Freedom House stated, 'A long-term erosion of due process guarantees accelerated under the state of emergency, and severe violations continued even after it was lifted in July 2018.'¹⁰⁸

7.2.2 The USSD HR Report 2018 stated:

'Detainees' lawyers may appeal pretrial detention, although the state of emergency and subsequent antiterror legislation imposed limits on their ability to do so. The country's judicial process allows a system of lateral appeals to Criminal Courts of Peace that substitutes appeal to a higher court with appeal to a lateral court. Lawyers criticized the approach, which rendered ambiguous the authority of conflicting rulings by horizontally equal courts.

'Detainees awaiting or undergoing trial prior to the state of emergency had the right to a review in-person with a lawyer before a judge every 30 days to determine if they should be released pending trial. The state of emergency suspended the requirement for in-person reviews. Under a new law passed on July 26 [2018], in-person review occurs once every 90 days with the 30-day reviews replaced by a judge's evaluation of the case file only. Observers noted that this element of the law was contrary to the principle of habeas corpus and increased the risk of abuse, since the detainee would not be seen by a judge on a periodic basis.

'In cases of alleged human rights violations, detainees have the right to apply directly to the Constitutional Court for redress while their criminal case is proceeding. Nevertheless, a backlog of cases at the Constitutional Court slowed proceedings, preventing expeditious redress.'¹⁰⁹

7.2.3 The USSD HR Report 2018 further noted that, 'The government did not consider those in custody for alleged PKK [...] ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.'¹¹⁰

7.3 Treatment of different groups in detention

7.3.1 Suleyman Arslan of the National Human Rights and Equality Institution of Turkey (NHREIT) reported to the HO FFM team in June 2019, 'There is no different treatment between different terrorist organizations. PKK, Daesh, FETO are legally recognised terrorist groups [...].'¹¹¹

¹⁰⁸ Freedom House, 'Freedom in the World 2019', 4 February 2019, [url](#)

¹⁰⁹ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹¹⁰ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹¹¹ [HO FFM report, Turkey, 2019, National Human Rights and Equality Institution, 21 June 2019](#)

- 7.3.2 The human rights lawyer told the HO FFM team, 'If you are charged with organised crime/terrorist crime, your rights are taken away, you cannot access the news, including no books, nothing from the outside.'¹¹²
- 7.3.3 An anonymous source informed the HO FFM team that prison officers in the west of Turkey will recognise Kurdish prisoners through accent and language, and they will be aware that they are likely to be charged with terrorism¹¹³.
- 7.3.4 Several sources who met the HO FFM team suggested that Kurds are treated worse than Turks in detention^{114,115,116}.

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7.4 Segregation in detention

- 7.4.1 Suleyman Arslan of the NHREIT told the HO FFT, 'there is no such thing that people with the same ethnicity are kept in the same prison wings.'¹¹⁷
- 7.4.2 Mr Arslan further stated:

'In prison we have observed that when members of the same terrorist organisation come to prison they want to stay together, this is personal choice. For example, we observed five PKK members wanted to stay together, and the management of prison allowed that. [...]

'Also, others do not want to be kept with rapists so sometimes criminal convicts are kept separately due to security and safety reasons.'¹¹⁸
- 7.4.3 The HO FFT also met with Sebnem Financi of the HRFT, who stated, 'There are PKK prison wings, politically mixed wings and Party Frontier (Party Cephe) wings. There are separate prisons for men and women or different buildings within the same prison.'¹¹⁹

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7.5 Ill-treatment in detention

- 7.5.1 In the report of October 2018, DFAT noted Turkey's legal protections against torture:

'Turkey is a party to ICCPR, CAT and OPCAT (see Human Rights Framework). As a member of the Council of Europe, Turkey is party to the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) and its Protocols Nos. 1-12, and to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its Protocol No. 2. Article 17 of the Constitution enshrines the right to be free from torture and other ill-treatment and the right not to be subjected to penalties or treatment incompatible with human dignity. The Criminal Code criminalises torture, and

¹¹² [HO FFM report, Turkey, 2019, human rights lawyer, 17 June 2019](#)

¹¹³ [HO FFM report, Turkey, 2019, anonymous source, 19 June 2019](#)

¹¹⁴ [HO FFM report, Turkey, 2019, HDP, 20 June 2019](#)

¹¹⁵ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹¹⁶ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

¹¹⁷ [HO FFM report, Turkey, 2019, National Human Rights and Equality Institution, 21 June 2019](#)

¹¹⁸ [HO FFM report, Turkey, 2019, National Human Rights and Equality Institution, 21 June 2019](#)

¹¹⁹ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

defines it as a serious crime punishable with life imprisonment in aggravated cases. Article 147 of the Code of Criminal Procedure (2004) sets legal standards for interviewing suspects, to prevent torture and ill-treatment. Requirements include notification of charges, the right to legal counsel, the right to remain silent, notification of the arrest to next of kin, and the obligation to record every interview in writing, or to make an audio and video recording in the case of individuals suspected of acts of terrorism. Article 148 of the Criminal Procedure provides that confessions obtained through any bodily or mental intervention that impairs the free will, including torture, shall not be used in evidence and shall not serve as a basis for evidence in any proceedings.’¹²⁰

7.5.2 The interlocutor from the Ministry of Justice also provided information about measures taken with respect to prevention of torture under custody. See [Notes of the meeting with the Ministry of Justice of Turkey, 21 June 2019](#).

7.5.3 The DFAT report of October 2018 further stated:

‘Despite these legal protections, human rights observers report that torture and other ill-treatment of detainees is common in Turkish detention facilities, particularly as a means of extracting confessions or forcing detainees to denounce other individuals. The UN Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment visited Turkey in November 2016, and reported allegations of widespread torture and other forms of ill-treatment both in relation to the July 2016 failed coup and to the conflict in the south-east. Most allegations of torture and ill-treatment relate to the time of arrest and subsequent detention in police or gendarmerie lock-ups, or in improvised unofficial detention locations such as sports centres, stables and the corridors of courthouses. Alleged mistreatment included severe beatings, kickings, punches, verbal assaults, sexual penetration with objects and other sexual violence or threats thereof, prolonged stress positions and handcuffing, prolonged periods of solitary confinement, and deprivation of access to water, food, medical treatment, and sleep. Physical mistreatment generally ceased once authorities transferred detainees to regular detention facilities. According to human rights observers, reports of torture and ill-treatment are now significantly lower in number and severity than in the weeks following the July 2016 failed coup. In the south-east, however, occasional allegations of abuse and degrading treatment continue, including verbal assaults and threats, slaps, and invasive body searches, as well as male guards sexually threatening or harassing female detainees during transfers and denying them privacy during medical examinations.’¹²¹

7.5.4 The USSD HR Report 2018 stated:

‘The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but there were reports that some government forces employed these tactics. On February 27 [2018], UN special rapporteur on torture, Nils Melzer, expressed serious concerns about the rising allegations of torture and other mistreatment in Turkish police custody. Melzer said he was alarmed by allegations that large numbers of individuals suspected of

¹²⁰ DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

¹²¹ DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

links to the Gulen movement or PKK were exposed to brutal interrogation techniques aimed at extracting forced confessions or coercing detainees to incriminate others. Reported abuse included severe beatings, electrical shocks, exposure to icy water, sleep deprivation, threats, insults, and sexual assault. The special rapporteur said authorities appeared not to have taken any serious measures to investigate these allegations or to hold perpetrators accountable.

‘Human rights groups reported in December [2018] that torture and mistreatment in police custody occurred at reduced levels compared with 2017, although they contended that victim intimidation may account for reduced reporting. Reports indicated that police also abused detainees outside police station premises. The HRFT [Human Rights Foundation of Turkey] reported that, during the first 11 months of the year [2018], it received 538 complaints related to abuse while in custody, 280 of which alleged torture or inhumane treatment. The HRFT also reported intimidation and shaming of detainees by police were common and that victims hesitated to report abuse due to fear of reprisal. Separately, the Human Rights Association reported that, in the first 11 months of the year, it received 2,719 complaints of abuse by security forces, including 284 complaints related to abuse while in detention facilities, 175 complaints of abuse outside detention facilities, and 2,260 complaints of abuse during demonstrations. The government has not released information on whether it undertook investigations into allegations of mistreatment in prison or detention centers during the year. The government asserted that it followed a “zero tolerance” policy for torture. HRW maintained, however, that it was “not aware of any serious measures that have been taken to investigate credible allegations of torture.”¹²²

7.5.5 During the HO FFM, sources gave differing opinions on who may have been subjected to torture or other ill-treatment:

- people detained and accused of supporting the PKK or another proscribed organization^{123,124} – this would include people who violated the curfews put in place in areas in the south east where the fighting was occurring (which would cause the authorities to believe they were PKK)¹²⁵.
- Murat Celikkan, Director of Hafiza Merkezi, believed that Gulenists, PKK members or members of left-wing organisations are ‘very likely’ to be tortured in detention¹²⁶.
- The Director of a Turkish organisation in the UK opined that, ‘Torture is not used as widely as in the past [...] HDP or PKK supporters will be tortured. However, this is not the norm for Turkish people, unless they are linked to Gulenism.’ [...] ¹²⁷

¹²² USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

¹²³ [HO FFM report, Turkey, 2019, Amnesty International, 18 June 2019](#)

¹²⁴ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹²⁵ [HO FFM report, Turkey, 2019, Amnesty International, 18 June 2019](#)

¹²⁶ [HO FFM report, Turkey, 2019, Truth, Justice and Memory Centre, 18 June 2019](#)

¹²⁷ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

- The executive from the Human Rights Association stated:
 ‘[...] torture is done to both members of the Fethullah Gülen Organization and Kurdish people, but it is different. Members of the Fethullah Gülen Organization disappear and will be tortured in detention for long hours/months at a time and then released. They are taken away to detention places. There are six people whose whereabouts and fates are still unknown. There is no fear for the government of retaliation. But this is not the case for Kurdish people as the PKK will retaliate.’¹²⁸

7.5.6 Murat Celikkan, Director of Hafiza Merkezi, added that ‘a new trend in Turkey is that the police take the prisoner to cars/buses to intimidate and interrogate them because there are cameras in the police station and around Istanbul or else they take them to clandestine places for interrogation. [...] The intimidation and beatings start on the way to the police station in the car/buses/vans. Torture happens during interrogation, in interrogation beatings regularly take place.’¹²⁹ The Human Rights Association explained, ‘... torture takes place in different places (from the detention centre) where no cameras are present.’¹³⁰ The human rights lawyer said that ‘During the emergency, you were taken to Belgrad forest, just outside Istanbul, and tortured there, where there are no cameras.’¹³¹

7.5.7 Two sources who met the HO FFT agreed that torture is not used in every prison or with every prisoner. The Human Rights Lawyer stated that prison conditions are better than most of Europe¹³².

7.5.8 The USSD HR Report 2018 further stated:
 ‘Credible reports claimed that some persons jailed on terrorism-related charges were subject to a variety of abuses, including long solitary confinement, severe limitations on outdoor exercise and out-of-cell activity, inability to engage in professional work, denial of access to the library and media, slow medical attention, and in some cases the denial of medical treatment. Media reports also alleged that visitors to prisoners accused of terrorism-related crimes faced abuse, including limited access to family, strip searches, and degrading treatment by prison guards.’¹³³

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7.6 Medical care

7.6.1 One source stated that sick people are not always treated appropriately in prison, such as those who were wounded following fighting in 2015. During the recent Kurdish hunger strikes, there was insufficient medical care¹³⁴.

¹²⁸ [HO FFM report, Turkey, 2019, Human Rights Association of Turkey, 21 June 2019](#)

¹²⁹ [HO FFM report, Turkey, 2019, Truth, Justice and Memory Centre, 18 June 2019](#)

¹³⁰ [HO FFM report, Turkey, 2019, Human Rights Association of Turkey, 21 June 2019](#)

¹³¹ [HO FFM report, Turkey 2019, Human Rights Lawyer, 17 June 2019](#)

¹³² [HO FFM report, Turkey 2019, Human Rights Lawyer, 17 June 2019](#)

¹³³ USSD, ‘HR Report 2018,’ Turkey, 13 March 2019, [url](#)

¹³⁴ [HO FFM report, Turkey, 2019, anonymous source, 19 June 2019](#)

- 7.6.2 The interlocutor from the Ministry of Justice also provided information about measures taken with respect to prevention of torture under custody. See [Notes of the meeting with the Ministry of Justice of Turkey, 21 June 2019](#).
- 7.6.3 The executive from the Human Rights Association stated, 'If you get sick you may need to be hospitalised, you are handcuffed and taken to the hospital and the handcuffs stay on when you are examined; this is when you are ill, but when you are beaten you are never taken to hospital. If you are sick, you are first taken to the prison doctor and only if he/she refers you to a hospital are you taken there. In most cases they make you wait for some time; you are not taken to a hospital immediately.'¹³⁵
- 7.6.4 The human rights lawyer stated that doctors have been known to stand at a distance from the detainee and sign them off as fine; 'they are not keen to take a closer look.'¹³⁶
- 7.6.5 With reference to medical examinations for persons held in police custody, Sebnem Financi of the HRFT stated:
- 'In some places, they do not take people to their medical examinations. A lot of the time the medical examination is done in the police station in front of police, so it is not a fair examination, a lot of the cases come back as no injuries. Doctors know it is unethical, but they can't refuse, it will be damaging towards their jobs.
- 'Some medical examinations take place in sport halls, they just walk in front of the medical examiner. Sports halls are used for police custody, particularly in Ankara. Some examination is done in hospital; however, many prisoners will remain handcuffed and police are present due to security reasons.'¹³⁷
- 7.6.6 Ms Financi added that:
- 'After [detainees are released] and they come for an examination at the HRFT, they are examined for psychological and physical conditions. People who come in for examination sometimes do not accept the psychological examination, especially the political prisoners, because they believe they are not affected, they are too proud to admit that they have been mentally affected. However, this is also because they are aware of the situation and know what to expect in police custody, more so than a regular person. However, PTSD and trauma are sometimes evident from those who get examined.'¹³⁸

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7.7 Avenues of redress in cases of torture

7.7.1 The DFAT report stated:

'In principle, prosecutors can and must investigate all allegations of torture and ill-treatment ex officio, regardless of an individual complaint, and the Public Prosecutor must follow up all complaints received. Complaints may be brought by victims themselves, by their family or lawyer, by civil society

¹³⁵ [HO FFM report, Turkey, 2019, Human Rights Association of Turkey, 21 June 2019](#)

¹³⁶ [HO FFM report, Turkey, 2019, human rights lawyer, 17 June 2019](#)

¹³⁷ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

¹³⁸ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

organisations, or by a monitoring mechanism such as the Ombudsman Institution (see National Human Rights Institution (NHRI)). According to the General Directorate of Prisons and Detention Houses, officials regularly screen open source material, such as reports by NGOs and media pieces, for allegations of ill-treatment, which they then treat as an individual complaint. Authorities have also established a hotline to enable families to lodge complaints.

‘Human rights groups claim most victims of torture or other ill-treatment do not file complaints with authorities for fear of retaliation against them or their families, and due to low levels of trust in the independence of the prosecution and the judiciary, and their willingness or ability to investigate and adjudicate claims. The Special Rapporteur reported that formal investigations and prosecutions were extremely rare, indicating insufficient determination on the part of responsible authorities to take cases forward, and thus creating a strong perception of de facto impunity.

‘Since 2012, the Constitutional Court has been able to receive direct complaints from individuals about violations of their rights under the Constitution and the ECHR and its Protocols, provided no effective remedy has been given by lower courts. Individuals can lodge complaints of torture directly with the Constitutional Court if the prosecutor fails to initiate an investigation into torture allegations. Between 2012 and the end of 2017, the Constitutional Court received approximately 121,000 complaints in relation to torture. Prior to the July 2016 failed coup, the Constitutional Court received approximately 20,000 torture related complaints per year. Post-coup, the number of complaints increased significantly: the Constitutional Court received 69,752 individual petitions in 2016 alone. By the end of 2016, the Constitutional Court had issued 38 judgements finding a violation of the prohibition of torture (3 in 2014, 10 in 2015, and 25 in 2016).’¹³⁹

- 7.7.2 In terms of investigations [into allegations of torture or ill-treatment], the interlocutor at the Ministry of Justice explained that ‘... all kinds of allegations in this respect are investigated and where the truth of such allegations is established, necessary actions are taken.’¹⁴⁰
- 7.7.3 When the HO FFT met the Director of a Turkish organisation in the UK, he opined that officers receive accolades for torture¹⁴¹.
- 7.7.4 Mr Gardner of Amnesty International stated that people were afraid to make complaints about torture, especially after the authorities claimed making such complaints to be a tactic of FETO¹⁴². Another source stated that not many complaints have been made about ill-treatment in prison¹⁴³. The Human Rights Association opined that ‘because of impunity very few people are put on trial for torture’¹⁴⁴. Ms Financi stated, ‘The Kurdish people and leftist people are aware of their rights.’¹⁴⁵

¹³⁹ DFAT, Country Information Report, Turkey, 9 October 2018, [url](#)

¹⁴⁰ [HO FFM report, Turkey, 2019, Ministry of Justice, 21 June 2019](#)

¹⁴¹ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹⁴² [HO FFM report, Turkey, 2019, Amnesty International, 18 June 2019](#)

¹⁴³ [HO FFM report, Turkey, 2019, anonymous source, 19 June 2019](#)

¹⁴⁴ [HO FFM report, Turkey, 2019, Human Rights Association of Turkey, 21 June 2019](#)

¹⁴⁵ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

7.7.5 Sebnem Financi of the HRFT further stated:

'Impunity is a problem; Turkish government has not published report for 2018 on number of torture investigations.

'In 2017 for Article 94: 85 indictments against the security for torture, only seven were convicted for torture.

'Article 265 makes it a crime to prevent police from doing their job. It is used for intimidation purposes. It prevents people from taking torture to court, in 2017, 17,793 cases of people wanting to complain of torture but couldn't because of the use of article 265.

'In 2016, 26,192 people were investigated under Article 265.

'Ten police have been convicted for excessive force, seven police for torture.'¹⁴⁶

7.7.6 Mr Arslan of the National Human Rights and Equality Institution told the HO FFT about the kinds of complaints received by the NHREIT in connection with prisons:

'Most of the complaints that are received are not about torture and ill-treatment, but more about access to healthcare, no sports hall, read a book, no cultural activities.

'We did not observe different treatment of detainees in different detention centres but some physical conditions of centres differ from place to place, because some centres are newly built, and some are older.

'We also observe some good examples that management of prison behave very sensitive. For example, a management of a prison issued a disciplinary punishment to the prison guard for his inappropriate use of a word that is usually used for friends and not to be used in the context it was used.

'A lot of people who complain do not complain about the treatment of officers, but about the prison conditions.

'It is a well-known problem that some prisons or some wings are crowded. But new prisons are opening. Overcrowding is due to various issues which are temporary such as 15 July coup, therefore we had a sudden increase in numbers of prisoners. When the new prisons open and release of relevant detainees after the court decisions this issue should be resolved.

'We did not observe that there is an discrimination on the grounds of ethnicity [...].'¹⁴⁷

7.7.7 For further information about the work of NHREIT, see [National Human Rights and Equality Institution of Turkey](#).

7.7.8 When asked whether victims of torture have made formal complaints, the Director of a Turkish organisation in the UK opined that 'no-one would dare make a complaint [about treatment by the police]' and that 'If they complain about torture they would probably be tortured again.' However, the same source noted that some torture victims have complained to Amnesty

¹⁴⁶ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

¹⁴⁷ [HO FFM report, Turkey, 2019, National Human Rights and Equality Institution, 21 June 2019](#)

International (AI), but members of AI in Turkey have themselves been arrested and detained.¹⁴⁸ Other sources also pointed to examples of complaints, including up to the ECtHR (see [Source assessment and commentary](#)).

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7.8 Monitoring

7.8.1 When the HO FFT met with Suleyman Arslan of the NHREIT, he explained that they monitor prisons:

‘The Institution visited 26 detention centres last year, as a result produced reports for these visits, putting recommendations in and following up to see if they are put into practice. [...]

‘The Institution’s visit to prisons may be in two forms, visits with prior notice and visits with no notice. The Institution has the authority to talk to detainees, and no one legally can stop us from visiting any place and talking to detainees.

‘We have the authority to talk to prisoners alone or sometimes we talk to them in front of people; it is a personal choice. Detainees can hand-write a complaint. They have the option to speak in confidentiality. A prisoner can give us a piece of paper with their concern on it, straight from the prisoner to the hand of the man visiting, it is private. [...]’¹⁴⁹ (See [Notes of the meeting with the National Human Rights and Equality Institution of Turkey \(NHREIT\), 21 June 2019.](#))

7.8.2 Mr Arslan added, ‘The capacity of us as [an] organisation against the number of prisons in 80 provinces may be considered a limitation, only urgent cases we visit for a second time in a year, sometimes we intervene by letters in cases where we may not need to go to the prison.’¹⁵⁰

7.8.3 The HO FFT also met with Sebnem Financi of the HRFT, who stated:

‘No NGOS can enter prisons and monitor the situation, it is impossible. CISST (Ceza Infaz Sisteminde Sivil Toplum/Civil Society in the Penal System www.tcps.org.tr) is an organisation that were once allowed to enter the prisons to have social work with the prisoners. So-called National Human Rights and Equality Association might go in, but they do not publish the reports.

‘Lawyers are allowed into the prison, they share information with Human Rights Association and Human Rights Foundation pass information on to prisoners.’¹⁵¹

7.8.4 When the HO FFT met the interlocutor from the Ministry of Justice, he also explained, in addition to the guarantees of medical examination and legal assistance, a large majority of the custody centres in the country are equipped with cameras and video surveillance systems¹⁵².

¹⁴⁸ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹⁴⁹ [HO FFM report, Turkey, 2019, National Human Rights and Equality Institution, 21 June 2019](#)

¹⁵⁰ [HO FFM report, Turkey, 2019, National Human Rights and Equality Institution, 21 June 2019](#)

¹⁵¹ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

¹⁵² [HO FFM report, Turkey, 2019, Ministry of Justice, 21 June 2019](#)

7.9 Human rights bodies

- 7.9.1 For information about human rights bodies, both state and non-state, see the [Home Office's report of a fact-finding mission to Turkey, 17 to 21 June 2019](#).

7.10 Fair trial

- 7.10.1 The HO FFT met Sebnem Financi of Human Rights Foundation of Turkey (HRFT), who declared, 'Lawyers do not wish to represent people from Gulenist movement and some nationalist Bar Associations of the western cities had problems with Kurds as well.'¹⁵³ Ms Financi further stated that not all Kurdish people have sufficient funds or are fully aware of legal processes, but there are lawyers, such as Ozgurlukcu Hukukcular Dernegi, who offer their services to the Kurdish people. She added that political prisoners have contacts for lawyers, and most people have access to lawyers through friends who would make arrangements outside prison¹⁵⁴.

- 7.10.2 The USSD HR Report 2018 stated:

'Private attorneys and human rights monitors reported irregular implementation of laws protecting the right to a fair trial, particularly with respect to attorney access. Prior to the 2016 coup attempt, human rights groups alleged that authorities frequently denied detainees access to an attorney in terrorism-related cases until security forces had interrogated their clients.

'Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK or Gulen movement ties, because of fear of government reprisal, including prosecution. Government intimidation of defense lawyers also at times involved nonterror cases. [...] The HRA [Human Rights Association] reported in July [2018] on 78 cases in which authorities pressured or intimidated lawyers. According to an April [2018] statement by the Council of Bars and Law Societies of Europe, since 2016, authorities prosecuted 1,539 lawyers, arrested 580, and sentenced 103 to lengthy prison terms.'¹⁵⁵

- 7.10.3 According to the Freedom House 2018 Freedom in the World report, 'In many cases, lawyers defending those accused of terrorism offenses were arrested themselves.'¹⁵⁶

- 7.10.4 The USSD HR report 2018 stated:

'An August 2017 state of emergency decree increased from five to seven years the maximum time that a detainee could be held pending trial, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. [...] HRW reported in

¹⁵³ HO Fact-finding report on Kurds, the HDP and the PKK, section 7, October 2019, [url](#)

¹⁵⁴ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

¹⁵⁵ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹⁵⁶ Freedom House, 'Freedom in the World 2018,' Turkey, 16 January 2018, [url](#)

July that people continued to be arrested and remanded to pretrial custody on terrorism charges, with at least 50,000 remanded to pretrial detention since the failed coup attempt. Amnesty International's 2017/2018 publication *The State of the World's Human Rights* reported "arbitrary, lengthy and punitive pretrial detention and fair trial violations continued routinely" in 2017 and 2018.

'The trial system does not provide for a speedy trial, and trial hearings were often months apart, despite provisions in the Code of Criminal Procedure for continuous trial. It sometimes took years after indictment before trials began, and appeals could take years more to reach conclusion.'¹⁵⁷

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7.11 Conditions of release from detention

- 7.11.1 The Director of a Turkish organisation in the UK told the HO FFT, 'Sabri Ok is one example of a Kurdish prisoner suspected of PKK involvement; as a condition of release from prison, he was forced to do military service for Turkey as a way of humiliating him and sending a warning to others.'¹⁵⁸ However, it is difficult to assess whether this is true or whether, simply, military service is compulsory for Turkish nationals (see [Source assessment and commentary](#)).
- 7.11.2 Sebnem Financi of the HRFT stated, 'In police custody there is sometimes conditions to the release, signing a blank document, but can be arrested a couple of days later again. The blank document could be a range of things, but it would be a confession of something. Sometimes they do not need to go back to prison if they have already served enough time.'¹⁵⁹
- 7.11.3 Andrew Gardner of Amnesty International stated, 'There are many reports on people being released after arrest and detention on the condition of being an informant for the police.'¹⁶⁰ An executive from the Human Rights Association pointed to [their report on the subject](#). They suggested that Kurdish university students and journalists are the main targets to be forced to become informants¹⁶¹. The Director of a Turkish organisation in the UK also believed the authorities attempt to recruit Kurds as informants, especially if the family is involved in politics¹⁶².
- 7.11.4 The representative from the Ministry of Justice stated that a person is not monitored on release from detention unless there is a reasonable suspicion against them, in which case, law enforcement officers will monitor or investigate in line with the rule of law. A person may be given parole on certain conditions, but if they commit a further crime, they must serve the remainder of the sentence¹⁶³.

¹⁵⁷ USSD, 'HR Report 2018,' Turkey, 13 March 2019, [url](#)

¹⁵⁸ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹⁵⁹ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

¹⁶⁰ [HO FFM report, Turkey, 2019, Amnesty International, 18 June 2019](#)

¹⁶¹ [HO FFM report, Turkey, 2019, Human Rights Association of Turkey, 21 June 2019](#)

¹⁶² [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹⁶³ [HO FFM report, Turkey, 2019, Ministry of Justice, 21 June 2019](#)

- 7.11.5 The Director of a Turkish organisation in the UK stated, 'The authorities continue to watch a person once they have been released as they are likely to become more politicised in prison, and to be angered by being imprisoned, and quite possibly been treated badly whilst there. A person may be imprisoned multiple times.'¹⁶⁴ The same person stated that a person may be required to report regularly to the police, whether they are high-profile or not¹⁶⁵.
- 7.11.6 The human rights lawyer said:
 'When people are arrested on charges of terrorism, the authorities still track people after they have been released from prison and by the time they get to the prison gate, they are arrested again on different charges. Prosecutors can object to your release. HDP MPs were being released in 2017, and the prosecutor would object, but this is illegal. There was not a legal ground for that, however they brought an amendment with state of emergency decrees for such legal grounds. They do this to anyone they do not like.'¹⁶⁶
- 7.11.7 Sebnem Financi of HRFT stated, 'After detention, you have your passport taken away from you, they are on probation, they can't travel, academics have been dismissed from jobs.'¹⁶⁷
- 7.11.8 See also [Arrest and detention of HDP and PKK members/supporters](#).

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Section 8 last updated: 9 December 2019

8. Returnees to Turkey

- 8.1.1 An executive from the Human Rights Association told the HO FFT that 'If a person is wanted by the police or an intelligence agency in Turkey or is blacklisted by the police, these pieces of information flag up on the screen seen by the police when s/he enters Turkey. Legal procedures are then initiated against this person; that is, s/he is taken into police custody and interrogated, the public prosecutor's office is notified, then the office undertakes the necessary legal process.'¹⁶⁸
- 8.1.2 The same interlocutor explained there are several types of (blacklist) records used by the police when a person enters Turkey:
- 1- 'Extended Background Search (Genişletilmiş Bilgi Tarama-GBT) reveals whether the person has any criminal records.
 - 2- Law Enforcement Procedures Project (Emniyet Kolluk İşlemleri Projesi, Polnet4 EKİP) reveals whether the person has any criminal records.
 - 3- National Judicial Network Project (Ulusal Yargı Ağı Projesi, UYAP) reveals whether the person has any legal investigations or prosecutions against her/him.

¹⁶⁴ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹⁶⁵ [HO FFM report, Turkey, 2019, Turkish organisation based in the UK, 7 May 2019](#)

¹⁶⁶ [HO FFM report, Turkey, 2019, human rights lawyer, 17 June 2019](#)

¹⁶⁷ [HO FFM report, Turkey, 2019, HRFT, 17 June 2019](#)

¹⁶⁸ [HO FFM report, Turkey, 2019, Human Rights Association of Turkey, 21 June 2019](#)

- 4- Guidelines for Collecting Intelligence, Operations and Information against Smuggling (Kaçakçılık İstihbarat Harekat ve Bilgi Toplama Yönergesi – KİHBİ) reveals whether the person has any records.
- 5- KOMBS - reveals whether the person has any records in the search screen updated by the intelligence services referred to as the FETÖ/PDY (Fethullah Gulen Organization, a.k.a. the Parallel State Structure) New Bylock Search.¹⁶⁹

8.1.3 See also [State action against HDP members/supporters](#).

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¹⁶⁹ [HO FFM report, Turkey, 2019, Human Rights Association of Turkey, 21 June 2019](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Partiya Karkerên Kurdistanê (PKK) and affiliates**
 - Partiya Karkerên Kurdistanê (Kurdistan Workers' Party) (PKK)
 - Koma Civakên Kurdistan (Kurdistan Communities Union) (KCK)
 - Halkların Birleşik Devrim Hareketi (People's United Revolutionary Movement) (HBDH)
 - Yekîneyên Parastina Sivîl (Civil Defense Units) (YPS) & Yurtsever Devrimci Gençlik Hareket (Patriotic Revolutionary Youth Movement) (YDG-H)
 - Kurdistan Freedom Falcons or Teyrenbazen Azadiya Kuridstan (TAK)
 - Relationship with the HDP
- **Situation in the east and south-east**
 - PKK-related violence
 - Government human rights violations
 - Immunity from prosecution
- **Anti-terror law**
 - Law 3713 on counter-terrorism
 - Use of anti-terror law
 - Numbers of arrests and detentions
 - Fair trial
 - Treatment in detention

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Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **11 February 2020**

Changes from last version of this note

Updated country information and assessment, using the report of the Home Office fact-finding mission to Turkey of June 2019, as well as open sources.

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